



NEWS

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Security has a social dimension

EDITORIAL

MAKING CHOICES AND TAKING RESPONSIBILITIES!

"You sometimes have a feeling that the global community – and even the big powers – can only focus on one crisis at a time," the former UN Secretary General, Kofi Annan, once said. If this is the case we have a serious problem. The world has been going for several months from one crisis into another. The crises in Syria, Israel and the Gaza strip, Nigeria, South Sudan, the Central African Republic, Iraq, Ukraine and Russia for months have been daily covered by the media and on the agenda of high level meetings.

Very often we bring them all together under the umbrella of a "humanitarian crisis" and consider it as the moral duty of the international community to offer humanitarian support those who are in danger or live under inhuman and difficult conditions. The consequence is that the international community is running from one conflict to another. Besides, giving humanitarian support is one thing but it must be accompanied by political action. Political action which can be diplomatic, economic or even military.

If military action is needed, once diplomatic or economical actions fail, the right instruments must be available. As announced, this was one of the issues discussed and decided at the NATO Wales Summit of 3 – 5 September 2014. *"In the past 24 hours, we have taken historic decisions which will keep our Alliance strong in an uncertain world"* the outgoing Secretary General Anders Fogh Rasmussen said at the press conference at the end of his last summit meeting. *"We have adopted a Readiness Action Plan. We have agreed ways to improve our military capabilities. And we have improved our cooperation with partners."* Rasmussen added.

However, when we face reality we notice that an important

number of the, especially European, NATO member states have to put up with a decline in their defence budgets. In average, member states decreased their defence spending by 20 % while Russia has increased its defence spending investment by 50 % over the last five years. On several occasions this has been emphasised by military leaders as well as parliamentarians at the NATO Parliamentary Assembly or by former US Defense Secretaries Robert Gates and Leon Panetta.

"But when it comes to security, you get what you pay for, and it doesn't come on the cheap" Rasmussen noted. It is a huge success

that Heads of State and Government at the NATO Wales Summit committed themselves to work towards the 2 % guideline. Member States that already spend a minimum of 2% of their Gross Domestic Product (GDP) on defence or more than 20% of their defence budgets on major equipment (R&D included) will try to continue to do so. Those Allies whose current proportion of GDP spent on defence is below this 2 % level, or, who spend less than 20% of their annual defence spending on major new equipment, will aim at moving towards the 2% guideline or increase their annual investments to 20% or more of their total defence expenditures within a decade.

Of course this is not legally binding but it is a strong political commitment. The Wales Summit Declaration is very concrete

in the formulation of this commitment and one may not forget that this is a declaration of Heads of State and Government and not just a recommendation or remark. An additional strong point is that the Allies will review their national progress annually. This will be discussed in future Defence Ministerial meetings and reviewed by the Heads of State and Government at future Summits.



Emmanuel Jacob,
EUROMIL's President,
Photo: EUROMIL

We can imagine that on the national level this commitment will not always be the most easy parliamentary point of discussion when drawing up the yearly state budget. It will even be more difficult to convince public opinion that there is an absolute minimum of investment needed for peace and security. Associations and trade unions representing military workers are not deciding on defence budgets because in a democracy this is done by the Parliament on proposal of the Government. But we can play an important role in this process by informing politicians and the public on the values of our defence forces and their need as an instrument for a peaceful and stable society. And of course we want the best solutions for military workers, but also we have to make choices and try to find

the right balance between what we ask for our personnel and what is available for investment and training. We may not forget that a correct balance between these three parts of the defence budgets is the best guarantee for our functioning under the best operational and safe conditions.

And isn't it that precisely what we seek?



Emmanuel Jacob,
President of EUROMIL

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CHAIRMAN'S COLUMN

WHAT CAN WE AFFORD?

By **SAKARI VUORENMAA**, CHAIRMAN OF PÄÄLLYSTÖLIITTO, FINLAND

International tensions have increased ever since the beginning of this year and war is “at the gates” of Europe, in Eastern Ukraine. There is no point in talking about a civil war or an armed conflict when outside agents are trying to impact the existence of an independent state inside recognized borders. For some time now, significant cuts have been made in European national defence forces in the illusion that crises cannot touch this continent of ours where everyone is dependent on each other. Now it is high time to shake this illusion. Interdependencies between countries are extremely varied on a European scale. Finland and many former East European countries have strong economic and trade connections with Russia for historical reasons alone. Central European countries have become significantly more dependent on Russian energy over the preceding years, e.g. due to gas imports. The economic and trade sanctions imposed by both Russia and the European Union will be seen and felt in very different ways in different countries. Whatever the case may be, the sanctions will hit Finland very hard, directly affecting economic development, up to government policy decisions on budget planning and execution.

But how to solve the equation where national defence requires additional resources while available funds diminish? Finding the solution will not be simple but will require patient effort and especially commitment to the decisions that are made in the form of parliamentary inquiries and white papers. As the security environment has transformed, it should be quite obvious that the time of downsizing our security structure is over and we must secure the funding and resources for peacetime as well as for crisis.

People, and especially security professionals, are crucial for creating the sense of security. The professional soldiers of the Defence Forces and Border Guard will always be the backbone of peace time and crisis organizations. Therefore their positions,

conditions and terms of service should particularly be shielded by the government. Any plans to undermine their position, under the pretext of temporary changes, will have a negative effect on their motivation and commitment. If their motivation and commitment to service are weakened, there is a great risk of jeopardizing their chances to perform the duties legally assigned to our offices. As a citizen, I feel that we absolutely cannot afford to sacrifice the development of national security - be it internal or external. The sense of security, once allowed to deteriorate, will not be quickly rebuilt. ■



Photos: PÄÄLLYSTÖLIITTO

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MEMBERS' ACTIVITIES

DEBATING ON THE LEGAL STATUS OF MILITARY PERSONNEL

By **FIDEL GÓMEZ ROSA**, BOARD MEMBER OF EUROMIL AND MEMBER OF AUME, SPAIN

Due to reasons of historical tradition, the profession of arms is considered worthy of special treatment when regulating the administrative career of members of the armed forces, including their labor relations

and working conditions. Yet, public officials amongst European countries have many different ways of addressing the current status of rights and duties of soldiers. Recurrent divergences are based on

concepts such as “military status” or “military discipline” and even sometimes on the so-called “military honor”. Undoubtedly, their impact on applicable regulations for military personnel are

affecting not only the normal development of soldiers' rights and duties, but also the exercise of their fundamental rights and freedoms as it enshrined in European constitutions.

However, despite such important legal consequences, there is no legal definition available to define "military status" or "military discipline", beyond recognizing a special administrative subject or the hierarchical nature of the armed forces. The above words involve an important casuistry in terms of conditioning or limiting the rights of military personnel, as well as providing a particular character to their obligations. This explains why lawmakers, until now, have not addressed these problematic definitions. Therefore and in order to understand the military specificity, we must turn to the historical tradition that serves as the real foundation of the exception.

We refer not only to the evolution of world history, but also to the national history of different countries, where the keys to the regulation of the military profession are indeed to be found. The history of every nation, and particularly its recent history, explains the current state of professional status of its soldiers. A clear evolution of the progressive integration of military personnel in society may be observed. In Western countries this was perceptible after World War II when, due to the memory of the militaristic experience in Europe and the settlement

of the garrison-state, a civilian supremacy over the military was promoted. Civilian authorities then passed laws to define all aspects of the organisation and strategy of the armed forces. Hence, the scope of military commanders was reduced to the technical tasks of training the personnel and executing missions.

Regarding the situation in Europe, progress in the democratic control of the armed forces was made and reflected in national legislation. However, not in every country and in very different ways. While the traditional legal separation between the military and civilians is almost overcome in the North, it is still present in most countries of the South. One parameter that reflects very accurately the status of the issue is the respect of the right of association for military personnel. Professional associations are seen in nations of advanced democracies as partners of civilian authorities and military commanders as well as a valuable element of internal control and supervision.

As a representative organisation of associations and unions of military personnel in Europe, EUROMIL supports the equality of rights of soldiers in all countries. It is committed to the principle of "Citizen in Uniform", underlining that servicemen and -women are entitled to the same rights and duties as any other citizen. The specificity of their work, certainly relevant as it may involve the sacrifice of his/her life in duty, should refer

to the time of their professional performances but must not transcend to his/her personal life as it usually happens. For instance, a specific disciplinary regulation while participating in an international mission is understandable taking into account that the individual is fully dedicated to the mission. But during peacetime there is no reason to restrict his/her citizenship in the normal development of his/her profession. Demanding the harmonization of national legislations across Europe is a core point for soldiers and, in this respect, we should start discussing the legal status of military personnel in comparison with other citizens in Europe. ■



Photo: EUROMIL

UNDERMINING THE NATIONAL SECURITY OF THE GREEK CITIZENS IS INCONCEIVABLE!

By EFTHIMIOS GKITERSOS, AN.E.A.E.D., GREECE

The social and economic situation in Greece is whirling. After four and a half years under the tutelage of the memorandums elaborated by the Greek governments in tandem with the troika, one would have expected -according to their own logic- that some water would have been put in the ditch. Particularly in the field of security and defence, considering the increased threats faced by our country. The policies that are being developed by the government in accordance with the commitments made to the lenders are at least paradoxical if not dangerous.

Instead of solving problems created by the troika and themselves, governments

make these problems even more complicated. That is because the only criterion they are apparently trying to satisfy is the theft of the result of the work of employees and retirees and the transfer of it to the lenders and to those involved in the implementation of this devastating national policy.

The Greek Supreme Administrative Court, in its Resolution 2193/2014, decided to annul the decision of the government of 1 August 2014 to retroactively decrease the wages and pensions of the military and security personnel. The reductions were considered by the court as unconstitutional and therefore invalid and inapplicable. In particular, the reasons behind the decision

were that these cuts were imposed on the basis of a numerical criterion, without taking into account the particular conditions of execution of duties of the armed and security forces, nor the nature of their mission. They were thus considered to be in conflict with the principle of proportionality and equity in the distribution of public burdens.

The decision of the Council of State, and the similar one of the Court of Audit concerning the cuts of the retired military personnel, caused frustration and embarrassment to the government.

The apparent unwillingness of the government to simply and quickly carry

out the decision of the Council of State, made the road long and difficult. According to Article 95 of the Greek Constitution, “the administration has an obligation to comply with court orders. A breach of this obligation shall render any competent body liable.”

The failure of the ministers responsible for implementing the decision of the Council of State for military and security personnel contradicts and violates the European Convention on Human Rights (ECHR).

Additionally, the Government, in order

to implement its obligations imposed by the troika, adopted -in the middle of the summer- a special provision for shareholders and pension funds of military and security personnel that essentially further devalues these funds.

And of course all this is happening in the background of the abolition of any additional social resource for the Equity Funds since January 1, 2015, leading them mathematically to collapse.

Military and security personnel are turbulent, looking for ways to force the

government to comply with the law and stop the decrease of security and defence budgets.

A demonstration already took place in uniforms on 6 August 2014 at the initiative of the law enforcement personnel supported by armed forces personnel. Around 2500 people joined the demonstration, which ended with the delivery of a resolution to the Greek parliament. ■

Photos: AN.E.A.E.D.



RETIREMENT OF MR SIMON DEVEREUX

By PDFORRA, IRELAND

Following the meeting of the National Executive in July a small presentation was made to Simon Devereux, Deputy General Secretary, by Mark Scally, President, PDFORRA on behalf of the membership.

In attendance for the presentation were the Secretary General of the Department of Defence the Assistant Secretary General and a number of other office holders from the Department of Defence.

From the military the Deputy Chief of Staff (Support), Rear Admiral Mellet was present together with Lt Col Daly O.C Military C&A.

The evening was very enjoyable and marked a milestone in the history of PDFORRA.

PDFORRA, on behalf of Simon, would like to thank all the guests for making the night a memorable one.

It is well known that Simon is a keen huntsman and fisherman and PDFORRA wish him all the best with these pursuits. We only hope that he can pull himself away from retirement and pay us a visit on occasion. ■

This article was first published in the Irish Defencer, Autumn 2014.



Photos: PDFORRA

EUROMIL would also like to thank Simon for his great support over the years and his dedicated work as a EUROMIL Board Member.

MILITARY REPRESENTATION IN ITALY

By EUROMIL

Italy is one of the European countries that still deny the right of association to soldiers. Already in 2009, EUROMIL was invited to make a presentation in the Italian Senate on the occasion of the launch of a bill on representation rights for military personnel. The bill was initiated by Senator Roberta Pinotti of the *Partito Democratico* (PD or “Democratic Party”). Things sometimes change in politics and, in February 2014, Roberta Pinotti became the Italian Minister of Defence. EUROMIL used this opportunity to ask Minister Pinotti about her opinion on the right of association for military personnel now that she is Defence Minister. Unfortunately, we did not receive an answer yet!

However, this does not mean that nothing is moving in this field in Italy. In 2014 three bills about the system of military representation and the right of association for military personnel have been laid down in the Italian parliament. The Defence Committee has the task to integrate these bills.

Bill number 1963 has been introduced by Gian Piero Scanu and several other members of the Democratic Party, the party of Minister Pinotti. With this draft bill the signatory Members of Parliament propose to review the internal system of *Rappresentanza Militare* or “military representation”. Italian military associations are afraid that this would only be a cleaning operation to keep the current internal system of representation alive.

The second bill, number 1993, has been laid down by Donatella Duranti and signed by other members of the left wing party *Sinistra Ecologia Libertà* (SEL or “Left, Ecology and Freedom” in English). This bill foresees the introduction in the Italian

armed forces of trade unions. However, there is a restriction on the right to strike which is not an obstacle for EUROMIL.

Finally, bill number 2097 has been introduced by Vincenzo D’Arienzo, also from the “Democratic Party”. This project also foresees changes to the current internal system but introduces the right of association.

Having three bills on the table, the Defence Committee decided to collect more information on this issue. As the only European umbrella organisation of military associations and trade unions, EUROMIL was invited to participate in a hearing at

the initiatives that were taken in this field by the Council of Europe, the European Union and the Organization for Security and co-operation in Europe (OSCE) as well as some decisions of the European Court of Justice and the European Court of Human Rights. Last but not least, a summary of several successful partnership arrangements in European countries was presented. Emmanuel Jacob stated that the goal of EUROMIL’s presentation is not to propose to copy a specific system of another European country and try to implement it in Italy. Nevertheless, it is recommended to introduce a system in Italy

based on the experience of those countries which, since a long time ago, for some of them more than hundred years, established a structural relationship amongst military associations or trade unions and the political and military authorities. If this kind of well-regulated social dialogue works in Denmark, Sweden, the Netherlands, Germany and several other countries, why should it not be possible in Italy? The President also declared that Italy should not do this because “Europe wants it” but because Italy agrees with the international legislation!

EUROMIL offered to support this process and the members of the Defence Committee where and when needed. We look forward to meet again with them on the occasion of our next Presidium Meeting taking place on 17-18 October 2014 in Rome. EJ

The 110th EUROMIL Presidium Meeting will take place on 17-18 October 2014 in Rome, Italy.



Photo: ASSODIPRO

the Defence Committee of the Chamber of Deputies in Rome on 17 July 2014. The hearing was requested by Donatella Duranti of *Sinistra Ecologia Libertà*, the signatory of bill number 1993.

About ten parliamentarians from the *Partido Democratico*, *Sinistra Ecologia Libertà* and the *Movimento Cinque Stelle* (“Five Star Movement”) participated in the hearing. EUROMIL’s President, Emmanuel Jacob, started by briefly presenting the history, mission and goals of EUROMIL. The deputies were then informed about

LGBT PERSPECTIVES IN THE NATO+ ARMED FORCES

By EUROMIL

From 30 July to 2 August the 4th NATO LGBT (Lesbian, Gay, Bisexual, Transgender) Working Group took place in Stockholm (Sweden), with the support of the Swedish Minister of Defence and the Swedish armed forces. The aim of this 4th meeting was to focus on efforts to promote acceptance and equality for LGBT people in the armed forces in both NATO and non-NATO countries. The working group also discussed the LGBT Military Index recently published by The Hague Centre for Strategic Studies (www.hcss.nl) and its implications to achieve these goals.

The informal NATO LGBT Working Group was established following to a conference on “LGBT in the International Armed Forces” that took place in The Hague in 2009. One of its primary goals is to set up a NATO+ committee on LGBT perspectives, similar to the NATO committee on gender perspectives, and be formally recognized.

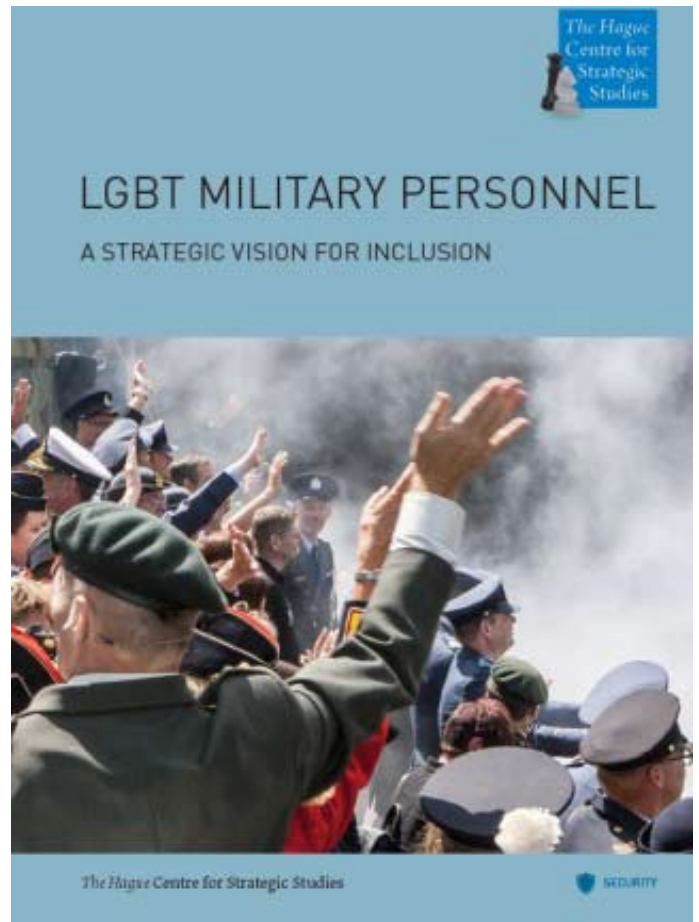
As a human rights defender, EUROMIL participated, as an observer, in a discussion with the Swedish Minister of Defence, Karin Enström, and the concluding session of the informal working group. According to Minister Enström, the armed forces benefit from diversity and a workforce reflecting society at large. A vision she often expresses, both in formal and informal contexts. “*The legitimacy of the armed forces builds to a large extent on popular support, on being able to relate to them and seeing them as the bearer of democratic values. It is also the case that operational capabilities are enhanced by personnel from a broader cross-section of the population. To succeed in meeting today’s challenges, both at home and in international missions, the Armed Forces need a broad skills base,*” she said. Diversity and equal treatment are high on the agenda of the Swedish MoD and armed forces. Minister Enström frequently meets with the Swedish armed forces networks concerned with these issues to gather their views and lend support.

Unlike the Minister, most of the participants in the discussion agreed that LGBT rights is an issue that should not be discussed because most of NATO countries agreed with international rules defending the non-discrimination of LGBT people. Nevertheless, it should be noted that international regulations often lack implementation at national level. Before participating in this meeting, EUROMIL conducted a short survey amongst its members. Several member associations answered their countries have policies which explicitly permit LGBT people to join and serve in the armed forces. Unfortunately, other countries still have policies in place to exclude them.

On Saturday 2 August 2014 Minister Enström and the Swedish Supreme Commander participated in the Pride Parade. “*I want to show my full support for the LGBT movement. I feel proud to march in the Pride Parade with Armed Forces personnel for such a fundamental issue. The Swedish Armed Forces have been taking active measures to promote tolerance and inclusion of LGBT colleagues for many years. Although much has improved, we shouldn’t become complacent,*” Minister Enström said. EJ



In addition to the LGBT Military Index, The Hague Centre for Strategic Studies (HCSS) recently published a report on a strategic vision for the inclusion of LGBT military personnel in the armed forces. In its report, the Dutch Defence Think-Tank argues that “(...) diversity is increasingly viewed as a strategic asset to be managed in order to deliver maximum benefits for the military.” Working towards inclusive armed forces would therefore be a matter of military effectiveness. The document is accessible online at www.hcss.nl



A high-level conference on “Tackling sexual orientation and gender identity discrimination: next steps in EU and Member State policy making” will be organised by the Italian Presidency of the Council of the European Union, together with the EU Agency for Fundamental Rights (FRA) and the General Secretariat of the Council, on 28 October 2014 in Brussels.

EUROMIL/ODIHR: ROLE OF MILITARY ASSOCIATIONS IN PROTECTING HUMAN RIGHTS OF ARMED FORCES PERSONNEL IN CENTRAL & EASTERN EUROPE

By **EUROMIL**

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the European Organisation of Military Associations (EUROMIL) convened a roundtable meeting on “The Role of Military Associations in Protecting Human Rights of Armed Forces Personnel in Central and Eastern Europe” on 10 September 2014 in Budapest.

The meeting, which brought together representatives from military associations, national authorities, inter-governmental organisations and NGOs from beyond the region, aimed at providing a platform for sharing experiences and best practices regarding the realisation of the right of association and related rights for armed

forces personnel in Central and Eastern Europe.

Participants in the meeting discussed issues and current developments regarding the respect of the rights and freedoms of military personnel, including the right of association. Although the situation varies amongst the countries of the region, military personnel face common and specific problems that need to be tackled simultaneously. These reach from the imposition of undue restrictions on the right of association to the lack of consultation and dialogue between political and military authorities and representatives of military personnel. In some of the Central and Eastern European countries,

although the conditions to an effective representation of armed forces personnel are enshrined in national laws, their legislation is not adequately implemented. There is of course no unique model of facilitating the establishment and effective functioning of military associations. Nevertheless, despite the numerous factors that need to be taken into account, some examples and best practices may be followed at national level.

A report of the meeting, containing recommendations, will be soon drafted and published on the OSCE and EUROMIL websites. *CH*

Photos: **EUROMIL**



EUROMIL PARTICIPATED IN THE OSCE HDIM 2014

By **EUROMIL**

EUROMIL participated in the OSCE Human Dimension Implementation Meeting (HDIM) 2014, which took place from 22 September to 3 October 2014 in Warsaw.

Like every year in autumn, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) hosted the HDIM in Warsaw. The HDIM is Europe's largest annual human rights and democracy conference which serves as a platform for the 57 OSCE participating States, Partners for Co-operation, civil society, international organisations and OSCE structures to discuss the implementation of human dimension commitments, associated challenges, share good practices and make recommendations for further improvements.

This year, EUROMIL particularly attended the sessions



Photo: **OSCE/Piotr Markowski**

on freedom of expression, freedom of peaceful assembly and association, and the rule of law. On this occasion, EUROMIL prepared a recommendation on freedom of association to the OSCE participating States. The recommendation is published and accessible on the webpage of the conference.

Unfortunately, freedoms of expression, peaceful assembly and

association, which were recognized in many statements as intrinsic to any democratic society, are continuously limited and restricted in some OSCE participating States. Among others, the European Union noted that freedoms of peaceful assembly and association “are and facilitate the fulfilment of other rights including freedom of expression”. Furthermore “freedom of expression and opinion and freedom of the media are necessary for an active, engaged and informed citizenry, and (...) constitute the essential foundation for democracy, rule of law, peace and stability.”

Besides, the dreadful conditions in which NGOs have to work and the negative tendency in some OSCE participating States to restrict and control them were particularly highlighted. In this regard, ODIHR launched “Guidelines on the Protection of Human Rights Defenders” in June 2014. The HDIM was also the occasion to publicize the guidelines and discuss their implementation.

For further information on the HDIM, please visit the OSCE website. CH

Recommendation of EUROMIL to OSCE Participating States on Freedom of Association for Military Personnel

Human Dimension Implementation Meeting 2014
Warsaw, 23 September 2014

The European Organisation of Military Associations (EUROMIL) is an umbrella organisation composed of 39 military associations and trade unions from 26 countries. It is the main Europe-wide forum for cooperation among professional military associations on issues of common concern. EUROMIL strives to secure and advance the human rights, fundamental freedoms and socio-professional interests of military personnel of all ranks in Europe.

EUROMIL,

- recalls that the right to associate, together with other civil and political rights, is intrinsic to democratic societies and expressly recognized in OSCE commitments, as well as all major international and regional human rights instruments;
- supports the concept of “Citizen in Uniform” – that a soldier is entitled to the same rights and obligations as any other citizen;
- reminds the recommendations made by the OSCE/ODIHR and DCAF in chapter 9 on “Military Unions and Associations” in the “Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel” (2008);
- refers to article K of the Recommendation on “Human rights of members of the armed forces” of the Committee of Ministers of the Council of Europe (2010);
- regrets that some countries continue to prohibit armed forces personnel from exercising the right to set up and join trade-unions and professional associations;
- emphasizes that experience has shown that the right of association has not compromised combat efficiency or military discipline;
- notes that involving democratic military associations in a permanent social dialogue has de facto improved the moral and loyalty of troops;

- calls for recognition of the right of servicemen and -women to form and join trade unions and independent associations and for their inclusion in a regular social dialogue with the authorities.

EUROMIL therefore particularly calls upon states:

- to allow members of the armed forces to join a professional association or a trade union representing their interests;
- to consult military associations or unions on issues concerning the conditions of service of members of the armed forces and engage with them in a regulated social dialogue;
- to lift any restriction on freedom of association that is not prescribed by law, necessary, proportionate and non-discriminatory;
- to forbid disciplinary actions against members of the armed forces in connection with their participation in activities of lawfully established military associations.



European Organisation of Military Associations

EUROMIL Calendar 2014

16 October 2014	Board Meeting	Rome, Italy
17-18 October 2014	Presidium Meeting	Rome, Italy
26-28 October 2014	6th ICOAF	Geneva, Switzerland
7-8 November 2014	Training Session	Brussels, Belgium
21-24 November 2014	NATO PA	The Hague, the Netherlands
1 December 2014	Board Meeting	Berlin, Germany
2-3 December 2014	Berlin Security Conference	Berlin, Germany



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