



NEWS

ISSUE 31 / December 2014



Security has a social dimension

GOODBYE 2014, WELCOME 2015!

2014 can without doubt be described as a year in which things changed!

Conflicts and crises at our front door!

In Europe we see that conflicts and crises are happening at our borders and this as well in the East as in the South. Recently the EU High Representative, Mrs Mogherini, stated *“that the risks in the SOUTH and in the EAST have equal priority and must be tackled simultaneously”*.

The Ukraine conflict was a permanent issue on the agenda in the past year and it looks like it will not be resolved tomorrow. The international community still works on a diplomatic solution and we can only hope that it will succeed in the near future. Any other solution would be dramatic for all parties concerned. In 2014, the EU – the 28 Member States - launched sanctions to target Russia’s economy, Russian individuals and Ukrainian separatists after the Russian seizure of Crimea and Sebastopol which was followed by instability in Eastern Ukraine. At the NATO Wales Summit the NATO-Ukraine Commission also made a very strong statement saying that they *“strongly condemn Russia’s illegal and illegitimate self-declared “annexation” of Crimea and its continued and deliberate destabilization of eastern Ukraine in violation of international law. We call on Russia to reverse its self-declared “annexation” of Crimea, which we do not and will not recognise.”*

Moreover, the Southern Neighbourhood, Africa, needs our full attention. This continent is facing many and multifaceted security challenges and some experts already declared that the African continent will be *“Europe’s challenge for the future”*. In 2014, we faced simultaneously the conflict in Libya, AL-Qaeda terrorist

activities in Mali and Niger, Boko Haram terrorist activities in Nigeria and Cameroon, AL Shabab in Somalia, ethnic and religious rivalries in Central African Republic and piracy in the Horn of Africa and Gulf of Guinea. About 2800 EU troops are engaged in several EU military operations and training missions in Africa.

Last but not least, we should not forget to mention Ebola which was and still is as a humanitarian challenge.

Unchanged positions!

When we look at one of the issues that is of the highest importance for a lot of EUROMIL member associations, namely the right of association, we note that 2014 brought a new milestone that can be of influence in the years to come. As published in this edition of our newsletter, the European Court of Human Rights (ECHR) in Strasbourg judged in two cases (*Matelly v. France* and *Adefdromil v. France*) that article 11 (freedom of assembly and association) of the European Convention on Human Rights has clearly been violated by France. The ECtHR concluded that, while the exercise by military personnel of freedom of association could be subject to legitimate restrictions, a blanket ban on forming or joining a trade union encroached on the very essence of this freedom, and was as such prohibited by the Convention. EUROMIL will monitor the execution and implementation of these judgments, but the first step will be to see how France will react and decide or not to request that the cases be referred to the Grand Chamber for re-examination.

Whatever happens the judgments are there and the arguments that were used by the ECtHR in their motivation are useful for many other countries and member associations.

It became very clear that the outcome of these cases did not



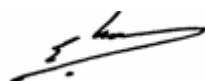
Photo: EUROMIL

satisfy everyone. Just one example! A former French soldier in Afghanistan and Yugoslavia and now lecturer at the University of Rouen, described his opinion in the French magazine “*Le Monde*” as follows “*The unity of the French army is in danger*”. He argued that the officer, the NCO and soldier can rely on each other and that there is a constant search for unity and cohesion. This explains, following the author of this opinion, that discipline is the main strength of armies and that hierarchy is materialised by a strict subordination from rank to rank. All soldiers are in this way gathered around a similar concept of service for the nation and loyalty of those who serve in the armed forces. For this French colleague the ECtHR decided otherwise! In his opinion, unity, neutrality and loyalty of military personnel are hereby abolished. He amplified that on behalf of human rights there was a double attack on democracy by the ECtHR judgments: the weakening of the defence of France and the way this decision was taken. He concluded that it is up to “the people of France” (read: the parliament) to decide if trade unions are wanted in the French armed forces and not to the European Court which in this

way put its hand on the French armed forces and hereby directly on the French state.

Recently we were even explained “*that the French did not need trade unions at the Battle of Austerlitz in 1805*”. And what can we argue against such a well-founded and historically correct declaration? Perhaps the fact that we are living today in 2014 and tomorrow in 2015 and that meanwhile “*things changed*”! “*None so deaf as those that will not hear. None so blind as those that will not see.*”

Let’s continue all these discussions in 2015. Meanwhile we wish you all a Merry Christmas and best wishes for a healthy, successful and safe 2015!



Emmanuel Jacob,
President of EUROMIL

CONTENTS

EDITORIAL		3rd EUROMIL Training Session 2014 - 2015	
Goodbye 2014, Welcome 2015!	1	By <i>EUROMIL</i>	10
MEMBERS’ ACTIVITIES		Civil and Political Rights of Armed Forces Personnel	
The Value of Solidarity <i>By Gerard Guinan, PDFORRA, Ireland</i>	3	By <i>EUROMIL</i>	10
The Spanish Military Once Again On Public Demonstration <i>By Miguel Lopez, AUME, Spain</i>	3	NATO Parliamentary Assembly in The Hague (The Netherlands) By <i>EUROMIL</i>	11
Active. Attractive. Different. <i>By Jessica Frömbgen, DBwV, Germany</i>	4	EMI Federal Assembly 2014 By <i>EUROMIL</i>	12
CS Congress During a Time of Many Challenges <i>By Finn Bengtsen, CS, Denmark</i>	5	Berlin Security Conference 2014 By <i>EUROMIL</i>	12
EUROMIL ACTIVITIES		Position Paper on “Europeanisation of the Armed Forces” By <i>EUROMIL</i>	13
EUROMIL Held its 110th Presidium Meeting in Rome <i>By EUROMIL</i>	6	CHRISTMAS STORY	
European Court of Human Rights on Freedom of Association <i>By EUROMIL</i>	8	“Then a soldier dared to kick a ball into man’s land ...” <i>By Marc Boiting, German Naval Reserve</i>	14
6th ICOAF Meeting <i>By EUROMIL</i>	9	EUROMIL Calendar 2015	15

Any opinions expressed in this EUROMIL News are those of the author and do not necessarily reflect EUROMIL’s opinions. We do not warrant the accuracy or completeness of the content.

MEMBERS' ACTIVITIES

THE VALUE OF SOLIDARITY

By GERARD GUINAN, PDFORRA, IRELAND



Photo: PDFORRA

Having attended the recent EUROMIL Presidium Meeting in Rome I am more convinced than ever of the value of our organisation.

PDFORRA, as a proud member of EUROMIL, has over the years sought and found great moral support from within the organisation. However, and of vital

importance, is the practical help provided by the larger members of EUROMIL such as the German, Danish, Finnish and other core associations. It sincerely needs to be recognised by all members of the organisation that with membership of EUROMIL comes an enhanced requirement of national associations to redouble their efforts to secure additional national association members, plus enhanced rights for their members.

Why is this - I hear you ask? Well, as new members join EUROMIL, civil servants who undertake negotiations with members from our core nation states will endeavour to point to the conditions of service in the newest countries. Without fear of contradiction, these civil servants will state that members of the armed forces from the newest nations have no right to health benefits, right to free speech and association, etc. ...and so the race to the bottom begins.

The founding members of EUROMIL have secured, through hard work, if our own struggle can be used as a benchmark, rights, which are the envy of our newest

associations.

PDFORRA promises our comrades serving within the German, Belgian, and Danish armed forces that no one with whom they are negotiating with will be able to say- "members of the Irish Defence Forces only have certain limited rights; thus, why should your members have better?". You, as fellow members of EUROMIL shall be in a position to say that - "they (the Irish) are working their way up to our standard, they don't want our members to go down to meet theirs."

In an attempt to secure credible negotiation on matters of pay, PDFORRA has recently submitted a complaint against Ireland with the European Social Rights Committee. This complaint was lodged with the assistance of our President Emmanuel Jacob and the support of the entire EUROMIL Board. PDFORRA looks forward to hearing the views of the Committee and will keep the membership of EUROMIL apprised of any developments that arise relating to our complaint. ■

THE SPANISH MILITARY ONCE AGAIN ON PUBLIC DEMONSTRATION

By MIGUEL LOPEZ, AUME, SPAIN

Since the appearance of the law on rights and duties for the members of the armed forces, in October 2011, the situation of the Spanish soldiers concerning their rights barely changed. It is true that this law recognizes and regulates for the first time the military associations in Spain but, in practice, its implementation leaves a lot to be desired and broke the faith of thousands of soldiers.

Almost all petitions, proposals and initiatives presented by AUME in the last two years at the Council of Personnel, created by the above-mentioned law, felt on deaf ears. Military associations represented there talk to an impassable and impassible wall; mandates of this law on the military career turned into worthless scraps of paper; the real life of the functioning of the associations has been experiencing poor positive changes and





Photos: AUME

the result of losing experienced, skilled professional soldiers for the armed forces and the terrible consequences for them and their families.

But the “coup de grace” of the dissatisfaction among the military personnel is the recent approval of a new, restrictive, outdated law on disciplinary regime that gets the treatment of the service offenses far away from both Constitutional Court and European Human Rights Court case law and good practice on the matter in many European countries. For instance, this law applies deprivation of liberty without any decision of a judge and bans all petitions, complaints and claims borne collectively or through the media.

For these reasons, AUME summoned his members to demonstrate in the streets of Madrid and, together with some representatives of political parties, unions, civil society organisations and associations, gathered on Saturday 29 November 2014 in the symbolic Plaza 2 de Mayo, where more than two hundred people listened to the speech of public denunciation of Jorge Bravo.

Like a crab, the fundamental rights of Spanish military personnel are going backward and we are worried about the future of the associative movement in our country. ■

their representatives still suffer prosecution and work under veiled threats; thousands of servicemen and -women and corporals will end their contract at the age of 45 years-old with

ACTIVE. ATTRACTIVE. DIFFERENT.

By JESSICA FRÖMBGEN, DBwV, GERMANY

Germany's “Artikelgesetz” is an Association Milestone.

According to German Defence Minister von der Leyen, the German Federal Armed Forces shall grow to one of the most attractive employers in Germany. In the last couple of months, more than twenty measures, where no formal act was needed, were put in motion. In the negotiations of the coalition agreement between her Conservative party (CDU) and the Social Democratic Party (SPD), von der Leyen announced that she will focus on a revised act for the German Federal Armed Forces. “Good staff is just as important as good equipment”, the Minister argues.

Now, the second step has to be taken. The draft bill “act to enhance the attractiveness of employment in the German Federal Armed Forces” (*Gesetz zur Steigerung der Attraktivität des Dienstes in der Bundeswehr*) was passed in October 2014. It consists of twenty-two measures in an annual yearly budget

of up to 300 million Euros. The attractive offensive ranges from the increase and revision of bonuses, e.g. danger-bonus, improved work-life balance, the abolition of the supplementary income limit, revised pension rights adjustment, to old-age provision for contract soldiers. Due to the European Working Time Directive, Minister von der Leyen has introduced a



Photo: DBwV

legal working time regulation in the draft bill too. The aim is a responsible acquaintance with the working-time resource; therefore working hours were increased to 41 hours per week. Currently and before Christmas the Federal Council of Germany has to issue a statement concerning the draft bill. In the

end of January, the first reading will be held. Thereupon, the committees will deliberate and in the end of February the second and third reading will be hold. The German Federal Armed Forces association (DBwV) warmly welcomed the defined actions. The leader of the German Federal Armed Forces association LtCol Andre Wüstner, is sure that Minister von der Leyen will keep her word. “The job of a soldier is special. Not only the soldiers risk their life in missions but also their families are subject to great strain at home. It is time to revise the social frame conditions in order to overcome the demographic change. The act is a milestone for the German Federal Armed Forces”, argues Wüstner.

At the last congress of the association von der Leyen announced that she will work on a revised White Paper by 2016. In order that the concept paper with strategic directions will be written under the auspices of her defence ministry, the Minister will fight for it in the Federal Government. ■

CS CONGRESS DURING A TIME OF MANY CHALLENGES

By **FINN BENGTSEN, CS, DENMARK**



In Denmark, the “Danish Central Association of Permanent Defence Personnel” (Centralforeningen for Ståmpersonel - CS) held its 2014 Congress in a time when Danish soldiers are facing many challenges.

On 10 and 11 October 2014, the ordinary Congress of CS took place in Copenhagen. There were more than 200 delegates and guests participating in this two-day event.

It was a great pleasure for the Chairman of CS, Jesper K. Hansen, to welcome all guests and delegates, including the President of EUROMIL, Emmanuel Jacob, and a Board member of EUROMIL, Jörg Greiffendorf. The leadership of the Danish Defence represented by the Minister of Defence, Nicolai Wammen, the Chief of Defence, Peter Bartram, and the Chiefs of the Army, Navy and Airforce were also present, as well as representatives from other Danish military trade unions and Members of Parliament.

The 2014 Congress took place in a time when the Danish Defence is undergoing a comprehensive reorganization, due to a political demand of a 15 % cut in the defence budget.

Consequences of this cut included closure of the units, changes to education and training systems, reduction of personnel and changes to conditions of appointment/employment. All these points gave support to a thorough and very serious speech, given by Chairman Hansen to the many participants in the Congress.

“When the political system makes these kinds of cuts in the Defence and Civilian Emergency Agency, this makes Denmark more vulnerable. Therefore, this Congress has a theme that should remind us all of what the consequences would be if we no longer have a defence which is required,” said Jesper K. Hansen.

“We need to have a professional and well-trained military Danish Defence, able to protect the borders of the Kingdom of Denmark and the capacity to join operations globally. A Danish Defence, which operates in the frame of NATO with the obligations this imposes. It is our precondition for security, safety and stability. It is a defence that is required!” he stressed.

The words “a defence that is required” were at the same time the overall theme of this Congress. Denmark shall (words by Jesper K. Hansen) have a defence - civilian as well as military, which is robust and that can provide security, safety and stability.

In the Chairman’s speech, it could also be noted how much CS prioritises and stresses that the Defence provides training and skills development for its employees. It was also pointed out the importance of the union members, to ensure that they get the best conditions to locally solve their tasks and challenges. CS has a close connection with its members and will at any time offer them the needed training and consultation.

Though the atmosphere is generally affected by the major changes and budget cuts in the Danish Defence, CS will be a strengthened organisation after this Congress period. With strong support from the attending delegates, an increased number of members and the acknowledgement by the political and military authorities that CS is a respected and approved organisation with influence and reliability, CS will be a strong organisation. It will continue its efforts to shape both the political and professional agenda of the coming years, being of benefit and security for its members and their families. ■



Photos: CS

EUROMIL HELD ITS 110TH PRESIDUM MEETING IN ROME

By EUROMIL

The 110th Presidium Meeting of EUROMIL took place on 17-18 October 2014 in Rome.

More than 100 delegates from 21 countries gathered together for this autumn session of EUROMIL's bi-annual assembly, which was opened by Emmanuel Jacob, President of EUROMIL, Emilio Ammiraglia, President of *Solidarity, Rights and Progress Association* (ASSODIPRO – Italy), Francesco Zavattolo, Secretary General of *Financiers, Citizenship and Solidarity* (FICIESSE – Italy), Gianna Fracassi, National Secretary of the Italian *General Confederation of Labour* (CGIL), and Massimo Artini, MP, Vice-President of the Defence Committee of the Chamber of Deputies, *Five Star Movement* (M5S - Italy).

Emmanuel Jacob welcomed the delegates in Rome and thanked ASSODIPRO for hosting the event. Although the President recalled the Italian presence in EUROMIL since its foundation in 1972, he deplored the fact that Italy, like, unfortunately, other European countries, still does not grant soldiers the right to organise themselves in order to defend their social rights. EUROMIL therefore exists to continue supporting and defending the fundamental rights of military personnel all over Europe in support of its member associations. “We have to remind our political leaders that it is unacceptable that they say yes when treaties or recommendations are discussed in Brussels and Strasbourg and say no when they are back in Rome” insisted the President. On this matter, EUROMIL is pleased that the Italian Parliament is currently debating association rights for soldiers in the Defence Committee of the Chamber of Deputies. Mr. Jacob also recalled that despite the general trend to cutbacks on defence budgets, the right instruments must be available when military actions are required. “There is an absolute minimum of investment needed for peace and security” he said. In this regard, he welcomed the decision taken by the Heads of State and Government at the NATO Wales Summit, in September 2014, to work towards the 2 % guideline. Finally, the President approached the current European political landscape, deploring the rise of Eurosceptic and far-right parties. Human rights and fundamental freedoms, including social rights, must remain high on the agenda. Within a new European institutional landscape, EUROMIL will monitor the developments on these matters.

Emilio Ammiraglia welcomed all participants in Italy and gave the floor to Andrea Saccucci, a lawyer of ASSODIPRO, with whom the association lodged a complaint to the European Court of Human Rights (ECHR) against Italy in relation to the permanent ban on association and trade union rights for military personnel in the country. Hoping that the recent decisions of the European Court of Human Rights (ECHR) will create a precedent in Italy and other European countries, Mr. Saccucci presented the two judgements issued by the ECHR on 2 October 2014, namely *Matelly vs France* and *ADEFDROMIL vs France*, related to trade unions' rights within the armed forces. He explained that in France “the blanket

ban on forming or joining a trade union deprives the armed forces of the general right of association in defense of their occupational and non-pecuniary interests. Consequently, in the Court's view, the restriction provided by the French law cannot be considered “proportionate” and “necessary in a democratic society”.



As a representative of FICIESSE, Francesco Zavattolo underlined that “Italy is probably the only country in Europe that has a police force that deals with economics and financial duties under military regulations” and called for the demilitarization of the *Guardia di Finanza*, in the interest of the citizens. Furthermore, on the issue of the right of association for armed forces personnel, he emphasized the difference formulated by the ECHR between restricting the exercise of freedom of association and simply denying the existence of these rights. Finally, F. Zavattolo asked for an overall debate in Italy on rights of personnel and democratization within the security forces.



Gianna Fracassi talked about the right to freedom of association in Italy in the context of the economic crisis in Europe. “It is also important in relation to what is happening in this country in general with respect to trade union freedom and to labor relations” she said. She referred to Art. 52 of the Italian Constitution which stipulates that “the organisation of the Military Forces shall be based on the democratic spirit of the Republic”. Despite what is enshrined in the

Constitution, the rights to freedom of thought and expression, to freedom of association, to a fair trial in terms of military discipline, to protect the dignity and the health and safety at work and to a decent wage “do not find any legitimacy in Italy” she stated. G. Fracassi also referred to Art. 39 of the Italian Constitution, which stipulates that every Italian citizen, regardless of his social status, is free to organise for the protection of his/her work interests and to relevant case law. At the political level, she mentioned the current debate in the Italian parliament on a reform of the military representation. “As CGIL, we believe urgent and necessary to carry out the reform of the military representation by allowing the military to the full freedom of association. But, unfortunately, I fear that it may become a lost opportunity. It seems to me that the government gives different signals, conservative signals” she stated. Finally, G. Fracassi mentioned the recent judgements of the ECHR and expressed hope for these judgements to be taken into account in a broader reform and democratization of the armed forces.



Massimo Artini emphasised the current debate on soldiers’ rights, including the different bills related to the right of freedom of association, in the Italian Chamber of Deputies, and expressed his wishes to succeed in drafting a law that would be acceptable and adopted by all political forces.



The Presidium said goodbye to Simon Devereux, *Permanent Defence Force Other Ranks Representative Association* (PDFORRA – Ireland), who left his position as EUROMIL Board Member. He was replaced by Thomas McCarthy, a former colleague, who was elected by the Presidium.



New member associations were also welcomed by the Presidium. The *Union of Serbian Armed Forces* (ASNS/AFITU - Serbia) and the *Trade Union of Defense and Army of Montenegro* (SOVCG - Montenegro) became full members. The *Spanish Troop and Navy Association* (ATME - Spain), the *Government, Judiciary, Defence and Police Branch Trade Union* (NEZAVISNOST - Serbia) and the *Turkey Subordinate Officers Association* (TAS - Turkey) became observers.

Besides internal affairs, the Presidium discussed the “Environment and War: the case of DU (Depleted Uranium) and other military toxics” in the framework of a workshop.

Prof. Manfred Mohr, ICBUW Germany, presented the “The DU topic at the United Nations”. He talked about the history of DU ammunitions, civil society engagement and the foundation of ICBUW in 2003. Since 2006 and every two years the UN General Assembly adopted resolutions on DU weapons. Nevertheless, the same countries continue to abstain. The last resolution focused on precautionary approach. In parallel, UN specialized agencies and other fora also discussed the use of DU ammunitions and their effects. However, investigations and studies are not satisfactory. At the EU level, only the European Parliament is dealing with the issue. The topic, originally considered as a disarmament matter is now seen a development issue. Organisations such as EUROMIL support further research and the protection of people against the consequences of these toxic weapons, which are carcinogen. There is no sense of using them in populated area and against non-armoured targets. Affected states should be supported. Finally, it is important to be pragmatic and keep campaigning against not only DU but all toxic remnants of war (TRW).

Falco Accame, President of ANAVAFAP, spoke about “DU compensation cases before Italian courts”. He explained that about 4000 cases of diseases, especially cancer, caused by the use of DU were registered in Italy. About 300 people died. Italy always underestimated the risks of DU ammunitions, not only for soldiers, but for the whole population. However, precautionary measures are needed. Since 1991, all Italian Ministers of Defence bear the responsibility of not having protected their fellow citizens. Without having being protected, many people now suffer from various diseases. Unfortunately, the MoD refuses to compensate these victims, declaring that their syndromes are not linked to DU but to combat stress, vaccines or smoking. Independent investigations must be conducted. ANAVAFAP is fighting against this situation in Italy, but legislation at European level should also be improved. F. Accame noted that EUROMIL should request the European Parliament to call for common European regulations regarding the evaluation of the danger; protective measures; compensations for death, illness, birth defects and partner diseases; sanctions for those who do not comply and prohibitions in firing ranges of autocertifications concerning weapons used.

Ria Verjauw, ICBUW Belgium, focused on “The firing range of Salto di Quirra - complex devastation of the environment”. She talked about the military use of the island, contamination problems and how it affects local population and military personnel in the

area. Indeed, Sardinia is being used for over 50 years by the military for trainings and defence industries for testing new weapons and destroying old ones. Salto di Quirra Polygon military testing area in the Southeast of the island is the largest military firing range in Europe. Around this area, a high percentage of people and animals suffer from cancer and birth defects. Water, lands and thus the food chain have been contaminated by substances contained in tons of exploded munitions. Furthermore, there are radar stations all over the island which emit electromagnetic radiation. A major investigation was conducted by the State Prosecutor of Lanusei, Fiordalisi. In 2011, the first criminal investigation was launched. 24 experts, military and politicians were sued for failing to take precautionary measures or for hiding the ecological disaster. However, in 2013 a new expert was appointed, Mariani, who neither confirmed nor denied the environmental contamination. He used the same protocol as the one used by UNEP, considered as being inefficient. Hearings were delayed and are still awaited. Finding the cause of cancers is difficult, partly because those using the bases do not report on what they are testing and partly because this kind of information is not public. Some of the soldiers suffering from cancer might have been exposed to DU in Iraq or Bosnia. Nevertheless, victims and their families in Sardinia call for the evacuation and closure of the military bases, the rehabilitation of contaminated areas and compensations.

Finally, Cataldo Fornari, Lawyer for ASSODIPRO, presented the effects of asbestos on health, its carcinogenic properties, and presented the “Asbestos case” ASSODIPRO and others lodged against the Italian Ministry of Defence. The problem particularly affects the Italian navy; workers in shipbuilding and defense industries as well as the military themselves. Available information related to asbestos exposure “have convinced the Italian judiciary to open dossiers and to formulate hypotheses of crime ranging from environmental disaster to manslaughter”, he said. In October 2013, all claims were transferred to the Prosecutor’s Office in Padua,

which “reports the lack of specific health inspections for asbestos exposure, the inadequate or non-existent information about dangers of such exposure and the non-adoption of appropriate measures to prevent or reduce the spread of asbestos dust”. Senior officers were indicted. It is likely that the prosecutors will begin a new criminal trial.

Moreover, delegates had the opportunity to meet among regional groups (the Charter of EUROMIL foresees the possibility of establishing regional partnerships within EUROMIL). One of the issues discussed was the associations’ membership.

Finally, the Presidium concluded its meeting on Saturday noon, with a Keynote Speech by Ana Gomes, MEP (S&D, Portugal) on “Defending Soldiers Rights in the European Parliament?” and a discussion on the matter. Mrs. Gomes is a strong defender of the human factor in security and defence issues and as such, supports the rights of soldiers and the work of EUROMIL. She believes that Europe needs to invest in its security. EU member states should spend better and more rationally, by developing and pooling and sharing their capacities. Peace and security should be regulated, as well as combatants’ rights. The best conditions should be available for soldiers on the ground and EUROMIL is thus an asset to highlight the needs in security and defence. *CH*



Photos: EUROMIL

EUROPEAN COURT OF HUMAN RIGHTS ON FREEDOM OF ASSOCIATION

By EUROMIL

On 2 October 2014, the European Court of Human Rights (ECtHR) issued two Judgments, namely the case of *Matelly c. France* and the case of *Adefdromil c. France*.

The cases of *Adefdromil* and *Mr. Matelly* were different, but a possible violation of article 11 of the European Convention on Human Rights (ECHR) was an essential element of both complaints.

Article 11 of the ECHR reads as follows:

Article 11 – Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Both cases have to be studied in depth, but it is clear that the ECtHR held, unanimously, that there had been a violation of article

11 of the European Convention on Human Rights. Let’s remember that in France soldiers (military and gendarmerie) are not allowed to join military trade unions or associations with trade union goals.

The Court (ECtHR) concluded that, while the exercise by military personnel of freedom of association could be subject to legitimate restrictions, a blanket ban on forming or joining a trade union encroached on the very essence of this freedom, and is as such prohibited by the Convention (ECHR). The Court’s judgment holds that an absolute prohibition may not be imposed on trade unions in the armed forces. However, it specifies that restrictions (even significant ones) may be placed on the exercise of freedom of association by military personnel, since the specific nature of the armed forces’ mission requires that trade union activity be adapted in consequence. Nonetheless, those restrictions must not deprive service personnel of the general right of association (of which the right to organise is only one aspect) in defence of their occupational and non-pecuniary interests: these restrictions may concern the methods of action and expression used by an occupational association, but not the essence of the right itself, which includes the right to form and join such an association. All documents are available on the website of EUROMIL. *EJ*

6TH ICOAF MEETING

By EUROMIL

The 6th International Conference of Ombuds Institutions for the Armed Forces (ICOAF) was organised in Geneva (Switzerland) on 26 – 28 October 2014 and hosted by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) with the support of the Swiss Federal Department of Defence, Civil Protection and Sport. EUROMIL's President, Emmanuel Jacob, participated as observer and panelist in this interesting event.

The sixth ICOAF meeting focused as well on the role of social media, image of the armed forces in society, as on continued capacity development to better serve both new and existing ombuds institutions. With participants from thirty-seven states from all continents, there was a productive exchange about strengthening their institutions and expertise.

Social media

In light of the rising prominence of social media use, the Conference was of the opinion that it should be a key priority for both the armed forces and ombuds institutions to identify the advantages and challenges posed by social media. Participants agreed that there is a need for further guiding policies for the increasing use of social media in the armed forces.

It was positively noticed that several ombuds institutions have begun monitoring implementation of social media policies in the armed forces. They should however develop their experiences by the use of social media and addressing complaints where social media play a role.

It became clear that there is a need to further analyse the role and potential of social media for ombuds institutions for the armed forces. It has been proposed that DCAF develops a guidance note on this topic, which can be used in future capacity development events.

Image of the Armed Forces in Society

The Conference was convinced that well-functioning ombuds institutions for the armed forces have a positive impact on the image of the armed forces by addressing issues concerning human rights and maladministration.

Taking into account the special characteristics of military service, ombuds institutions should consider ways of supporting armed forces in their efforts to become more attractive employers. In this field EUROMIL's President participated as a panelist in a panel on "Standing of the Armed Forces in society: issues and strategies for improving their image". EUROMIL focused in its presentation on "how do we bring military personnel after a (short) military career back on the labour market"? How do we see the reintegration of soldiers into civilian life? The key question that armed forces need to ask themselves is whether they want to accompany and support their soldiers or do they just drop them on the labour market? It is a permanent challenge to attract young people. Young soldiers are needed to conduct our missions and keep the armed forces operational. Therefore, more and more armed forces recruit soldiers in limited time or short career contracts. On the other hand armed forces also need to keep experienced soldiers on board.

It is EUROMIL's opinion that armed forces should take care of their soldiers once they have (or are willing) to leave the armed forces. Their participative approach in this field can and will influence the recruitment of young soldiers in a positive way. When recruits know that they can function for several years in the armed

forces and at the end are trained and (re-)educated to go back to the civilian labour market, they will more probably accept to join the armed forces.

There is no unique solution for this challenge. However, there are some good experiences in Europe. Denmark has special regulations and is focussing a lot on veterans. Other countries like Ireland and Belgium just started working on this because it was never needed in the "old system". Now they started to recruit limited time soldiers, they have to face this challenge. A good experience can also be found in Germany, even if some German sources told us that they plan to improve this system in the near future.

Capacity Development

It became once again clear that too many ombuds institutions are facing a lack of sufficient resources to fulfil their mandate effectively. Therefore, capacity development is important to improve their functioning and assure that complaints are effectively and efficiently addressed. Ombuds institutions should actively seek to share their experiences in order to raise awareness and educate members of the armed forces, policy makers, media, members of the public, as well as other ombuds institutions on issues of importance to their mandate.

The 7th International Conference of Ombuds Institutions for the Armed Forces is planned in October 2015 in the Czech Republic.

EJ



Photos: ICOAF

3RD EUROMIL TRAINING SESSION 2014 - 2015

By EUROMIL

Participants in the 2014 - 2015 EUROMIL Training Session for “young and weaker associations” from Central/Eastern Europe met for the third time in Brussels on 7-8 November 2014.

This two-day in-house training was opened by E. Jacob, President of EUROMIL, and focused on implementing strategies, developing membership and establishing representation. On Friday afternoon, I. Costantini, Education Officer at the *European Trade Union Institute* (ETUI), organised a “tool and methodology session” on how to build a strategy and implement it. She provided project management knowledge to the participants, who had been asked, prior to the meeting, to prepare SWOT analyses of their respective associations. On Saturday morning, F. Vinther, Vice-President of EUROMIL and Chairman of HKKF (Denmark), discussed “Membership” with the group. The important role of trade unions was emphasised, as well as the need to be representative, independent, relevant, visible and locally represented associations in order to efficiently defend the fundamental rights and interests of military personnel. Finally, the meeting concluded with a presentation of Paddy Doheny, Industrial Relations Officer, PDFORRA (Ireland) entitled “The Establishment and Evolution of Representation in the Irish Defence Forces (the case of PDFORRA)”. Mr. Doheny was accompanied by Gerry Rooney, General Secretary, PDFORRA (Ireland). In Ireland, essential elements for establishing a successful representation were finances, organisation, membership and the right to bargain. It was concluded that building an association may be achieved in different ways, but essential elements, such as willpower, members (including active personnel), finances and work at local level are always required. The additional needs in education of the participants will be evaluated in the weeks to come.

The 2014 - 2015 Training Session aims at building strong military associations at national level and transforming them into trade unions - at least on the organisational level in case of a legal issue. The target group is composed of delegates from seven EUROMIL

member associations, namely AKUSH (Albania), HOSZ (Hungary), KTGC (Lithuania), LSA (Latvia), SOB (FYROM), SVS (Slovenia) and ZVSR (Slovakia). AKUSH and SVS did unfortunately not take part in the last meeting. *CH*



Photos: EUROMIL

CIVIL AND POLITICAL RIGHTS OF ARMED FORCES PERSONNEL

By EUROMIL

On 23 October 2014, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) invited representatives of OSCE participating States to the Forum for Security Co-operation (FSC) in Vienna for a discussion on the civil and political rights of armed forces personnel.

The event particularly addressed the approaches of OSCE participating States to respect and ensure the right to freedom of expression and association, and this in relation to limitations on such rights in the context of political neutrality, national security concerns and requirements of service. ODIHR and EUROMIL share the view that armed forces personnel, as “Citizens in uniform”, enjoy the same human rights and fundamental freedoms as all citizens. Nevertheless, this can be subject to certain limitations and duties imposed by military service. It is also the spirit of the

OSCE Code of Conduct on Politico-Military Aspects of Security (Budapest 1994), which stipulates that “rights do not stop at barracks whether they are social, economic, cultural, civil or political”.

EUROMIL’s President, Emmanuel Jacob, moderated a part of the panel on “Freedom of Association and Professional Associations” and made a presentation on the situation in European countries. Also EUROMIL’s Vice-President, Flemming Vinther, was invited as President of the Danish Trade Union of Enlisted Privates and Corporals of the Danish Army (HKKF). Vinther presented the long history of social consultation in Denmark and the way they implemented this in the armed forces. However he also made clear that it is always a matter of debate, common trust and understanding and finding a common agreement in benefit of both the armed forces and the military personnel. *EJ*

NATO PARLIAMENTARY ASSEMBLY IN THE HAGUE (THE NETHERLANDS)

By EUROMIL

The 2014 annual session of the NATO Parliamentary Assembly (NATO PA) was organised in The Hague (the Netherlands) from 21 to 24 November 2014.

The NATO PA brought more than 300 parliamentarians from the 28 NATO member countries from North America and Europe together, including delegates from partner countries and observers, to discuss reports, recommendations and declarations. EUROMIL was one of the few observers present at the meeting.

“This Session in The Hague marks an important milestone for the Assembly: it is the NATO PA’s 60th Annual Session” said Hugh Bayley, President of the NATO PA, when welcoming the participants. *“This session also takes place during a critical period for all our nations.*

The “arc of crisis” from the Sahel, through North Africa and the Middle East, to Central Asia presents a host of security, political, economic, and humanitarian challenges. In addition the crisis which erupted in Ukraine last year sparked events which have plunged relations between NATO and Russia to their lowest point since the end of the Cold War” added Mr. Bayley. With these few lines he pointed out the issues that were to run as a red thread through the whole meeting. However, he

also made clear that the Alliance should not neglect other security issues that were already on the agenda such as the end of NATO combat operations this year. Also during the speeches and debates it became clear that it will not be the end of NATO’s commitment to Afghanistan. Resolute Support should live up to its name in the years ahead and the international community as a whole should therefore continue to provide the assistance needed to the Afghan people.

Furthermore, even if it appears possible to reduce the intensity of the anti-piracy operations of the Horn of Africa, they cannot be discontinued. NATO’s operations and interest remain also in Kosovo, the

Mediterranean and more and more also in cyberspace. This was made very clear throughout the debates in the Committee meetings.

Another topic was of course the outcome of the NATO Wales Summit and especially the Summit Declaration and the agreement that member States *“will aim to move towards the 2 % guideline within a decade”*. On several occasions as well speakers as parliamentarians referred to this declaration issued by the Heads of States and Governments. Those who meanwhile acted against this commitment, in particular Belgium, were pointed at. Several participants called this 2 % guideline the cornerstone of the future security and defence.



Photo: EUROMIL

The Plenary Sitting took place on Monday, 24 November 2014. Besides the NATO PA’s President, the Dutch Prime-Minister, the Minister of Defence of the Netherlands and several other interesting speakers, the Assembly was for the first time addressed by the new NATO Secretary General, Jens Stoltenberg. During his speech he pointed out the critical situation in Ukraine and the need for diplomatic talks with Russia. But in his speech and during the long question and answer session he also made very clear that an increase of defence spendings of member states was more than essential and that the Wales Declaration and commitment was more than clear at that point. He criticized and

condemned any form of decline in defence spendings!

During the plenary session the NATO PA adopted a number of policy recommendations for Alliance Governments. It is impossible to refer to all of them in this issue of our newsletter but they can be consulted at www.nato-pa.int

Last but not least, the NATO PA elected US Congressman Michael Turner as the new President taking over from the UK Member of Parliament Hugh Bayley, whose mandate came to an end after two years. Michael Turner, a Republican Representative from Ohio, has headed the United States Delegation to the NATO PA since 2011. He was first elected to the House of Representatives in 2003 and is a

long-time member of the House Armed Services Committee, where he chairs the Sub-committee on Tactical Air and Land Forces and sits on the Sub-committee on Strategic Forces. Turner is also a senior member of the House Committee on Oversight and Government Reform. Before his election to Congress, Turner served two terms as Mayor of Dayton, Ohio, from 1994 to 2002.

In his acceptance speech, Turner said NATO would have a *“strong and united voice”* as it faced challenges from Russia,

the ISIL extremist group in the Middle East and instability in Africa.

“Over the next two years it’s going to be critical that we address Russia’s clear violation of international agreements, their violation of the sovereignty of other nations, and their blatant disregard for international values” Turner said.

Beside the President, the Assembly also elected four new Vice Presidents: Lord Jopling from the UK, Paolo Alli of Italy, Angelien Eijssink of The Netherlands, and Thomas Marino from the United States. Romania’s Gabriel Vlase was re-elected for a second one-year term.

The spring 2015 NATO PA meeting will take place in May 2015 in Hungary. EJ

EMI FEDERAL ASSEMBLY 2014

By EUROMIL

The Federal Assembly (FA) of the European Movement International (EMI) took place on 28-29 November 2014 in Rome.

The meeting started on Friday, 28 November 2014 with speeches of Jo Leinen, Chairman EMI, and Pier Virgilio Dastoli, President CIME. President Dastoli stressed the difficult time Europe is undergoing. Europe is in crisis and there is thus a need to remember and start again from the thought of Spinelli and the Ventotene Manifesto.

After reading the message of the President of the Italian Republic, Giorgio Napolitano and the Minister of Foreign Affairs, Paolo Gentiloni, Mrs. Valentina Grippo brought greetings from the Mayor of Rome, Ignazio Marino.

During the morning session Massimo D'Alema, former Prime Minister of Italy and member of the EMI honorary council, took also the floor. He shared with the audience a reflection on the current state of the European integration process, focusing especially on the real need to combat euroscepticism. D'Alema

also stressed that Europe must not only focus on economic issues, which alone will never lead to a real Europe. Finally, he strongly deplored the fact that Europe is proceeding too slowly on the road of Human Rights.

Formalities related to the organization were then carried out.

At the end of the morning session some delegates made interventions about the role of Europe in promoting and

protecting human rights and relationship with civil society. Some delegates of Balkan countries, particularly Macedonia and Serbia took the occasion to underline their commitment to European values.

In general, all demanding more Europe

In the afternoon three working groups discussed the thematic resolutions proposed to the FA on topics such as "Transnationalization of European democracy and innovation of the European political system", "The enlargement process and strengthening of

The morning of Saturday, 29 November 2014 was opened with speeches of Sandro Gozi, Under Secretary to the Prime Minister, with responsibility for European Affairs, and Vice President of CIME. He shared in his speech some thoughts on the work of the government during the Italian semester and the ideas to relaunch the process of European integration. The Under Secretary stressed that Europe must not only be a Europe of austerity but also a Europe of cohesion and solidarity. It should not be a multi-speed Europe.

Afterwards there was a short speech of Alberto D'Alessandro, Italian representative in the Council of Europe, who recalled the traditional links between his institution and the European Movement.

Then were presented the voting results Jo Leinen, was confirmed as President and Dries Callens as Treasurer of the organisation. More information on the new Board may be found online at: europeanmovement.eu

The work continued with a discussion on the work plan for 2015 and the approval of the annual budget. Resolutions and other submitted documents were voted.

To close, President Dastoli presented a document drawn up by the CIME proposing EMI to launch a campaign for a federal and democratic Europe.

The next meeting will take place in Riga on 24 and 25 April 2015.

For further information on the event, please consult the website of EMI.

LZ



Photo: EUROMIL

the Eastern Partnership" or "Future economic and financial long-term for Europe".

The afternoon continued with the voting procedure of EMI for the elections of the President, Treasurer, six Vice-Presidents and the twelve members of the Board.

The day concluded with a panel discussion moderated by Jo Leinen entitled "A new start for Europe - How to bridge the gap between the EU and its citizens".

BERLIN SECURITY CONFERENCE 2014

By EUROMIL

On 2-3 December 2014, the Board of EUROMIL participated in the "Berlin Security Conference 2014 - 13th Congress on European Security and Defence" in Berlin.

Organised by the *Behörden Spiegel* with the support of an Advisory Board, this two-day international event was presided this year by Robert Walter (MP, Vice-President of the Parliamentary

Assembly of the Council of Europe, President European Security and Defence Association (ESDA)) and had Turkey for partner country.

Around 1000 participants from over 50 countries gathered for this important event on European security and defence, which included high-level speakers from national and international institutions, political and military authorities, representatives of security organisations and the industry. In addition to a plenary session and various panels, the conference was complemented by a large exhibition of industries.

On 2 November 2014, President Jacob participated in a panel on “Protection – experience from operations” in the afternoon, where he focused on recommendations for multinational crisis-management and peace-keeping missions before, during and after deployment.

Further information on the BSC 2014 is available at www.european-defence.com

Next year, the Berlin Security Conference will take place on 17-18 November 2015 with the United States as a partner country.

CH



Photo: EUROMIL

POSITION PAPER ON “EUROPEANISATION OF THE ARMED FORCES”

By EUROMIL

In the editorial of EUROMIL’s newsletter of December 2013 we noted that the German coalition agreement between CDU/CSU and SPD had stated: “*We strive for an ever closer association of European armed forces which can evolve into a parliament-controlled European army.*” We asked ourselves whether this were only words or if it would one day become reality?

In a press release issued on 1 December 2014, EUROMIL being present at that moment in Berlin on the occasion of the Berlin Security Conference and for a Board Meeting, we referred to the German situation. In this statement we looked back at the declaration of the German Federal President Gauck, Foreign Minister Steinmeier and Defence Minister von der Leyen at the Munich Security Conference in the beginning of January 2014, where they said that Germany must “*assume more responsibility and play a bigger role in the world*”. Furthermore, EUROMIL also

encouraged the process of the announced White Paper of the German Federal Armed Forces. The White Paper is a basic concept paper which specifies the strategic alignment. The President of EUROMIL, Emmanuel Jacob, agreed with the leader of the German Federal Armed Forces association (DBwV), LtCol Andre Wüstner, who designated 2015 as the year for a renewed White Paper.

The German coalition agreement of December 2013 was a first important step. One year after the coalition agreement, in the beginning of December 2014, the German SPD (social democrats) working group on security and defence presented a position paper on “*Europeanisation of the Armed Forces*”. Beside the continuation of the already existing cooperations such as multinational HQs and the AWACS fleet, the SPD proposes in its position paper a number of “*new impulses for integration*”. Some of them were already mentioned in

other position papers and it should therefore be possible to find cross-party (at least partial) agreements on this.

The position paper foresees, among others, the establishment of “a real” European Council of Defence Ministers “*on the way to common European Armed Forces*”. Instead of the current Subcommittee on Security and Defence (SEDE) of the European Parliament, the SPD also proposes a real defence committee at this level “*as a signal for the strengthening of parliamentary responsibility at European level*”. At this point they also refer to the preparation of a Common European White Paper on Security and Defence Policy as well as the establishment of a Permanent EU Military HQ with all basic management areas. These and many other propositions can be read in the position paper that is available on the website of EUROMIL. The press release is also available on the website of EUROMIL at www.euromil.org EJ

Follow all EUROMIL Activities on www.euromil.org
EUROMIL is also on Facebook and Twitter

CHRISTMAS STORY

"THEN A SOLDIER DARED TO KICK A BALL INTO NO MAN'S LAND ..."

By **MARC BOITING, GERMAN NAVAL RESERVE**

... tells Major Phil Linehan, Commanding Officer of 133 British Field Company. "What followed became a little episode of the "Little Peace in the Great War". "At Christmas 1914", he continues, "there were fraternizations between the war parties on several places at the Ypres salient. The fighting stopped and among others soccer games took place."

In order to celebrate the "Christmas Truce", a soccer game took place between the "German Hornets" and the "British Bulldogs", on the eve of the 43rd "100km van Ieper" at the end of May 2014 in Flanders. Both teams met in front of about 300 spectators. They were composed of reservists of the Armed Forces of their respective nations.



"Venomous versus Biting!" – "Pull Stingers or Teeth!" – "Be Stung or be Bitten!" With those snappy slogans the match had been announced. Accordingly motivated and "fired up for the opponent" both teams took the field. After a brief opening ceremony, the kickoff was blown by the mayor of Ypres, Mr Jan Durnez.

Both teams started with a rather high speed. While the British team steadily increased the pressure, the Germans relied on fast counters and dangerously appeared several times in the opponent's penalty area. In the middle of the first half the "Bulldogs" went ahead and managed to score again before the break.

Hoping to equalize the result to enforce the penalty shooting feared by the British for good reason, the "Hornets" did not give up. Although they could never catch up the meanwhile three goal lead of the "Bulldogs", they fought until the end with heart. In the end, lacking strength, they were beaten with six to two.

Surely the result was too high which was totally admitted by the opponent. Both teams fought hard but fair at all times. Referee Ian Harrison had only to pull the yellow card once against the German keeper.

As the rightful winner the English comrades took the "Old Pals Stefan Hannen Cup" with them over the Channel. The best players were awarded with the Challenge Coin of "Kreisgruppe Rhein-Ruhr" within the "Reservistenverband". All German players received the "For Excellence" coin of 103 Battalion REME as acknowledgement.

The great atmosphere during the match, the thanks and pride of both the players and spectators for participating in this event and the common preparation of the event by the English, German and Belgian over the last year were wonderful signs of lived international understanding. Furthermore, it was awakening to realize the awareness of history, remembrance and interest of the participants for the background of World War I, as well as for the culture and peculiarities of the opponents and the Belgian host.

Korvettenkapitän der Reserve Marc Boiting and Major Phil Linehan, who organized the match, express it like that: "The result for us was the end of the game. German and British soldiers, sailors and airmen were laughing, joking and having a great time. 100 years ago they exchanged cigarettes and showed pictures of home. This year they had a beer together and exchanged Facebook details, so nothing much has changed. It also helped the younger ones understand that soldiers of all nationalities are very much the same and it is surely thought-provoking when they will march over the former battlefields during this weekend." ■



Photos: MB

*Merry Christmas
and Best Wishes for
a Happy New Year*



European Organisation of Military Associations

EUROMIL Calendar 2015

21 January 2015	Board Meeting	Brussels, Belgium
4 March 2015	Board Meeting	Geneva, Switzerland
16 April 2015	Board Meeting	Athens, Greece
17-18 April 2015	Presidium Meeting	Athens, Greece
18 June 2015	Board Meeting	Brussels, Belgium
10 September 2015	Board Meeting	Brussels, Belgium
15 October 2015	Board Meeting	Brussels, Belgium
16-17 October 2015	Presidium Meeting	Brussels, Belgium



The EUROMIL NEWS is published by

EUROMIL aisbl
*(European Organisation
of Military Associations)*

**Rue John Waterloo Wilson 78
B-1000 Brussels
Tel.: +32 2 626 06 80**

**E-mail: euromil@euromil.org
URL: www.euromil.org**

N°Ent.: 0538.809.759

Editorial Staff:

**Emmanuel Jacob, President
Caroline Henrion, Policy Manager
Jutta Theiss, Office Manager**