



NEWS

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Security has a social dimension

EUROPEAN SOLDIERS FIGHTING FOR A JUST CAUSE – IN LIBYA AS WELL AS IN MILITARY ASSOCIATIONS/UNIONS

With resolution 1973 the UN Security Council has given legal base for imposing a ‘no-fly-zone’ over Libya, authorising ‘all necessary measures’ to protect civilians - with regional approval of the Arab League. While the coalition continued its military actions under initial leadership of the US, it struggled for a long time over how to lead the campaign. Now - following a deal reached between British, French and US after France, Germany and Turkey have given up opposition - NATO took over military command to enforce the no-fly-zone. Albeit, it seems to be a new committee of foreign ministers of the coalition and participating Arab League states who would have overall political control. NATO already conducted the maritime mission “Unified Protector” to uphold an arms embargo against Qaddafi. The EU assumes responsibility for humanitarian action. The developments of this intervention have once more clearly demonstrated how far away Europe is from a Common Foreign and Defence Policy.

Why the EU is even further away from integrated armed forces is explained by the German Armed Forces Association. According to their experts, the lack of democratic structures in the area of the CSDP makes it impossible (especially for Germany) to contribute to integrated European armed forces that are democratically legitimated.

A rather successful ongoing EU military intervention is mission ATALANTA. What happens to suspected pirates captured by Belgium can be read in our article on the mission of the Belgian navy frigate “Louise-Marie”.

The Union of Enlisted Privates and Corporals in the Danish Army (HKKF) shows how high morale within the Danish armed forces is in regard to international missions. The article shows also that public interest in the missions and the deployed soldiers is very high in Denmark.

Service in the military keeps getting more demanding physically and psychologically. Not only during international missions but also the duty at home has a serious strain on soldiers. To prevent burn-out, the Finish Trade Union Paallystöliitto ry

has assumed an active role in recommending early, vocationally oriented rehabilitative treatment as is shown in the Chairman’s Column.

Whatever the political developments in regard to Libya, fact is that once again European soldiers are risking their health and live in the service of the nation and the international community. They are protecting people who are fighting for their human, fundamental and democratic rights – rights not all of those soldiers enjoy themselves.

In Spain representatives of six organisations combined forces and presented a “Manifesto for the full rights of the soldiers” to fight for freedom of association.

In Rome, Italian carabinieri have to resort to public demonstrations to be heard in their struggle to gain full citizen rights and freedoms as well as better working conditions. This activity led to criminal charges against one of the organisers, as can be read in a comment by Italian trade union representative Deborah Bruschi.

As recent developments and articles in this EUROMIL News issue show, on the one side we can witness the increase of international military missions in defence of democratic values. On the other side, even in democratic EU Member states, governments still deny exactly those rights to their military – those same citizens in uniform they send in harms way.

It is this – in our opinion – contradiction, that keeps EUROMIL and its members strive to secure and advance the fundamental rights and freedoms as well as the socio-professional interests of soldiers. We do so, for example, by participating in international conferences such as the 9th Congress on European Security and Defence in Berlin. While politicians, military leaders and academics discuss the future challenges for EU and NATO, EUROMIL reminded them that security also has a social dimension.

Last year EUROMIL participated in the European Day of Action organised by the European Trade Union Confederation (ETUC). This April EUROMIL will join forces with the ETUC and national trade unions in Budapest to show solidarity with the workers of



**EUROMIL President
Emmanuel Jacob**

Europe and to emphasise that also military personnel deserves a structured social dialogue to protect and affect their social and professional conditions.

Also in April, EUROMIL will organise its bi-annual general assembly, the 103rd Presidium meeting, in Stockholm. The Presidium brings together delegates of all EUROMIL member associations for the exchange of experience and best practice. Special guests, external experts from academia, the military and politics, add their knowledge to the discussions and workshops. This spring the programme offers presentations on “PTSD” by Dr. Mette Bertelsen, on “Military Pension Systems in Europe” by

experts from EUROMIL member associations and a presentation by General Rob van der Meer, Chairman of Committee of the Chiefs of Military Medical Services in NATO (COMEDS).



Emmanuel Jacob
President

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INTERNATIONAL OPERATIONS

CAPTURING PIRATES? THE NEW BELGIAN LEGISLATION IN PRACTICE!



BY EMMANUEL JACOB, ACMP-CGPM, BELGIUM

The Belgian Navy frigate “Louise-Marie” captured seven people suspected of piracy off the Kenyan coast. Based on the provisions of last years adjustments to the Belgian judicial code, one was brought before Belgian justice, six had to be released.

The “Louise-Marie” participated for the second time in the mission ATALANTA off the Horn of Africa. The Belgian vessel patrolled between 20 October 2010 and 20 January 2011 along the Somali coastline, protecting civilian and commercial vessels against pirates.

While escorting a merchant ship on Monday 29 November, the crew of the “Louise-Marie” noticed a suspicious small boat. In a routine procedure the commander of the Belgian Frigate, Carl Gillis, decided to send out the ships helicopter to investigate. The helicopter crew encountered seven people on board of a skiff, the type of ship mostly used by pirates in this area, throwing weapons and material suitable for capturing a ship overboard. With this reasonable suspicion and in order to stop

the suspects to allow a boarding crew to inspect the skiff the “Louise-Marie” fired warning shots. After the suspects did not heed the warning, a specialised team boarded the skiff and brought the seven suspects on board of the Belgian frigate. Afterwards, the “Louise-Marie” destroyed the vessel of the captured suspected pirates.

In a previous article “*Capturing Pirates... then what?*” (EUROMIL News Issue 12 from April 2010), ACMP-CGPM wrote about amendments to the Belgian judicial code providing clearer and broader means to deal with piracy. It includes a definition of what is to be considered piracy. The law also specifies the powers and competences of Belgian vessels and their commanders, e.g. the ship’s captain acting

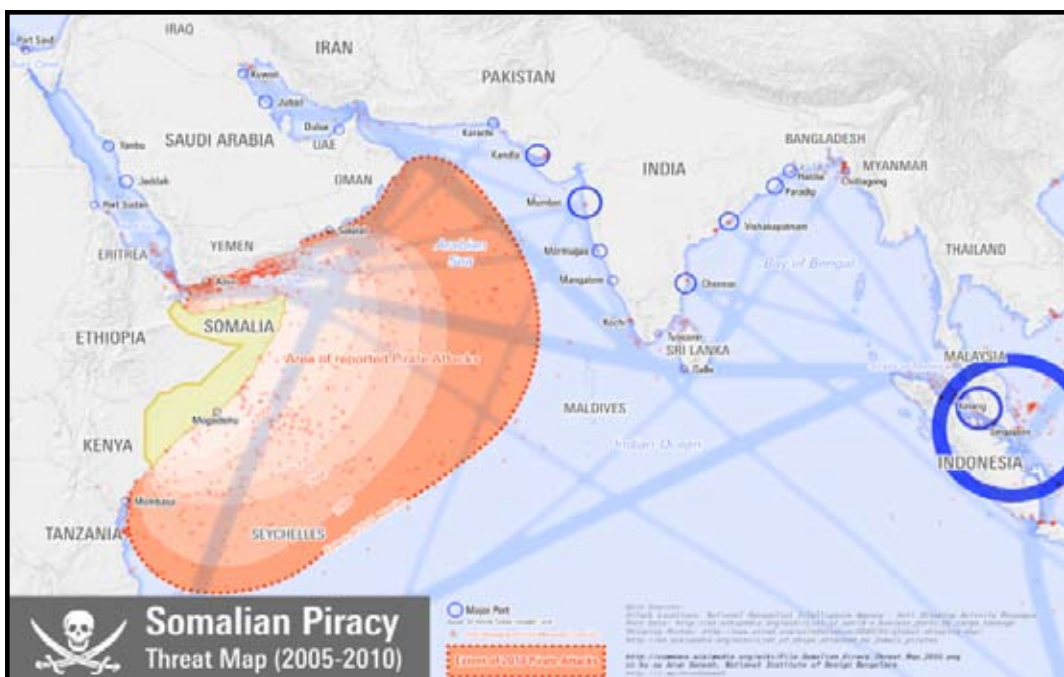


Frigate F-931 Louise-Marie, photo: www.mil.be

as a federal police officer. When operating against piracy, he has to file a report giving detailed information on the circumstances of an arrest with reference to the decision by the federal prosecutor regarding the detention of suspected pirates. This report has to reach the federal prosecutor within 24 hours after the arrest of the suspects. Based on the report, the federal prosecutor can issue an official arrest warrant. Should the time limit be exceeded, the suspects have to be set free.

Generally, it is still the goal of Belgian forces participating in mission ATALANTA to have pirates indicted in their own country, or at least in the region. Only if all conditions set out in the new regulations are satisfied can a suspect be prosecuted for piracy in Belgium. This is now the situation for one of the seven people captured by the “Louise-Marie” off the Kenyan coast.

Once on board of the frigate, the seven suspected pirates were taken ‘in observation’ before they started to navigate towards a Kenyan harbour. Meanwhile pictures and fingerprints of the



Somali Piracy Map, photo: www.wikipedia.com

detainees were sent to the Belgian competent authorities. One of the suspected pirates was recognised by several crew members of the “Pompei”, a Belgian freighter that has been high-jacked in 2009 for the duration of two months. The freighter and its crew were only released after the payment of a ransom.

Based on the fact that the suspect’s fingerprints have been found on the “Pompei” and after several crew members of the freighter identified the suspected pirate, the Belgian federal prosecutor decided on a video interrogation and then issued an official arrest warrant. Informing his crew about their successful mission, commander Gillis ended his message with the words “the “Louise-Marie” strikes again!”. The “Louise-Marie” sailed to Mombasa for the necessary juridical procedures. Both, the



Boarding team with captured suspects, photo: www.mil.be

Belgian and Kenyan authorities took every possible measure to respect national and international legislation. From Mombasa, the suspected pirate was transported by plane to Belgium and handed over to the federal authorities. This will be the first juridical case under the recently changed judicial code.

The six other suspected pirates remained 19 days on board of the “Louise-Marie” while the Belgian authorities tried everything possible to prosecute them as well. Unfortunately, there was not enough evidence and they had to be released. The lesson learned of this event will be studied for possible future cases.

On Monday 7 February 2011 the “Louise-Marie” sailed back into the military port of Zeebrugge (Belgium).

“ARMADILLO” THE DOCUMENTARY ON DANISH ISAF SOLDIERS

BY TINE NØRHOLTZ, HKKF, DENMARK

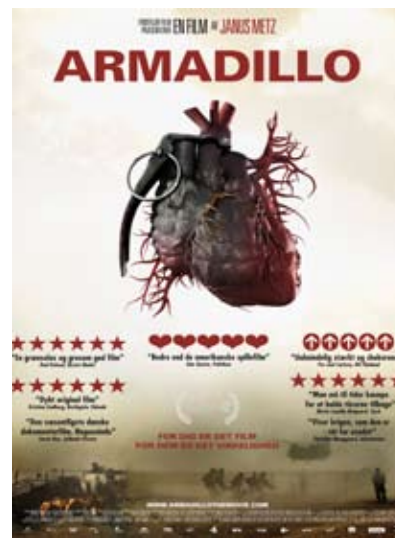
“Armadillo” is the name of a former advanced Danish camp in Helmand province, Afghanistan, and of a documentary film that has rightly attracted considerable attention. The film offers unique insight into what it is like to be a soldier in Afghanistan.

The award-winning documentary “Armadillo” follows a group of Danish ISAF soldiers. The film opened in several European countries. When the documentary was shown on Danish TV in January, every fifth Dane watched it. Read why the film is worth seeing and see what the Danish soldiers think about the mission in Afghanistan.

“The battle scenes show Danish soldiers operating at a very high professional level. We see how difficult it is to distinguish between civilians or armed enemies, and how the soldiers give the potential enemy the benefit of the doubt. I’m proud of our Danish soldiers”, says Flemming Vinther, President of the Union of Enlisted Privates

and Corporals in the Danish Army (HKKF).

One scene in the documentary shows a battle and a soldier using the word “liquidation”. When the film premiered in Denmark, it provoked a furious debate as to whether the soldiers violated the rules of engagement, and an investigation of the episode by the Danish military legal corps was initiated. In December 2010 the military legal corps completed its investigation. The corps established that all existing rules were observed.



Theatrical Poster: ARMADILLO

“We’re not surprised that the rules were observed. But I’m extremely happy that the decision of the military legal corps is so clear and thus removes all doubt. It would have been deeply unfair if the soldiers were to have a suspicion hanging over them”, says Flemming Vinther.

Whereas the difficult decisions and the intense fighting are common to all soldiers deployed in Afghanistan as part of the international contingent, one issue in particular relates specifically

Danish soldiers and professional rights

to the Danish soldiers. They all have professional and civil rights when posted to a mission.

“Soldiers in many other countries have no rights at all. It’s been repeated time and again that professional rights will

What you didn’t know about “Armadillo”

The film shows a battle scene where Danish soldiers defeat Taleban fighters and the subsequent debriefing, where the word “liquidation” is used. The episode spurred heated debate in Denmark and was subsequently investigated by the Danish military legal corps. The decision fell in December 2010: the Danish soldiers acted entirely according to the rules.

Armadillo is the name of a former advanced camp in Helmand province in Afghanistan. The camp is named after Major Anders Storud, nicknamed “Armadillo”. Anders Storud, who was killed in Afghanistan, conceived the strategy that the Danish army needed an advanced camp exactly where the “Armadillo camp” was situated.

All soldiers in “Armadillo” are entitled to be organised in a trade union. For this reason, HKKF has been able to support our members as legal adviser in connection with the investigation by the military legal corps.



Scene from ARMADILLO, photo: Lars Skree

adversely affect discipline, unit cohesion and fighting qualities. "Armadillo" clearly illustrates that this is utter nonsense. Having seen the film, no one will deny that the Danish soldiers, given their rights, amply demonstrate discipline, cohesion and fighting qualities", says Flemming Vinther.

Soldiers: "We make a difference!"

On 6 January, TV2, a national Danish TV channel, cancelled all other programmes to show "Armadillo" and subsequently discuss the Danish campaign in Afghanistan with politicians, opinion formers and researchers. One million Danes – corresponding to one in five – watched the film, and 774,000 followed the debate.

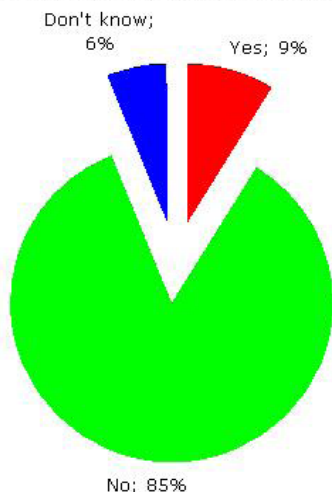
"The high number of viewers shows that the mission and the soldiers' work and circumstances interest the Danish population. I find that extremely positive. We don't have to agree on everything, but the general interest and support to the soldiers' work mean a lot to our members", says Flemming Vinther.

The Danish enlisted privates and corporals also had their say in the debate, one reason being that HKKF and TV2 made an opinion poll among soldiers who have been deployed in Afghanistan.

The poll shows that 82 % of the Danish soldiers find that they have made a difference in Afghanistan. 88 % reply that it was correct to send Danish soldiers to Afghanistan and 85 % say that Denmark should not start withdrawal now.

"In Denmark, the politicians alone decide what tasks should be performed by the Defence – and thus also how long we will stay in Afghanistan. But the message from HKKF's members is very clear:

Should we start withdrawal now?



Graphics: HKKF

Danish soldiers and their rights

Denmark has some 700 soldiers posted in Afghanistan. The population of Denmark is five million.

Denmark has lost 40 soldiers in Afghanistan.

In Denmark, military personnel have the right to unionise, and they retain all their civil rights. This is not the case in e.g. the UK or the US.

Soldiers, Defence management, politicians and professional organisations agree that soldiers should retain their rights.

Danish soldiers elect union representatives for the mission; they elect safety representatives and form joint consultative committees. They are allowed to join a political party, they vote in elections held during the period of deployment, and they are free to terminate their contract at one month's notice. The soldiers, the Defence management, Danish politicians as well as the professional organisations support the rights of the soldiers.

The Union of Enlisted Privates and Corporals in the Danish Army (Danish military union Haerens Konstabel - og Korporalforening -HKKF) is the union for privates and corporals in the Danish army. More than 90 % of all Danish privates and corporals are members of the Union.

the soldiers are prepared to stay until the task has been performed. I think that's a strong signal", says Flemming Vinther.

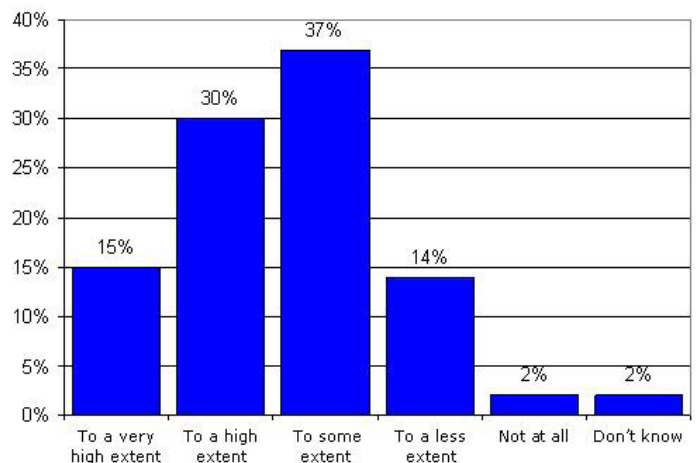
The strategy of the Danish ISAF troops is to help train the Afghan national army (ANA) and to transfer responsibility to the Afghans as Denmark gradually withdraws its troops. But is ANA ready to take over? Do the Afghan soldiers have the competencies, and does the Afghan army have the necessary equipment?

Is ANA ready to take over?

The members of HKKF are divided in the matter: forty-eight per cent answer that ANA is ready to take over responsibility. Forty-seven per cent answer that it is NOT ready.

"We started the current training of Afghan soldiers less than two years ago, so I'm in fact positively surprised that half the members find that ANA is ready to take over. However, the fifty/fifty split also shows that it's not an easy or quick task to train and transfer responsibility to the Afghans. It is the right way to go - but there's no shortcut", says Flemming Vinther. ■

Do you feel you have made a difference?



DEMOCRATIC LEGITIMATION OF INTEGRATED EUROPEAN ARMED FORCES

BY SILKE FLEMMING, DBWV, GERMANY

This contribution summarises an article published in a German periodical for military law (Neue Zeitschrift für Wehrrecht), written by Dr. Andreas Gronimus and Dr. Sven Persch (both lawyers at DBwV). The article takes a look at the possibilities in the new Treaty of Lisbon (amending the Treaty on European Union) concerning the creation of a European common defence in the light of constitutional and fundamental rights of the servicemen and –women, concerning the German situation in particular.



Deutscher
Bundeswehrverband

As the development of European Security and Defence Policy makes progress, for several years a further integration of European armed forces is discussed. The European Parliament (EP), for instance, favours the idea of a more intensive co-operation of the armed forces step by step, a model the EP called “SAFE - synchronised armed forces”. With the Treaty on European Union (TEU), as amended by the Treaty of Lisbon in 2009, on the European level a legal framework has been created which opens the perspective of genuine European armed forces. The question arises though whether such supranational European armed forces would have a democratic legitimation.

The TEU provides that the competence of the European Union in matters of common foreign and security policy (CFSP) includes the progressive framing of a common defence policy that might lead to a common defence. According to the Treaty the common security and defence policy (CSDP) is supposed to be exercised by intergovernmental competence. That takes into account the reservations of sovereignty of the Member States. Member States are able to prevent the adoption of a decision to be taken by qualified majority for vital and stated reasons of national policy. In the context of the CSDP the European Parliament does not have any original creative powers. It only has the right to be consulted and informed on the main aspects and basic choices of the CFSP and CSDP. According to the TEU it shall be insured that the views of the European Parliament are duly taken into consideration.

As international law, the law of the European Union has to be implemented in line with the constitutions of the Member States. Looking at the German situation, the

German constitution stipulates that every power has to derive from the people. That is why the deployment of German armed forces has to have a democratic legitimation. According to the guidelines developed by the German Constitutional Court, the German armed forces may only be put into action with the prior consent of the Federal Parliament (Bundestag).

In 2009 the German Constitutional Court ruled on the compatibility of the Treaty of Lisbon with the German constitution. In its decision the Court made quite essential statements regarding the security and defence policy of the EU.

The German Constitutional Court stated that it is not legally binding under the German constitution if Germany agreed to the establishment of integrated European armed forces, transferring national competences to the EU- level, in a manner that German servicemen- and women would serve out of reach of the German Parliament.

The compelling proviso of parliament for the deployment of German soldiers is explained with the interests and rights of the soldiers. The judgement states that the German state may neither violate the rights of the soldiers itself nor that Germany may allow any violations of their rights

by supranational organisations, without democratic legitimation according to the constitution. The judges ruled that even with the regulations of the Treaty of Lisbon, the Member States have to keep the sovereign decision of the deployment of the military, because of the lack of democratic structures in the area of the CSDP.

Against this backdrop, the question is if a solution for a democratic legitimation of integrated European armed forces can be found. According to the courts’ judgement, the European Parliament does not have real parliamentary powers as it has no influence on the decision-making of the European Council. Therefore it is essential to strengthen the role of the European Parliament before an integration of German servicemen and -women into common European armed forces is possible under the German constitution.

The Constitutional Court in its decision to the Treaty of Lisbon even denies that the European Parliament is a real Parliament which is able to give any democratic legitimation. The Court holds that the EP could never be more than “a congregation of delegates of the Member States” because the elections to the EP were not equal, concerning their structure. While a member of EP from Luxemburg represents around 70.000 inhabitants for example, a German member of EP represents over 850.000 inhabitants.

With the strict decision of the German Constitutional Court that German servicemen and -women can only be put in action with the consent of the German Parliament, the probability of the establishment of supranational EU-forces in the near future with a German contribution has been reduced essentially.

Moreover the public debate about establishing EU forces has not dealt with the legal status and the rights of the soldiers of possible European armed forces yet, although certain existing rights of servicemen and -women are guaranteed even in integrated armed forces of the EU. The rights of the European Convention of Human Rights are the standards on the



lowest level which are guaranteed for all European service personnel. Next to those rights German servicemen and -women enjoy the fundamental rights fixed in the German constitution which have to be guaranteed by Germany if integrated EU forces should be established. Those rights may not be given up by the German government in favour of a replacement by a European personnel statute with diminished rights.

Because of the mentioned legal limitations, the perspective of integrated EU armed forces seems to be very far away. Of course EU troops would have a high symbolic value. The experiences in multinational missions though show that the effectiveness and motivation of multinational troops is not dependant on uniform, payment or working conditions in first place. A common working language, standardised communication systems (transmitters etc.) and compatible

equipment and material (e.g. calibre of ammunition) seem to be more important for an effective multinational co-operation.

If the European Union one day decides to establish EU armed forces, the German government first has to prepare the ground for a German participation. According to the German Constitutional Court the establishment of supranational troops with a German contribution is only possible after a "European nation building". Firstly, the EP would have to be developed to a real Parliament of the citizens of the EU, elected in equal elections. Only under this condition the national proviso of the German Parliament could be replaced by a similar proviso granted by the EP. Without this step every deployment of EU- troops would need the consent of the German Parliament. Secondly, a possible personnel statute for integrated EU- troops which defines the rights of the

servicemen and -women would have to be in line with the German constitution.

All this may be difficult to understand in states with a long democratic tradition and which were spared a criminal dictatorship. Those are the guidelines the German Constitutional Court has given in German Foreign and European politics.

However, this judgement of the German Constitutional Court also includes a positive prospect. It is in effect an injunction against the German government declaring null and void any personnel statute of EU forces that would not respect human and civil rights guarantees on a level as is established in Germany, and barring the German government from consenting to the creation of EU forces not under strict parliamentary control. So Germany will have to choose either to negotiate forcefully in order to obtain such provisions, or to be the "odd man out" in the discussion about SAFE. ■

THE CHAIRMAN'S COLUMN

SERVICE EVER MORE STRENUOUS - WELFARE AT STAKE SOLDIERS' UNIONS ALSO RESPONSIBLE FOR MEMBERS' WELFARE

BY ARI PAKARINEN, VICE PRESIDENT PÄÄLLYSTÖLIITTO RY, FINLAND

Captain Ari Pakarinen started his military career as a conscript in Häme Jaeger Battalion in 1981. After the conscription his professional military career started as a temporary sergeant in 1982 before joining the Warrant Officer School. He graduated from school in 1984 and was promoted to a platoon sergeant. The first ten years from 1984 to 1994 he served as a mortar and military police instructor in a mortar company and Military Police School in the Armoured Brigade. He himself was trained as a battalion artillery commander and a MP Company commander at the same time.

After the officer training college in 1992 and a promotion to lieutenant in 1993 he was transferred to Häme Military Province HQ in 1994. There he served as junior staff officer in Operations Division. In 1997 after a promotion to senior lieutenant he started working as sector leader in the Personnel Department. He was responsible for the voluntary reserve training in the Military Province. In the current organisation, Western Finland Military Province HQ, he acted as head of a branch continuing with reserve training matters. He was promoted to a captain in 2004.

He started his Trade Union career in 1982 as member of the leisure committee in a local Warrant Officer club. Later in 1986 he was elected to a local board and also to shop steward (ombudsman) in the Jaeger Battalion. In 1997 he became a board member of Paällystöliitto ry (Institute Officers' Union) representing the Army. He was elected vice president of Päällystöliitto in 2001.

Ari Pakarinen is 49 years old, married and has three children, two daughters and a son.

Service in the military keeps getting more strenuous. Security concerns and constant mental pressure are foremost in international duties. But also people stationed at home are now showing signs of serious stress. Responsibility for subordinates and performance of duties requires mental and physical strength. As a trade organisation, the Institute Officers' Union has assumed an active role in recommending early, vocationally oriented rehabilitative treatment.

In Finland, such treatment is paid by the Social Insurance Institution (KELA) and provided by specialised institutions.

can normal duties drive a soldier to exhaustion?

Can normal duties drive a soldier to exhaustion? Yes. Ever higher skills and better performance is required of the personnel,



Platoon Sergeant Ari Pakarinen 1984



while their numbers get fewer. In international duties, it is usually possible to match troop strength to their task. Their resources lie in numbers, while heavy external pressure taxes them mentally. Every day, they must worry about their own safety and that of their comrades.

Finland trains 25 000 conscripts every year, with 30 000 reservists attending short refresher training periods. Training them is a demanding work laden with responsibility, performed with ever smaller resources. An instructor's welfare is at stake even in peacetime. The work is also physically strenuous. Long field manoeuvres with few opportunities for rest are a serious burden for an instructor past his prime years. Such long periods also detract from time spent with families.

ASLAK causes no financial loss for union members.

One key to welfare at work is participation in rehabilitative treatment known as ASLAK, funded in Finland by the Social Insurance Institution. ASLAK is a preventative, vocationally oriented medical rehabilitation program, attended at an early stage when symptoms of illness and exhaustion are still mild and easily treatable.

The aim of the treatment is to find measures that are proven to benefit a patient and to provide them to the employer for application

rehabilitative treatment for a healthy service

Insurance Institution. ASLAK is a preventative, vocationally oriented medical rehabilitation program, attended at an early stage when symptoms of illness and exhaustion are still mild and easily treatable.

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Fitness as essential part of ASLAK.

with other employees as well. This can be done between periods of treatment, because the program is usually divided into several phases.

The aim for a single patient is to improve and uphold their ability to work and function, in addition to setting their individual goals. A learning process provides a patient with a set of tools to uphold and improve their ability to work in the long term. Classes also explore possibilities to improve a patient's work and associated skills, both for the individual and his surroundings.

Employers as well as trade unions can apply for the treatment. The Institute Officers' Union has shouldered the responsibility for its members' welfare in the service. Over the last three years, the Union has applied for and been granted treatment for 50 of its members, adding significantly to the treatment that the Defence Forces has applied for. It is worth mentioning here that an Institute Officers' Union member receives full salary for the treatment periods, thus incurring them no financial loss.

The most important task of a trade union is to look after its members by negotiating their terms of service and salaries, but it is worthwhile to expand its efforts also to other areas. For the union, its member is the most important and the centre of all activity. ■

MEMBERS ACTIVITIES

AGREEMENT ON A COMMON MANIFESTO IN SPAIN

BY MIGUEL LÓPEZ, AUME, SPAIN

Six military associations representing about 15,000 employees of the Spanish armed forces - including active soldiers, veterans, reservists and retired - have decided to join forces in opposing the Bill of Rights and Duties of the military. This bill is currently in proceedings at the Spanish Parliament, and constitutes severe and unreasonable limitations of the soldiers' fundamental rights. The bill will clearly limit the right to privacy for soldiers living in military barracks or quarters. Furthermore, the bill will ban soldiers' contacts with trade unions or similar associations.

Representatives of the six organisations - which combine 90% of the soldiers belonging to an association - have presented in Madrid a "Manifesto for the full rights of the soldiers", in which they announce its "unity of action" to protest against the government bill.

This has been explained by Jorge Bravo, President of the

Spanish Soldiers United Association (AUME), representing the biggest number of military employees, at a press conference. AUME was joined in this initiative by the Association of Military and Reservists and Retirees (AMARTE), the NCO Association of the Armed Forces (ASFAS), the Association for the Defence of the Passive Class (ASCLAPAS), the Circle of Officers of the Armed Forces (CIOFAS) and the Platform in Defence of the Auxiliary Corps. The Association of Spanish Soldiers (AME) did not join the initiative.

The spokesman for AUME - the biggest association -, Mariano Casado, described the manifesto as "a historical fact" because it is "the first time in the history of the Spanish democracy" that military associations gather to move a "common message" to the society sending their "great concern" over the "lack of rights and freedoms of soldiers in Spain."

The manifesto states that the armed forces associations have been "radically ignored by successive governments" and even "haunted". Therefore, they argue that the decisions affecting them have been taken "without their participation", leading to "serious irregularities and multiple and unjust inequalities". ■

“CI HANNO PUGNALATO ALLE SPALLE”

WE WERE STABBED IN THE BACK!

ITALIAN MILITARY AND POLICE DEMONSTRATE IN ROME

BY VINCENZO BONACCORSO, CHAIRMAN OF THE PASTRENGO ASSOCIATION, ITALY



G. Carta (PSD), V. Bonaccorso and D. Colosi (Pastrengo)

“We defend the Italian Constitution” - with this slogan military and carabinieri employees demonstrated in Rome for their fundamental rights and freedoms as free citizens.

It has been more than 70 years that the military protested for better job and living conditions. In December 2010, military and carabinieri personnel, supported by policemen and –women, assembled in front of the Ministry of Defence and the Headquarters of the Carabinieri’s Corps under the flag of the Security and Defence Employees’ Party (PSD) - a political party composed by employees of the Security and the Defence.

In demonstrating publicly and carrying their discontent directly to the defence authorities, those citizens in uniform broke a historical taboo. Their intention was to raise attention to the problems of security and defence personnel. They demanded nothing more than to be treated as citizens in uniform with equal rights and equal possibilities, including the right of being represented, to form and join staff associations and trade unions, the right of being informed and the right to freedom of expression. Additionally, they demand that their most important representative, the President of Assembly of Delegates, is elected by soldiers rather than appointed by commanding officers.

The carabinieri staff association Pastrengo (Associazione Carabinieri in Servizio, a EUROMIL Observer) and the trade union of the police Co.I.S.P. (Coordinamento per l’Indipendenza Sindacale delle Forze di Polizia) have given their support to the demonstrating military and police employees.

Still in the year 2011 the democratic Republic of Italy denies its military personnel the right to form and join professional associations and trade unions (Article 3 and 8 of Law N° 382 of 11 July 1978 “Rules of Principle on Military Discipline”). Soldiers cannot

constitute professional associations with trade union character, nor join other trade union associations. To establish associations, soldiers need the approval of the Minister of Defence.

But the principle of command and obedience should not be abused to demean the dignity of the citizen in uniform. The Italian Constitution guarantees all citizens to have equal social dignity and to be equal before the law (Art. 3), the right to assemble peacefully (Art. 17), the right to form associations freely and without authorisation (Art. 18), and trade unions may be freely established (Art. 39). While some restrictions are indeed acceptable to ensure the accomplishment of certain



“We were stabbed in the back”

tasks peculiar to the armed forces and/or for reasons of democratic oversight and public trust, such restrictions must be fair and selective. It is not democratic to simply isolate soldiers and deny their fundamental freedoms as soon as they join the services. This will only distance them from society at large.

The demonstrating employees from military and police held cardboards in the shape of carabinieri, soldiers and policemen



Demonstration under the flag of PSD for fundamental rights and better conditions.



These comrades could wear uniforms.

with a dagger drove in the back to symbolise the feeling of betrayal by the government, who promised reforms, especially on the right of association, but instead cut salaries.

While soldiers in Italy are barred from joining staff associations and trade unions, they are not prohibited to join political parties. Hence, the Security and Defence Employees' Party (PSD) was found as political wing of Pastrengo to enable soldiers to have a voice despite the prohibition to form and join trade unions.

Giorgio Carta, PSD President, explained that "the political movement was born to protect the rights and the interests of the carabinieri and military personnel. Nobody before had ever tried to join carabinieri or military personnel in membership of a political party." Nevertheless, according to Carta,

those who joined the PSD still have to bear the consequences of disciplinary procedures since party membership is perceived as "transgression" of military order by the higher military authorities. "The demonstration has a deeper value because it shook the military world out of its stupor and many servicemen and -women made their discontent and problems heard in public" said Carta.

Vincenzo Bonaccorso, Chairman of Pastrengo, said on this occasion that "it's incredible that our country sends our best young people to die abroad, defending fundamental rights, restoring peace and democracy, while in their homeland those same rights are denied to them by an anachronistic, and at this point redundant, "Military Regulation".

TRAINING SEMINAR IN BERLIN: "LESSONS FROM PARADISE"

By EUROMIL

For the third time, EUROMIL organised and sponsored a seminar on "Recruitment & Organising". After a pilot course in Brussels (2008) and a similar training seminar in Lisbon (2009), 20 participants from 11 different member associations gathered in icy-cold Berlin on 27-28 November 2010.

Our "sherpa" Jean-Claude Le Douaron from ETUC's European Trade Union Institute (ETUI) guided through the programme, trained and instructed in an interactive way representatives from Cyprus (CAOA, CAROA, N-COACA), Czech Republic (SVP ACR), FYROM (SSVO), Greece (ETAL, SYSMED), Hungary (HOSZ), Malta (GHDS), Poland (KONWENT), and Slovak Republic (ZV-SR), whereas Koos Stauthamer (AFMP/FNV) shared his experience from "paradise" (i.e. The Netherlands) in several presentations.

The weather outside was chilly while - in the conference room - the participants discussed lively, exchanged best practices and tackled step by step various activity sheets covering topics such as "how to address potential members". Final objective: Enabling the participants to draft an action plan for their own associations and implement the gained knowledge in their respective home countries.

GA



Jean-Claude Le Douaron (ETUI), on the left, and Koos Stauthamer (AFMP/FNV) trained the participants from 11 associations on how to address potential members.



Class of November 2010: CAO A, CAROA, ETAL, GHDS, HOSZ, KONWENT, N-COACA, SSVO, SVP ACR, SYSMED, ZV-SR.

EUROMIL ACTIVITIES

THE FUTURE EUROPEAN SECURITY AND DEFENCE ARCHITECTURE – A CHALLENGE FOR THE EU AND NATO EUROMIL AT THE 9TH BERLIN SECURITY CONFERENCE

BY CAPTAIN WOLFGANG BENDER, DBwV, GERMANY AND EUROMIL

EUROMIL attended the 9th Congress on European Security and Defence in Berlin on 08-10 November 2010 to discuss the future challenges for EU and NATO. The Berlin Security Conference is the biggest event dealing with European Security and Defence in Germany bringing together more than 1000 visitors from 50 nations, among them numerous high level decision makers and experts from politics, institutions, the military, industry and academia. Karl-Theodor zu Guttenberg, former German Minister of Defence, Claude-France Arnould, Deputy Director General, Crisis Management Planning Directorate, EU Council and Chief Executive EDA (European Defence Agency), Robert Walter, MP, President European Security and Defence Assembly (ESDA/WEU), Marc Perrin de Brichambaut, Ambassador, OSCE Secretary General, Ambassador Vygaudas Ušackas, EU Head of Delegation/Special Representative to Afghanistan, Arnaud Danjean, MEP, Chairman of the Subcommittee Security and Defence as well as military representatives such as Chiefs of Army/Navy/Air Force from different countries, Lieutenant General Hans-Lothar Domröse of the EUROCORPS, as well as Lieutenant General Ton van Loon of the German-Dutch Corps, and many more attended the conference.



Vice President Gertz, Ulrike Merten-Hamann, Uwe Proll, Reinhold Robbe during the press conference.

EUROMIL was present in two functions; as panellist and introduction speaker in the workshop “SAFE - Synchronised Armed Forces Europe and the Future of the European Soldier” in person of its Vice President, Colonel (ret.) Bernhard Gertz and, as exhibitor, in company of the European Security and Defence Assembly, the German Federal Foreign Office, the Deutsche Gesellschaft für Wehrtechnik e.V. (Society for Military and Security Policy), German Atlantic Association and several

industry representatives concerned with European security and defence.

“The Future European Security and Defence Architecture – a challenge for the EU and NATO” was the theme of the 9th Berlin Security Conference in November 2010. Due to grave changes in expectations and challenges to security, nowadays all aspects of societal life are affected. Participants discussed with ministers and military experts feasible forms of a truly common European security architecture.

In his opening speech former Minister of Defence, Karl-Theodor zu Guttenberg addressed the changes of the international balance of power and formulated the German expectations towards the NATO reform. Important issues emphasised by zu Guttenberg were the further development of Article 5, i.e. the (re-)definition of “armed attack”, a differentiation of offensive and defensive weapons, dangers of cyber-warfare as well as the establishment of a European missile defence system. According to zu Guttenberg, Germany views security policy too much from a national angle and a global strategic outlook occurs only hesitantly: “We have to look over our own nose with open visor and a sharp eye and explain this to the public.” He also stated



Reinhold Robbe, former Parliamentary Commissioner of the German Armed Forces, Vice President Bernhard Gertz, President Emmanuel Jacob.



Ernst-Reinhard Beck, Ulrike Merten-Hamann, Bernhard Gertz, Angelika Beer: Panellist discussing SAFE

that Germany has to overcome the “friendly indifference” toward the armed forces.

Exchange of thoughts on this and other topics relevant to the social and professional affairs of soldiers, was possible at the exhibition booth of EUROMIL. Secretary General Dr. Gerhard Ahlbrecht and at times President Emmanuel Jacob as well as Vice President Bernhard Gertz introduced EUROMIL’s objectives and goals to an international audience of politicians, military leaders, academics and



EUROMIL information booth

other stakeholders in security and defence matters. At the exhibition booth, EUROMIL welcomed, among others, Reinhold Robbe, former Parliamentary Commissioner of the German Federal Armed Forces, Angelika Beer, former MEP, now Chair of the Parliamentarian Network of Conflict Prevention, Lieutenant General Jürgen Bornemann, Director General International Military Staff, NATO HQ and also people from outside Europe such as Major General Huei-Ming Mao, Research Fellow of the National Security Council of Taiwan. EUROMIL also held a press conference,

where Vice President Gertz, Ulrike Merten-Hamann, and Reinhold Robbe answered questions under moderation of Uwe Proll, editor in chief of the “Behördenspiegel”.

The offered discussion fora in the afternoon, and especially the panel discussion “SAFE¹ - Synchronised Armed Forces Europe and the Future of the European Soldier” appealed to many participants and visitors. Moderated by Ulrike Merten-Hartmann, President of the Gesellschaft für Wehr- und Sicherheitspolitik e.V. and former chairwoman of the defence committee of the German Parliament, MP Ernst-Reinhard Beck, spokesman on defence policy for the fraction of the CDU/CSU at the German Parliament, Angelika Beer of the Parliamentarians Network for Conflict Prevention and Human Security, Prof. Dr. Heinz-Gerhard Justenhoven, director Institute for Theology and Peace, Peter Paul Meier, director International Markets, CAE, and Dr. Alexander Poretschkin, Legal Adviser, Ministry of Defence and EUROMIL Vice President Colonel (ret.) Bernhard Gertz - as introduction speaker - discussed the feasibility of the SAFE

¹ SAFE aims for a dynamic development of the co-operation of national defence forces towards a closer synchronisation and increased Europe-wide division of labour in military capabilities, i.e. a gradual adjustment of training standards, leadership and operational doctrine, the living- and working conditions during operations, the legal framework and the development of common standards for equipment, medical care, social security protection in the case of death, injury or invalidity.

concept. Statements by the panellists made different opinions and approaches very clear. Commonly agreed was the notion that in times of hard to define risks and threats to European security, for example by international terrorism, flexible solutions are the only answer. EU and NATO would be perceived better if they could co-operate closely. But all panellists declared it as illusory to imagine European armed forces under the SAFE concept as presented in 2008 by Dr. Hans Gert Pöttering, former President of the European Parliament, in the foreseeable future. The scepticism was rooted in the view, that all participating nations would lose an essential part of their national sovereignty.

Nevertheless, significant for the success of a Common Security and Defence Policy would be first, besides an open policy towards partners, the usage of already existing instruments on the European level – as multinational missions and asymmetric warfare demand a comprehensive approach. Since this approach is yet rather rudimental, a fast intensification of military co-operation and common military training of soldiers from different nations is imperative to reach necessary interoperability and flexibility. In the long run and within a framework of an initiative of harmonisation towards a truly common defence policy a European Army could be contemplated.



Captain Wolfgang Bender, is press and PR officer for the eastern regional representation of the DBwV

GUEST COLUMN

BONACCORSO HIT AGAIN!

BY DEBORAH BRUSCHI, GENERAL CONFEDERATION OF LABOUR (FP-CGIL), ITALY



Deborah Bruschi

“Aggravated seditious activity” and “insubordination with aggravated insult” - these are the charges brought against Vincenzo Bonaccorso, chairman of Pastrengo (Associazione Carabinieri in Servizio Pastrengo). He was notified of the charge on 18th February 2011.

Specifically, the seditious task of Vincenzo Bonaccorso consisted in sending an “open letter” to the General Commander of the Carabinieri Corps in which Bonaccorso explained reasons why he and his supporters demonstrated for more rights and freedoms (see article on page 9) in December 2010. The demonstration in front of the building of the General Command of the Carabinieri was correctly registered with and authorised by the Quaestor of Rome and organised by the Security and Defence Employees’ Party (PSD). All participating service personnel was off-duty.

It is interesting to examine the letter. Bonaccorso writes: “General, what makes me angry the most is that we Carabinieri are regarded as mental retards. Second-class citizens, legally debarred, needing a guardian to take decisions on our behalf (...). We find it totally shameful that our young people are sent to give their live abroad in the name of peace and democracy while those same rights (...) are denied to them in their home country.” Bonaccorso continues listing “bitter pills” the Carabinieri were forced to accept, such as an “occupational pension” that “never got off the ground”, and the “misappropriation of €770 million (set aside by 13 legislatures) needed to reorganise the careers of the non-managerial personnel”. Additional he decries “the growing number of suicides within the Force” and calls for “a serious protest.”

Personally and as a trade unionist, I do not find anything which could be interpreted as “seditious activity”. Yet, I have no doubt that the General Command does not enjoy this trade union activity.

But what I think should alert us all, is the sentiment of untouchable authoritarianism, which is reflected in the desinterest shown towards the points of complaint expressed by Bonaccorso in his letter, fair or not. There is neither interest in dialogue, nor in providing an adequate response. No time is lost by the General Command of the Carabinieri to immediately bring

forward charges against him. This is, in my eyes, a clear try to intimidate Bonaccorso with military prison. Is this retaliation for Bonaccorso’s *arrogance* to exercise his right to freedom of expression? For punishing those who dare complaining? For stifling any voice which is not in line with the hierarchy?

But let us continue with the charges against Bonaccorso: “insubordination with aggravated insult”. Insubordination - the refusal to obey. What can an Italian military or Carabinieri do about promised but not given pension for militaries, or the lack of reform of careers other than complain? At present, I challenge anyone to do otherwise!

Or do the authorities mean that the expression of a legitimate and legal thinking on bad situations, events and decisions that involve first of all security and defence personnel already constitutes ‘insubordination’? And what if a body such as the PSD will call for the resignation of the General Commander? I think the party is free to do so, as anyone else can do it. Like it or not. I do not think that the PSD also can be disbanded for *insubordination*.

But the most critical point for me lies in the phrase: “The growing number of suicides within the Force (22 suicides this year alone, and rising steadily), an indicator of the profound malaise that is affecting its members, can no longer be swept under the carpet and so now, in view of the obstructionism of the High Command, it is up to us to start a serious protest...”

In my work as a trade unionist, I have never met someone who has come to suicide. And I hope it never happens. Suicide must not be “swept under the carpet” as an awkward waste. The problems must be addressed if you really care about a solution, otherwise I have to conclude that maintaining the status quo is more important than 22 suicides. What happened to the welfare of the staff? Does anyone care?

Personally I have my doubts that all the other Carabinieri on duty are fine. We cannot forget those 22 and I don’t want to think there has been a mistake in recruiting people with preexisting depression or other problems. What is even more serious about this high suicide rate, is the fact, that the Carabinieri Corps does not have any form of support for depressed or suicidal personnel in place.

In countless speeches, the Carabinieri Corps has been sold to me as one big family, caring for its personnel. Sorry, but I have another concept of family. And this picture certainly does not include gagging complainants with disciplinary or criminal proceedings. I hope that the involved people will act differently in their private live, because, for the record, normally criminal courts deal with criminals, not with people exercising their right to freedom of thought and expression - a right that is still protected by the Italian Constitution. ■

EUROMIL Calendar 2011

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|-------|-----------|-----------|-------------------|
| 14 | April | Board | Stockholm, Sweden |
| 15-16 | April | Presidium | Stockholm, Sweden |
| 22 | May | Board | Lanarca, Cyprus |
| 14 | September | Board | Brussels, Belgium |
| 27 | October | Board | Brussels, Belgium |
| 28-29 | October | Presidium | Brussels, Belgium |



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