



NEWS

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Security has a social dimension

IDENTIFYING AND SHARING BEST PRACTICES IN EUROPE

Military Pension Systems in Europe were in the spotlight and came under close scrutiny at EUROMIL's Presidium in Stockholm on 15-16 April. Following a strict and systematic comparative approach, the creed of this workshop - identifying, exploring and learning from best practices in Europe - will also be applied to a workshop on "Veteran Policies in Europe" at the Presidium in Brussels on 28-29 October 2011 and to a workshop on "Promotion Systems in Europe" at the Presidium in spring 2012, which will probably be the next step in this series, since moratoria on promotions are not exclusively a problem in Cyprus and Portugal. EUROMIL, thus acts as a clearing house at the European level and strives to ensure that burning issues like PTSD and military pensions, both discussed in Stockholm, continue to take centre-stage (see corresponding articles in this issue).

Furthermore, the reader will discover contributions of two new member associations which joined the EUROMIL family at the last Presidium: AN.E.A.E.D., the "Hellenic Independent Association of Armed Forces Retired Officers" operating in a country in which the situation might improve due to a recent court decision, and FICIESSE, the Italian association "Financiers, Citizenship and Solidarity" operating in a country in which soldiers are still treated as second-class citizens. Unbearable conditions like these were explored and scrutinized by EUROMIL in co-operation with ODIHR during meetings in May with all Italian member associations in the perspective of a future international conference in Rome denouncing the fate of soldiers in Italy, conditions they share with French servicemen and -women as Jacques Bessy, Vice-President of ADEFDROMIL, points out in the Chairman's column of this issue. This is the reason why it is good news that EUROMIL succeeded in pushing the issue of "citizens in uniform" on the "Annual Work Program 2013" of the Fundamental Rights Agency (European Commission) as important future topic. In this context it is worth questioning what the suspension of

conscription, "the legitimate child of democracy" (Theodor Heuss), coming into effect on 1 July 2011, means for the armed forces in Germany. Ending an almost, admittedly not uninterrupted, 200-year-old tradition, going back to Prussian army reformer General Gerhard von Scharnhorst is certainly not a piece of cake. Scharnhorst developed the idea that "every citizen is a born defender

of his country". To him, universal conscription meant making the army an integral part of society, serving out of inner conviction and respecting the dignity of the individual. Faced with managing such a historical transition, the Germans might learn from the experience of the Portuguese armed forces (see article from Luis Reis, AP), an issue which was also discussed during the Presidium in Stockholm where EUROMIL delegates shared the experience the Swedish armed forces gained with their new 'defence based on voluntary participation'.

Pooling & Sharing also remains high on the agenda in Brussels, so for instance in a Public Hearing in the European Parliament "The Impact of the Financial Crisis on Defence Budgets in the EU: Opportunities for Pooling

and Sharing" on 14 June. We should add the notion "specialization". The concept boils down to identifying best practices and examining what works and what does not work. The basic element remains mutual trust, and there is no quick fix or magic solution but a toilsome step-by-step approach, equivalent to NATO's "Smart Defence" in which "NATO's role is to set the strategic direction, to identify possible areas of co-operation, to act as a clearing house, and to share best practices" as NATO Secretary General Rasmussen put it at the Munich Security Conference in February 2011.

The current cuts in defence spending – due to an increasing drain on the public purse – give rise to innovative ideas as Emmanuel Jacob's (ACMP-CGPM) proposal proves "to efficiently combine our resources under a Benelux flag" (see article in this issue), thus building islands of co-operation within the closest neighbourhood.



**EUROMIL Secretary General
Gerhard Ahlbrecht**

Such a regional approach, as partly in place in the Nordic countries, seems to be the best way to make progress. Reading the EP resolution on CSDP (see summary in this issue) reveals the shortfalls in this respect. In the broader picture, US Secretary of Defence Robert Gates' speech in Brussels on 10 June in the prestigious 'Bibliothèque Solvay' has to be understood as a wake-up call for Europe.

The EU has to deliver now. Can we expect any initiatives in this direction from Poland, the next holder of the rotating presidency of the EU's Council of Ministers? As the last "big" country's presidency in the years to come, and with the enthusiasm of a young member state Poland might hopefully be able and willing to keep alive the

concept of Pooling & Sharing (& Specialization) and push forward long-standing ideas, such as a European White Paper on defence and a European Military Erasmus programme, thus investing in people - in the human factor.



Gerhard Ahlbrecht
Secretary General

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INTERNATIONAL OPERATIONS

ALL IS NOT TOO BAD?

A STUDY ON ESTIMATED NUMBER OF UNREPORTED PTSD-CASES AND A POSSIBLE OUTCOME

BY ALEXANDER SANNE, DBwV, GERMANY, FIRST PUBLISHED IN "DIE BUNDESWEHR", 5/2011

On 6 April the first result of a study on estimated number of unreported cases of Post Traumatic Stress Disorder (PTSD) were published at the Psycho-Trauma-Centre in Berlin. The study was conducted by the University of Dresden on behalf of the German Federal Armed Forces (Bundeswehr). The published first part analysed the frequency of occurrence of traumatic events and the resulting mental stress reactions (as for example PTSD). Research-subjects have been 2400 soldiers with and without experience in international military missions.

As result the study presents primarily the number "2". Two percent of military personnel deployed with ISAF (Afghanistan) in 2009 showed a clinical significant PTSD. This result generated various reactions – surprise, amazement, happiness, relief.

Surprise and amazement showed many, who dealt with this subject critically and expected numbers not deviating much from those of other armed forces. Previous research (e.g. in the US) on mental stress resulted in numbers around 15 to 30 percent of affected military personnel.

Happiness and relief was displayed by the political and military leadership.

The numbers seemed to prove that PTSD is a minor problem in the German armed forces.

There is no doubt that the research was conducted with highest professionalism and great effort. But one has to caution against an interpretation of these results leading to a conclusion that the situation "is not too bad".

To correctly appraise the study and its results, one has to take into account the exact circumstances of the study: Only two out of three contingents of the ISAF mission 2009 were questioned. Already the official reported cases of PTSD sufferers rose from 418 in 2009 to 557 in 2010 – that is an increase of almost 33 percent. Approved preventive treatments at health resorts, i.e. such treatment that is claimed to avoid the development of mental illnesses due to exceptional strain, rose independently from the mission area by 115 percent – from 1424 cases in 2009 to 3051 in 2010. This increase can be an indication for ever increasing stress of military personnel in the recent past. The stress-level in ISAF missions will not diminish in 2011. It is unknown in what relation the two percent named in the study stand to already known and recorded cases. If one adds the results, one gets a number closer to 4 to 5 percent of clinical relevant PTSD cases in the given time frame. This is still not a high quota compared to other armed forces. Yet, Colonel Dr. Michael Tegtmeier, author of the book "Traumatic Stress in Military Forces", suggested that it depends in what relation one puts all known numbers. One could calculate an even higher number of around 9 percent.

It is well known and no exception that PTSD and other stress symptoms can occur with great delay. Before this background, it is desirable to continue to monitor and interview soldiers for an extended period of time in order to get better research results.

Eventually, the relatively positive results of the study were attributed to the excellent mission preparation, where soldiers are informed about PTSD. Yet, no reliable international research gives evidence for such correlation, as pointed out by Dr.

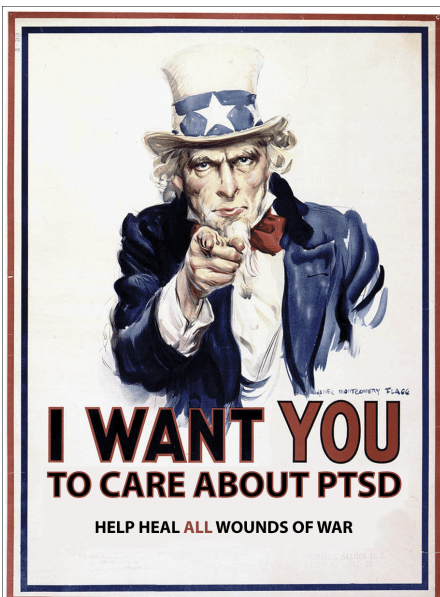
Stress: The body reacts instinctively and instantly to a perceived dangerous situation with enlarged pupils, increased heartbeat and breathing frequency and blood circulation of muscles and brain. If this state is often repeated or acute for an extended period of time it causes exhaustion and lessens the power of resistance.

Trauma: The person reacts with fear, helplessness and/or horror to a specific, threatening situation. This situation could be a combat experience, a life-threatening accident, rape, physical and mental abuse, a physical attack, natural or technical disasters, torture or imprisonment. In extreme cases such experiences can trigger a trauma.

PTBS: Five core characteristics are identified for PTSD. Confrontation with a traumatic event; constant reliving of that traumatic event; avoidance of situations connected to the event; increased agitation-level; and the occurrence of symptoms for more than one month. Everyone can suffer from PTSD. In the public population (in Germany) the number of PTSD cases lies between 2 and 7 percent (approximately 800 000 people). In professional life police, fire-fighters, paramedics, journalists and soldiers are more likely to experience traumatic events leading to PTSD. Acute PTSD occurs immediately after the traumatic event and lasts less than three months. Chronic PTSD prevail for more than three months. Without professional support and therapy PTSD can last for decades.

Tegtmeier. Besides, it astonishes that still 50 percent of those unreported PTSD cases did not seek professional help, despite the education on PTSD. This is, moreover, an indication that pre-mission training and education need improvement.

Another reason for the small number of PTSD cases brought forward is the extraordinary high-quality selection of personnel. If this is the case it is to hope for that the German armed forces can



PTSD; a public topic in the US,
photo: ptsdcombat.blogspot.com

also in the future attract such excellent personnel. Again, this raises the question on the attractiveness of the armed forces as employer.

Even if one puts all those considerations aside and just looks at the pure numbers, it will not change the concluding assessment. As employer, the armed forces, have by law a duty of care towards the soldier. Therefore, the employer has the obligation to create the best possible conditions for the military employees. And it does not matter, if the armed forces provide the best possible for two percent or for 30 percent of its personnel.

We will have to wait for the final results once the study is completed. Surely, this first, rather positive result, must not lead to disinterest by the public or politics in PTSD. It must not diminish the urgency of specific legislative changes for the improvement of the care towards servicemen and –women. It remains important to work towards improvement and to point out all those many “individual cases” that still go wrong. ■

Colonel Dr. Michael Tegtmeier received his PhD with the book “Traumatic Stress in Military Forces” (Traumatischer Stress bei militärischen Kräften). He describes the significance of traumatic stress during preparations for deployments, during and after military missions. Based on his 15 years experience with PTSD, he gives recommendations what kind of military, societal and governmental efforts have to be accomplished for the welfare of soldiers.

It is comforting that politicians and the military in some countries started to look into possibilities to cure PTSD. However, preventive medical and psychological care through specially trained personnel and psychologists who have experience in the military would be more effective. Trade unions and associations representing the social and professional interest of soldiers in Europe, are demanding for long time preventive measures such as free telephone services, peer programs, awareness raising

among and education of soldiers, especially officers, as well as training of military doctors and medics to identify signs of high stress levels and to apply methods to manage and reduce stress. Relatives of soldiers should be informed about risks and symptoms of PTSD.

It must be recognised that the direct costs of medical treatment of PTSD are only a small proportion of the total costs. Studies show that long-term costs add up due to loss of productivity of PTSD affected soldiers (55-95%), reduced quality of life, neglect, suicide, the burden on relatives and the utilisation of health services. Therefore, PTSD is not just a problem of the individual and the armed forces, but has far-reaching societal and economic effects.

To learn more about EUROMIL's position on PTSD please read the “Recommendations for Armed Forces in Times of Multinational Crisis-Management and Peace-Keeping Missions”, point 7 and 8. The brochure can be found on our website: www.euromil.org.

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THE CHAIRMAN'S COLUMN

GIVE THE RIGHT OF ASSOCIATION TO FRENCH CITIZENS IN UNIFORM - WHAT ARE WE WAITING FOR?

By JACQUES BESSY, VICE PRESIDENT OF ADEFDROMIL, FRANCE

Colonel (ret) Jacques Bessy graduated from the Military Academy of Saint Cyr in 1970. He obtained a LLM from Rennes University (Brittany) in 1977. He served as a Gendarmerie officer in various positions from commanding special forces unit to working as legal advisor in the human resources department. After 23 years of service, he retired in 1993 with the rank of colonel. Jacques Bessy then became an attorney at law at the Nanterre Bar association near Paris. He specialised in anti-counterfeiting and worked for private business such as BIC and Louis Vuitton. Additionally, he worked for the EU as an intellectual property expert in Central Africa and Tunisia from 2007 to 2009. He is the senior Vice President of ADEFDROMIL, in charge of international affairs. He has published “Le Droit de recours des militaires”.



Two French Member of Parliament are in charge of preparing a report to be published in September 2011, about the social dialogue in the French army. ADEFDROMIL, member of EUROMIL, attended the hearing on 8 June and did its best to convince the two MPs of the benefits of professional representation for military personnel.

Since the demonstrations of gendarmes¹ in 2001 on the Champs Elysées, the gendarmerie has been experiencing “fevers” – peaks where dissatisfaction is high, leading personnel to the edge of the Rubicon.

In 2009, the indicators suggested another such “fever”, when the gendarmerie was integrated into the structure of the Ministry of the Interior. To respond to this situation, the Directorate-General has improved the local system of consultation.

In this regard, a parliamentary report on social dialogue in the French army should be issued by next September. It could provide a good opportunity to amend the French law to allow military personnel at last to create and join professional associations.

A faulty system of collaboration

Article L4121-4 of the Defense Code states that professional representation with trade union character is “incompatible with military discipline”. The same Act provides for councils or “boards of representatives”, such as the the Supreme Council of Military Service (Conseil Supérieur de la Fonction Militaire). Members of these boards are drawn among volunteers. However, their function is purely advisory. They do not control their agendas and have no

¹ In France, the *Gendarmerie Nationale* has military status under the purview of the Ministry of Defence. Operationally, the gendarmerie is attached to the Ministry of the Interior for its operations within France.



legal personality. As a result, these boards are not able to submit regulations to judicial review.

The consultation system in force in the armed forces is primitive, inefficient and unrepresentative—as many examples can attest. Blogs devoted to different security services, including the gendarmerie, offer a credible alternative consultation system.

In its report No. 271 of April 2008 “On the Future of the Organisation and Mission of the gendarmerie”, the Senate itself highlights the deficiencies of the system of those boards. “A reform of the method of designating these representatives - they should be elected rather than randomly chosen - would, indeed, strengthen their legitimacy. The main obstacle to this reform, however, emanates from the highly reserved attitude of other security forces, whose consultation bodies operate on the same principles. They consider that a reform would lead to a “unionisation” of these bodies.”

Presently, the representatives are randomly chosen to serve on the various councils. They receive a 5 day legal and administrative training, their legal status is weak and they have no particular willingness to fulfil their mission. Since there is no guarantee for the members to be present during their four years mandate, there are several substitutes assigned to succeed them on short notice. With such provisions, it is not surprising that the system is unproductive and frustrating.

How to give the military the freedom of expression?

To give gendarmes and military personnel a functional representation, taboos need to be broken as well as the intellectual conformism shown by parliamentarians, whose legislative creativity seems defect in this case. It is, therefore, essential to abandon the doctrine of the incompatibility of professional representation with military discipline.

The incompatibility decreed by Article L4121-4 of the Code of Defence constitutes a dogma that is disproven by many armed forces in Europe, such as Belgium, Denmark, Germany and the Netherlands. Allowing troops to join professional and independent representation has not disrupted discipline or military efficiency in international missions.

Historically, the argument of incompatibility is explainable. However, is it still justified in a peaceful 21st century Europe with fully professionalised armed forces? In legal terms, this total prohibition of the right of professional association in the armed forces in France infringes the 1946 Constitution and the principle of freedom of association recognised in 1971 by a decision of the Constitutional Council.

The fragility of the French position appears clearly when analysed in light of the Convention for the Protection of Human Rights and Fundamental Freedoms (sections 10 and 11) and the jurisprudence of the European Court of Human Rights in Strasbourg, to which it is expected to comply. Restrictions to freedom of expression and freedom of association in a democratic society must be, indeed, necessary, legitimate, based on objective reasons and proportionate to the goal. Restrictions shall not undermine the essence of the right of association (*Demir and Baykara v. Turkey*. Req. 34503/97.

Judgment of 12/11/2008). Clearly, the French legislation does not meet these requirements.

This lack of the possibility for collective expression could even be dangerous for democracy. Ultimately, without professional representation, parliamentarians only know the mindset of the military through the reports submitted by the chain of command. In 2001, for instance, parliamentarians listened to reassuring statements of the General Director of the gendarmerie just days before gendarmes publicly and in uniform demonstrated for better conditions.

It needs to be said that the right of association does not imply the right to strike. Military associations and trade unions in Europe do not claim or practice this right. Moreover, the examples of policemen, judges or officials of the prison administration show that the exercise of the right of association may exclude the right to strike. Finally, it is perfectly possible to regulate the right of association, so that it is exercised in the framework of the particular character of the armed forces.

French parliament seems to lack creativity on enabling professional military representation

Parliamentarians see the gaps in the existing system of consultation and feel well the need for a collective voice. But at the same time, they fear being the source of an innovation that would weaken the effectiveness of the armed forces.

A brief overview of various systems in other armed forces or military police in Europe can be a source of inspiration.

In Scandinavian countries, Germany, Belgium and the Netherlands, military trade unions and associations exist since decades. None of the armed forces showed any sign of faltering military discipline. In Portugal, the law allows the military to form professional associations. In Spain, the Civil Guard, a police force with military status, under the Ministry of the Interior, obtained the right of association by an Act of October 22, 2007. And this right might be extended soon to the entire armed forces. Still, three major European countries refuse categorically any form of independent representation for military personnel: the United Kingdom, Italy and France.

Some restrictions on the rights and freedoms of armed forces personnel may be warranted to accommodate service requirements. For example, the scope of competence of professional associations should exclude anything related to the operations and execution of missions (however, training, grants for equipment and materials, safety and health should be included). The statutes of the military professional associations should prohibit all street demonstrations and strikes. A law approved by the Constitutional Council shall define the modalities for exercising freedom of association in the armed forces and how it fits into a representative system of consultation.

Such an essential and inevitable reform should be accompanied by a major educational effort on the part of parliamentarians for the armed forces' and gendarmeries' leadership in order to adapt the military management to this new situation. ■

MEMBERS ACTIVITIES

THE COLLECTIVE AGREEMENT 2011 AND PENSIONS OF STATUTORY CIVIL SERVANTS

BY RUNE KJØLBY LARSEN, CS DENMARK



As a result of the collective agreement 2011 the lower public pension age in the armed forces changed from 60 years to 62 years. The agreement entails a number of changes for Danish soldiers who retire after 2019, particularly in relation to pensions of statutory civil servants.

Before the agreement negotiations began, the Danish Finance Minister announced that he would - on the basis of the Danish welfare agreement (2006) - change the lower public pension age in the Danish armed forces, and indeed: the lower public pension age came to play a significant role in the negotiations.

It was difficult negotiations for CS (The Central Association of Permanent Defense Personnel), since the question of the lower public pension age is an area anchored in the statutes of civil servants. If an agreement was not concluded, the Finance Minister would therefore put the question to the vote in the Danish Parliament, and the consequences of a legislative measure would mean that CS would not have an influence on the changes.

The welfare agreement

CS reached an agreement, and thus prevented that changes were unilaterally laid down by the Finance Minister.

In the decades to come, the labour force will decline, and the number of years in retirement increases. These developments gradual increases the costs of public pension and early retirement.

On this basis, the Danish Liberal-Conservative Government concluded in June 2006 a welfare agreement with the Danish Social Democratic Party, the Danish People's Party and the Danish Social-Liberal Party. They agreed, among other things, to a gradual adjustment of the pension age, so that longer life also leads to more active years in the labour market. In practical terms the agreement means that early retirement pension age will be increased from 60 years to 62 years from 2019 to 2022. Furthermore,

the public pension age will be increased from 65 to 67 years from 2024 to 2027. It was also a part of the agreement that the Government should begin negotiations with the affected trade unions (i.e. CS) regarding the lower public pension age in the armed forces and police.

Types of pensions in the armed forces

The Danish State sector traditionally distinguishes between two groups of employees, a) statutory civil servants and b) contractual staff.

The most important differences between the two groups are that the civil servants have 1) a statutory pension scheme, 2) are not allowed to take industrial action, and 3) are entitled to 3 years' salary in case of redundancy. Civil servants basic employment conditions (i.e. the lower public pension age) and pension schemes are regulated by statutes. But their working conditions and wages are subject to negotiations between the employers and trade unions as is the case for contractual staff.

Contractual staff saves up for the pension each month (a percentage of the salary is withheld to pension) and the statutory pension scheme of the civil servants deals

with the number of earned pension years. For each full year of service a statutory civil servant earns one pension year and 37 pension years is considered a full pension - i.e. a statutory civil servant cannot earn more than 37 pension years.

When civil servants (military personnel) in the armed forces are retired in accordance with the lower public pension age they automatically receive a bonus of (up to) 10 additional pension years. That means, if a civil servant in the military retires after 30 years of service, he/she will receive a bonus of 7 additional years; after 31 years of service he/she will receive 6 additional years etc.

CS negotiation area - the changes

The new agreement means that the lower public pension age are gradually increased in the period 1 January 2019 to 31 December 2022. Lower public pension age of civil servants born in the period 1 January 1959 to 30 June 1959 will be 60-and-a-half years. For civil servants born in the period 1 July 1959 to 31 December 1959 it will be 61 years. For those born in the period 1 January 1960 to 30 June 1960 it will be 61-and-a-half years. Those born in the period 1 July 1960 to 31 December 1962 will be working until the age of 62 years, as well as for civil servants born on 1 January 1963 or later. But for the last group, lower public pension age will be increased if the average life expectancy for a 60-year-old has increased in 2015 (compared to the average life expectancy for a 60-year-old in 2004). There are no changes for civil servants born before 1 January 1959 (i.e. retirement before 1 January 2019) - these still will be retired at the age of 60.

CS negotiation area - consequences

The above described changes also apply for contractual staff.



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CS went into the negotiations regarding the lower public pension age with no illusions of preventing a modification of the pension age. The lower public pension age is an area anchored in the statutes of civil servants, as mentioned in the beginning of this article. Therefore it is an area, in which the employer has the right to make one-sided decisions. The objective of CS was to limit the Danish Finance Ministers ambitions and an increase in the value of pensions for all groups affected by the expected modification.

The Finance Minister began the negotiations with an ambition to increase the pension age to 62 years today and 65 years in 2019 and as described above the agreed modifications were much less radical.

Civil servants will experience an increase in their pension if they earn additional pension years. Because of this, it was essential to CS that the bonus of 10 additional pension years was secured by amending the statutes relevant to the civil servants pension scheme. If the statutes

were not changed, civil servants would “only” receive 8 additional pension years at retirement in accordance with the new lower public pension age, i.e. retirement at the age of 62. The statutes relating to the civil servants pension scheme were change due to the success of CS and the other military trade unions, i.e. HKKF (Trade Union for Enlisted Privates and Corporals in the Danish Army) and HOD (The Association

The future?

of Danish Officers).

In addition CS, concluded an agreement, which implies that a ever-lasting annual pool of approximately 800.000 euros is set aside for pension purposes.

The proportion of civil servants in the state sector in general has been reduced quite dramatically over the last few years. The development in the armed forces is so fare not the same and the proportion of

civil servants is essentially the same. This tendency may indicate that the civil servant groups in the future will be limited to the “men and women in uniform” – policemen and military personnel. However, CS believes that the proportion of civil servants in the armed forces also will decline in the future. This conviction is based on the observation that the Danish Finance Minister increasingly views the armed forces as an employer not different from other employers in the state sector. CS also believes that this view would not change if, after the next election, the Danish Social Democratic Party forms the government.

The modification of the lower public pension age is an indication for this changing view, i.e. a modification unilaterally initiated by the Finance Minister due to developments in the Danish labour market in general. Regarding pensions, CS, therefore, has a strong focus in particular on labour market pensions and believes that – in the long run – this contributes to secure the economic interests of its members. ■



WE AVOIDED A LARGE-SCALE DISMISSAL OF SOLDIERS – UNTIL NOW.

By EMMANUEL JACOB, ACMP-CGPM, BELGIUM, FIRST PUBLISHED IN “DE STANDAARD”, 6 MAI 2011

“The Belgian army can only survive if it merges into a Benelux structure. Successive budget cuts and austerity measures will push the Belgian Armed Forces into extensive defence co-operation.”

According to “De Standaard”, the federal government in Belgium wants again to cut 35 million Euros of expenditure of the Belgian armed forces. The Chief of Staff, General Charles-Henri Delcour, speaks openly of plunder. In his opinion, the politically accountable of the department, Minister of Defence Pieter De Crem (CD & V), accepted the budget cut too easily. Who is right: the Minister of Defence or the Chief of Staff?

Asked for his opinion by the Belgian Dutch speaking journal De Standaard, Emmanuel Jacob wrote a column with the following statement.

Frankly, I do not know the answer and it's not even my first priority. Firstly, because I did not read the internal memo referred to. And secondly, because this new expenditure cut in the defence forces does not come as a surprise. For months we made clear that one must be extremely naive to believe that the cup will pass the defence during the next budget discussion. Saving is actually the main job of the defence.

As military unions, critics say, we lied down before the facts and accepted expenditure cuts. Let us be clear: it is not because we believe that further cuts in the military budget are unacceptable, and that the government and the elected parliamentarians will suddenly open the money supply.

The defence forces are already neck-deep in water. That's true. But that is also nothing new. Defence has for many years been

the number one target when it comes to expenditure savings. Like no other, the armed forces know the rollercoaster in opinion polls that swings from sympathy to contempt. Sometimes our servicemen and -women receive praise for their efforts, other days they are simply “soldiers who are paid to do that job” and they “themselves [have] chosen the job”.

I assume that people are genuine when they appraise the efforts of our soldiers on mission abroad, but I am also convinced that emotions have no place in budget discussions. Budget debates and budgetary decisions should rest on the basis of rational arguments.

Defence, and here I might thoroughly differ from opinions of many politicians, is a particular department, asking for specific rules. Everyone will agree that the armed forces and its personnel are falling under specific provisions such as separate disciplinary order and even restrictions on certain freedoms and rights. Which other citizen is available for assignments in crisis areas abroad - a task where health and in extreme cases life is endangered.

There are also restrictions on the fundamental rights and freedoms of soldiers, such as the constraints of their political rights. When one accepts the specific mission of the armed forces, one must also accept that defence needs the necessary resources to function properly.

This can only happen when there is clarity about what the politicians expects from the Belgian armed forces. In the past, there has never been a public and parliamentary debate. Every time a government has formed, there is a chapter in the coalition contract on Defence, which defines the desired direction. That always led to adjustments and changes which at long last resulted in indecision and stagnation. The armed forces today undergo an unprecedented but necessary transformation. This needs to be debated urgently in parliament and in the public. Any debate involving the political future for the Belgian defence forces needs to aim for long-term solutions and to explain them to everyone. Such discussion should

be independent from whatever accidental majority currently in power.

Simultaneously, politicians have to commit to provide the necessary resources for defence. We must abandon a policy of budget discussions which are concentrating first and foremost on savings and only then look at how departments can manage with that budget. It is this kind of annually recurring clever manoeuvres that make the management of Defence and military policies particularly difficult. Simultaneously, we have to look for viable alternatives: an extensive international co-operation should be the key-word. A co-operation between the Benelux states is an excellent initiative.

HEAVY EQUIPMENT – A SAFETY RISK

BY LINDA SUNDGREN, SAMO

Body armor and ammunition is necessary during patrol. But too much equipment can reduce mobility and become a security risk. The Swedish armed forces will try to find solutions to reduce weight to bear.

Weight carried by soldiers has increased in the last decades. Better ballistic protection, heavier weapons and more for communication are examples of equipment that causes increase in weight. Today a Swedish rifle man in Afghanistan carries between 40 and 60 kilos. The equipment is supposed to improve ability and safety, but there is a risk that the passive protection affects the manoeuvrability – Americans, Germans, British, Danes, everyone agrees that soldiers carry too much weight. "It slows them down and affects their ability to be flexible", Major Magnus Hallberg at the Land Warfare Centre in Sweden, says.

According to Magnus Hallberg, the problem must be solved by the officers. "Officers must have mandate and control to take decisions about the soldiers' equipment on patrol. We have let this go too far and today soldiers themselves often decide what to carry. This problem has grown with the operation in Afghanistan. Many soldiers have experience from earlier operations in the area, and they sometimes become informal leaders."



Major Magnus Hallberg, photo: SAMO

Hallberg says that new technique and new material cannot solve the problem with heavy weight. A ballistic protection or a helmet requires a certain mass to withstand

As in Belgium, the Dutch government approved and launched a radical reform plan for their armed forces. This reform includes the closure of many barracks, the decommissioning of whole weapon-systems and the likely dismissal of 6,000 defence personnel. Such large-scale dismissal of Belgian troops could be avoided until now, and I will work hard that it will not happen in the coming years. Nevertheless, we should use the situation to efficiently combine our resources under a Benelux flag. The Benelux can thus become a more significant partner within the European defence structures. This is the real commitment.

SAMO was founded in 1907 and is a trade union for Swedish military officers and soldiers. The organisation has over 10 000 members - that is about 90 percent of all military officers in the country. SAMO is active in a number of issues concerning their members such as salary levels, insurances, agreements, working environment, safety and security, etc. SAMO's representatives meet regularly with leading personnel from within the armed forces headquarter to discuss different issues and find common solutions. SAMO central board comes together once a month, but a lot of the union's daily work goes through over 30 local associations across the country and the staff at the SAMO head office in Stockholm.



shrapnel and projectiles. However, the amount of ammunition can often be reduced, Hallberg says. "A fully loaded AK 5 ammunition magazine weighs about 600 grammes and it makes a big difference carrying eight or twelve magazines. You always want an extra margin, but regardless how much ammunition you carry, there is always a risk to come into a situation where you don't have enough ammunition. The officers must be experienced and assertive enough to set the limit according to the task, environment and threat."

In several international working groups, politicians, researchers, medical experts, armed forces personnel and trade union workers try to solve the problem with too heavy equipment.

The British have appointed a Brigadier General responsible for soldiers' equipment. All changes must go through him. If you want to add something that weighs 200 grammes, he says, "Okay, and what can we remove then?" He is stone hard, Hallberg says.

The Swedish armed forces will now try to find solutions to the heavy equipment problem.

WHAT FUTURE FOR ARMED FORCES IN PORTUGAL?

BY LUÍS REIS, AP, PORTUGAL

The discontinuation of the compulsory military service, known in Portugal as Normal Effective Service (NES), came into effect in September 2004. Yet, a voluntary system, established by the Volunteer Scheme (VS) and Contract Scheme (CS), began to be applied with the implementation of the Regulation of Incentives, Decree N°. 320-A/2000 of 15 December 2000 (Incentive Scheme). This allowed for an experimental

and transitional period of four years, where the new Voluntary Scheme and old NES co-existed.

Associação de Praças (AP) feels that with the abolition of compulsory service, it is difficult to recruit a sufficient number of young volunteers for the armed forces, casting doubts on the ability of the armed forces to continue to operate without capacity constraints.

With the new Volunteer Scheme came a new recruitment process. This process relies on the Day of National Defence, which aims to sensitise young people to the idea of national defence, to appeal on their feeling of duty to defend the Republic and to promote the armed forces. Attendance is mandatory for all Portuguese citizens in the age of 18. For this reason, 12 Disclosure Centres of National Defence have been



Portuguese Army in Kosovo, photo: AP

established within military bases of the three branches of the armed forces, army, navy and air force.

The Volunteer Scheme is based on voluntary service in the armed forces for a period of twelve months. After this service the citizen may choose to return to civilian life or seek to continue to stay in active service by joining the Contract Scheme. In the framework of the Contract Scheme, volunteers will join military service for a minimum of two and maximum of six years. If, at the end of the contract term, a soldier meets the needs of the armed forces, he can apply for admission to permanent staff.

An Incentive Scheme regulates incentives to attract young people to enter the armed forces. Certain benefits are offered, among others, free accommodation, access to subsidised loans for housing and support for the reintegration into the labour market, applicability of the Student Worker Status for access to education and vocational training, support for the creation of jobs and own businesses and certification to teach in branches of the armed forces. Moreover, former military personnel should be granted a higher priority in the allocation of posts in the public administration and law enforcement forces. Also cash benefits in accordance with the length of stay in the armed forces and social support (unemployment-aid) after leaving the military service are promised.

In 2004 the maximum effective staffing in Contract Scheme and Volunteer Scheme for the three branches of the Armed Forces was defined at 23 636 (Navy: 2944, Army: 16 982, and Air Force: 3710). This number has been reached and reflects about 47% of the total strength of the Armed Forces, of which 23% are women.

Yet, in the past, a worsening of the working-conditions of armed forces personnel could be observed, in contravention of the Military Statute in Law N°. 11/89 of 1 June 1989. AP focuses its work on assisting military employees to take advantage of the provisions of the Incentives

Scheme. The continuous disregard of this regulation has an enormous damaging effect on soldiers' careers, their social and family life.

Current amendments to the Incentives Scheme effectively reduce certain benefits that had positive effects. Especially problematic is the reduction of financial support for social and professional re-integration into civilian life after the military contract has been fulfilled. Additionally, there are still significant delays in the payment of cash benefits. Also the certification process, conducted to facilitate re-entering the civilian job market, is far from being a reality. There also remain obstacles for some soldiers to use the Student Worker Status. Furthermore, the access to public procurement, access to law enforcement forces, is contrary to the Incentive Scheme, denied - particularly for those who entered the Contract Scheme before the entry into force of the Decree 118/2004. Moreover, the support for self-employment, the protection of motherhood/fatherhood rights and the arrangements for leave are an issue for continuous dissatisfaction. Worst of all is the lack of support for soldiers who suffered injuries while on duty.

Given the constant changing of sundry legislation and amendments to the Incentive Scheme, military personnel is facing



uncertainty - especially in transition phases and when planning to be transferred into the permanent staff.

Another example for rather opaque regulation and cause for dissatisfaction is the distribution of supplementary payments for accommodation for the contracted servicemen and –women. AP found that many soldiers stationed far away from their home region have to pay for accommodation within military barracks, but do not receive supplementary residence payment. While the army usually receives this supplement, the navy (except navy-personnel stationed



Fire-fighting exercise, photo: AP

in the Autonomous Regions) and air force do not.

Due to austerity measures, the Portuguese armed forces also face a massive reduction of 3000 troops in Volunteer Scheme and Contract Scheme by the end of 2011. Since the end of NES in 2004, the armed forces then lost 25% of its personnel in just six years. Further reduction of 10% between 2011 and 2014 is envisaged. Troublesome for AP is that this number was proposed without clarification or justification for such measure. And above all, it is unclear to whom it applies, Contract Scheme or permanent staff, and under what conditions.

Additionally, there is a moratorium on promotions for the current year, potentially to be extended to the next year. The budget cuts in defence also led to an abandoning of scholarships for higher studies - a measure of the Incentive Scheme - as well as a reduction of allowances and mission supplement. Even more worrisome are future cuts aiming at the military health system. Reimbursements are planned to be reduced by 30 percent in 2012, another 20 percent in 2013 with further cut-backs by 2016.

AP is asking the question if such drastic and apparently blind reductions will imperil the operability of the armed forces. What future will come for young soldiers?

Associação de Praças - the Association of Soldiers (AP) was originally established in 1999 as Association of Navy Soldiers (APA). In 2009 APA changed its name to "Association of Soldiers" and opened membership to all soldiers - active, retired and reservists - of all branches of the armed forces, including now army and air force.

AP strives to represent its members in matters of ethical and socio-professional issues and promotes the civic activity and the participation of all members in a social, professional and cultural perspective, considering the ethical principles of the military.

GERMAN MILITARY ORDER AND ITALIAN DISORDER

BY CLETO IAFRATE, FICIESSE, ITALY

The concept of enforcement of military orders has always been a matter of debate among the different legal philosophies; as expression of political choice, it depends on the degree of democracy reached by a state. In the past, that concept of democracy had much weight in the European history. We have to consider, for example, that the defence of the lawyers during the Nuremberg trial was: “we obeyed higher orders”. A plea arguing that the superior is held liable for the actions of a subordinate, and the subordinate may escape liability.

A general rule shared by Italy and Germany is that any authority is subject to the law and obedience is subject to the authority. Therefore, the order to act against a rule of law is not binding, in Italy as in Germany, and people who execute the order could be indicted. However, with the exceptions to that general rule the two systems are different. The following situation, so happened in Italy, shall illustrate the subject matter.

A convoy of military vehicles returned to the service department, with the commanding officer driving the lead vehicle at the head of the convoy. Under way, the commander ordered to increase the speed above the limits allowed by the law. The order was initially not executed, because of intense rain which made the road slippery and driving faster obviously dangerous. The commander repeated and confirmed the order to accelerate by radio. He added, directed at the driver of the car that followed him, to “proceed attached to my vehicle”. The soldier obeyed.

The following car overturned in an accident caused by the sudden stop of the vehicle of the commanding officer, resulting in the death of a soldier.

The Court of First Instance sentenced the driver of the overturned vehicle for complicity in manslaughter. The appellate court then found the driver not guilty. Yet, eventually, the Supreme Court considered the order by the commanding officer as “unlawful and questionable” and declared the driver and the commanding officer guilty of manslaughter (Cass. Pen. Sec. IV no. 888/2007).

If that incident would have happened in Germany, only the commanding officer giving and confirming that order would have been considered guilty - not the soldier who obeyed.

For the German legal system the subordinate is responsible for the execution of an illegal order (i.e. against the law or regulation) only if it is obvious to the soldier, and if the soldier realises that he commits a criminal act in this instant moment. In Germany, when a soldier receives an unclear order that could be illegal, he only has to ask the following questions: “Is that order a criminal act? Does it violate international laws and human dignity?”.

The Italian legislation allows the subordinate to contest the execution of an order that might be an illegal order. Yet, in practice it is not clear in which cases soldiers are allowed to contest the legality of the order. The Italian military law merely asserts that orders must be carried out, if confirmed by the commanding officers.

Therefore in Italy, when a soldier receives a questionable order, he must ask himself the following question: “Is that order an illegal one (i.e. which leads to committing a criminal act) or is it an unlawful order (that is, against a law or regulation)?”.

In case the order is deemed unlawful, but not illegal (that is criminal), the soldier must, further, ask himself: “Is that an unlawful but questionable order or is it an unlawful, but not questionable, order? Is the unlawfulness merely formal or indeed substantive?”.

In every case unfortunately, a soldier will be brought to trial for



having executed an unlawful or illegal order. He then must hope that the judge, finally delivering the judgment, answers the same questions in the same way as the soldier did before executing the order. In the example given above, the last judge gave different answers to those questions and so the driver of the overturned vehicle was sentenced.

In our time, in which military personnel are deployed in more and more international missions jointly with armed forces from different European countries, we think it is desirable to adopt a single European military code, which can harmonise the Member states' military rules. ■

THE HELLENIC INDEPENDENT ASSOCIATION OF ARMED FORCES RETIRED OFFICERS

BY COLONEL (RTD) PANOS MERTIKAS, AN.E.A.E.D., GREECE

A new non-profit, non-governmental organisation of retired military personnel was established last summer in the city of Piraeus in Greece – the Hellenic Independent Association of Retired Armed Forces Officers (HIAAFRO - AN.E.A.E.D.).

Retired officers of the three branches of Hellenic armed forces, Army, Navy, and Air Force, can become members.

The continual practice of politicians and military authorities to disregard the existing constitution in not recognising the right of active military personnel to join professional associations needs to end. Therefore, the AN.E.A.E.D. strives to become an important and active voice of those who know best what is really happening in barracks and at the core of the military.



AN.E.A.E.D. supported the biggest Greek trade unions ADEDY and GSEE in Athens on 15 December 2010 against the treatment of military personnel as second-class citizen.



Panos Mertikas,
AN.E.A.E.D., Greece

We need a strong politically and military neutral body, representing the interests of military personnel to facilitate co-operation between associations in order to support and protect the social and labour rights, fundamental freedoms and the welfare of soldiers. AN.E.A.E.D. aims to highlight existing problems at an early stage to avoid them to get bigger.

The main goal of our association is to protect and improve the social rights, the development of a spirit of solidarity among the members and joint actions with associations on international level - seeking new roads

of co-operation.

Today, in times of financial crisis, the protection of our interests becomes more important than ever. It is our believe that AN.E.A.E.D., with united strength under the umbrella of EUROMIL, will play a significant role in the outcomes of our movement. Co-operation with other European associations will work towards a united Europe. ■

THE SITUATION OF ALBANIAN RETIRED MILITARY MEN RIGHTS VS. REALITY

By DR. KUJTIM ÇAKO, PRESIDENT OF AKUSH, ALBANIA

Albanian military personnel is protected by law Nr. 9210 (23.3.2004) "on the status of soldiers in the Armed Forces of the Republic of Albania" Pursuant to Articles 78 and 83/1 of the Constitution. The law (Military Status) sets the obligations, restrictions and rights of military personnel. The military Status was approved unanimously by the Albanian parliament. Democratic reforms and the transformation of the Albanian armed forces into a modern army are based on the Military Status and other laws. These democratic transformations resulted in the membership of Albania in NATO.

In this period of transformation, military personnel has been an active participant and supported the democratic governments in carrying out reforms in the field of security, defence and the armed forces.

Still, one consequence of the reform has been the reduction of manpower. Most of those military employees who lost their job are now depending on unemployment-aid or other social assistance payments by the state. Yet, these payments (€100 - €120 per month)



First row, from left to right: Nevruz Sako, General Secretary, Kujtim Cako, President and Agim Binaj, Executive Director (IN 102-nd meeting of EUROMIL October 28-30, 2010).



In the middle: Nevruz Sako, Secretary General of AKUSH, pointed out difficult situation for retired soldiers in Albania.

are not in accord with the Military Status.

Military associations opposed the negative affects of the reforms and especially the obvious non-application of the Military Status to former military personnel. Current laws regarding ex-military personnel and regulating pensions are fundamentally opposing the provisions of the Military Status.

The major issues in Albania for former military personnel are: a) that no early-retirement payments have be paid between 1993-1999; b) that old-age pension payments are not calculated according to the criteria of the Military Status (based on referential payment, the sum of years in service, and according to obligatory contributions paid to social insurances), leading to a much lower pension; c) that, in opposition to the article 35/3 of the Military Status former military personnel benefitting form early-pension payments are prohibited to work; d) that free health treatment is not applied on the base of article Nr. 40 of Military Status; and e) accommodation support schemes based on articles 38 and 39 of the Military Status are not realised.

For these and other violations of the Military Status, military associations went before the Constitutional Court of Justice. As result, two decisions have been made in favour of military personnel. Yet, those decisions are largely ignored.

Precisely for this, the National Alliance of the Albanian Military Association (AKUSH) has been founded in September 2009. AKUSH is a nation-wide, non-governmental, non-profit and all-inclusive umbrella for military association. AKUSH bases its activities on respecting, protection and implementation of human rights and fundamental freedoms. Among others, the aims of AKUSH are to protect and preserve vested rights and interests of the Albanian military personnel and their families. AKUSH membership is open to soldiers of all ranks, active, reservists and retired as well as civilian employees of the armed forces. Therefore, AKUSH follows the development of the Albanian Forces and monitors activities of the Albanian state administration. AKUSH strives to represent the military before the state and participate in legislative processes concerning military personnel. AKUSH has 18 member associations with branches in all main cities of Albania. Additionally, AKUSH collaborates with the "Association of Unemployed" and the "Syndicate of Pensioners" as well as with several social civil societies.

AKUSH has prepared and published an analysis of all the violations of laws during 20 years of transition of the armed forces. This material has been sent to all legislative and executive organs of the Albanian state and to international institutions, such as the European Parliament, the ODIHR (OSCE Office for Democratic Institutions and Human Rights), NATO and the Council of Europe. ■

EUROMIL ACTIVITIES

MILITARY PENSIONS, PTSD AND MEDICAL CARE DURING MISSIONS: THE 103RD EUROMIL PRESIDIUM MEETING IN STOCKHOLM

By EUROMIL

When European soldiers risk health and life in missions such as Afghanistan and Libya, President Jacob said, it is only fair that they demand from governments “the democratic rights and freedoms that they are ordered to protect”. And Lars Fresker, President of SAMO (Swedish Association of Military Officers) stated that military personnel must have the right and the means to “influence decision-making processes where their working conditions are involved”.

EUROMIL organised its bi-annual general assembly, the 103rd Presidium Meeting, in Stockholm on 15-16 April 2011. The Presidium brought together delegates of EUROMIL member associations for the exchange of experience and best practice. The main topics of the Presidium were PTSD, military pension systems and health care during military operations and the task of the Committee of the Chiefs of Military Medical Services in NATO (COMEDS).

In his opening speech, EUROMIL's President Emmanuel Jacob pointed out that, by imposing a no-fly-zone above Libya and upholding a weapons embargo, once more European soldiers are risking their health and life in the service of the nation and the international community.

They are protecting people who are fighting for their human, fundamental and democratic rights. Consequently, said President Jacob, it is only fair when soldiers demand from governments “the democratic rights and freedoms that they are ordered to protect all over the world”. On PTSD, he underscored that despite the effect of international combat missions on troops' psychological well-being, many countries do not recognise this influence, or do not feel responsible for their soldiers. “If those in charge see it as part of their job to care for those soldiers sent into combat, they should

realise and accept that combat, avoiding to be killed and, yes, killing the opponent, can have severe psychological effects.”

Lars Fresker, President of SAMO and host to the 103rd EUROMIL Presidium, stated that military personnel must have the right and the means to “influence decision-making processes where their working conditions are involved”. SAMO's first and most important concern is to have the right to organise its members, and avoid isolation of the armed forces personnel as they are part of the society. Lars Fresker underlined that there is no contradiction between being a member of a trade union and serve as soldier.

General Sverker Göranson, Supreme Commander of the Swedish Armed Forces and himself a member of SAMO, addressed a number of major challenges for the Swedish Armed Forces in the coming years, such as the transformation from a conscript army to a professional army with “a high mission-readiness by 2018/2019”.

Moreover, he announced the implementation of a new legislation that will provide social protection for those temporarily employed by the Armed Forces. For more social security and to enhance the attractiveness of the military profession, negotiations are under way with several private and public employers on a

civilian credit system and career options after military service. “Having served in the Armed Forces for a few years should be a good springboard to lead onto a civilian career”, said General Göranson, and continued that in these challenges “military associations have an important role to play”.

Allan Widman, Member of the Defence Committee in the Swedish Parliament, spoke about the need of a good veterans' policy in times of increasing deployments of soldiers in military missions.



Allan Widman, Member of the Defence Committee in the Swedish Parliament

Suggestions tabled in 2008, such as the right to rehabilitation without time-limit, the right to information and support for the families and the right to therapy without the need to prove that psychological disturbances were caused by military service, were taken into effect on 1 January 2011. Widman stressed the importance of accurate empiric data: “If we do not know the severity of the problem, we will never be able to meet it with sufficient and relevant actions”. Without empirical knowledge, it is hard to “convince the parliament to decide on funding for the care-taking of veterans.”

Danish study on PTSD

Dr. Mette Bertelsen introduced the findings of a Danish study, she and others conducted on behalf of the Danish MoD in co-operation with the Danish military union HKKF, on PTSD within Danish troops deployed on missions. Surprisingly, the study revealed that there is no difference between ranks, combat or non combat soldiers, and whether a soldier was deployed multiple times. Also unexpected was that



SAMO President Lars Fresker



SAMO member General Sverker Göranson, Supreme Commander of the Swedish Armed Forces



EUROMIL President Emmanuel Jacob



Flemming D. Vinther, Chairman HKKF, and Dr. Mette Bertelsen

symptoms rose significantly 6 to 7 months after returning home. The study did not find any relevance for PTSD in the length of deployment between 3 and 4,5 months. However, Dr. Bertelsen indicated that there might be a significant difference between a deployment of 4 months and of 1 year.

During the following discussion, the need for a broader study was underlined, especially a Europe-wide comparison. Some member associations called for common guidelines and solutions to PTSD. It was mentioned that treatments existed but could only be implemented once soldiers decided to seek support. Therefore, the attention should also be drawn on preventive measures, including trainings, to prepare soldiers for civilian life when they are pulled out of missions. Dr. Bertelsen acknowledged the plausibility that results might vary significantly in armed forces with less modern command structures, less social support and with no professional representation of soldiers.

Flemming Vinther concluded that PTSD was a complicated issue as people are not alike. He noted that trade unions were surprised by some results of the study and recalled the need to closely work with the scientific community in order to bring down the number of people with symptoms.

Nevertheless, he underlined that most of the soldiers deployed in missions were returning home in good health.

Military pension systems compared

Six "Military Pension Systems" were introduced and compared by experts from EUROMIL member associations from Hungary, Ireland, Poland, Spain, Sweden and the Netherlands. With no attempt by the European Union to synchronise pension systems, there are great differences in the Member states. Financing systems vary as well as entitlements; in some Members states active soldiers pay pensions for retired soldiers while in other systems part of the salary is saved for later use as pension. In some countries, pensions entitle to non-monetary advantages, e.g. living in retirement homes. In some systems, soldiers need to serve up to 20 years before they are actually entitled to a pension. In other systems, duration of service and/or rank play a part on the amount a pensioner receives. Retirement age is also varying in the Member states, sometimes depending on rank and/or service (Army, Navy or Air Force). Due to the economic and demographic situation in most Member states, military pension systems are under transformation – and not necessarily to the benefit of retired soldiers.

The subsequent discussion brought to attention the situation of military pensioners in Albania. According to the Albanian EUROMIL member AKUSH, in contradiction to the existing legislation, pensions have been recalculated and reduced, and there are delays in the payment of pensions. In addition, beneficiaries of the pension allowance were not allowed to work, and retirees did not get benefits provided by the law.

In conclusion, it was pointed out that with no attempt by the European Union to

unify pension systems, there was a great variety of single state legislations. Yet, also a few similarities between these legislations were identified; Pensions are generally calculated according to soldiers' last income or medium income. The importance of how pensions were financed, "pay as you go" or through savings, was underlined. Finally, the need to fight cuts in pension aid was emphasised.

Health care in NATO missions - the tasks of COMEDS

General Rob van der Meer, Chairman of COMEDS gave an insight into the



General Rob van der Meer, Chairman of the Committee of the Chiefs of Military Medical Services in NATO (COMEDS)

military medical community within NATO and health care during military operations. COMEDS is formed by the Heads of the national military medical services of NATO (and NATO partner nations). It answers directly to the Military Committee and has authority to decide by itself

on military medical matters. COMEDS working groups and expert panels contribute to standardisation and interoperability. General van der Meer emphasised that with increasing pressure on available national assets and even sometimes almost a lack of medical capabilities, it is essential to provide jointly for medical care during operations. "This not only allows smaller nations to contribute, but also asks for good



The panel for the workshop on Military Pensions; (from left) Simon Devereux (PDFORRA, Ireland), Anatol Tichoniuk (KONWENT, Poland), Dr. Otto Heiling (HOSZ, Hungary), Miguel A. López (AUME, Spain), Wim van den Burg (AFMP/FNV, The Netherlands), Hans Norin (SAMO, Sweden), Moderator: Dr. Andreas Gronimus (DBwV, Germany)

coordination and agreement on standards of care". This approach leads to multinational treatment facilities where up to seven nations could contribute to the same military field hospital. Such smart solutions require more emphasis on preparation, doctrine, co-operation and mutual trust. On MEDEVAC, medical evacuation, General van der Meer introduced a shift from the primary of fast transport (1 hour rule) to immediate life saving care within 10 minutes. That means that it is more important that life-saving procedures are applied to casualties within 10 minutes than the transport to a hospital in one hour. This implies that first response capabilities of units have to be enhanced. Yet, COMEDS cannot impose structures, organisation or training of medical personnel on national armed forces – it remains the responsibility of member states.

During the subsequent discussion it was explained that while standards and guidelines for prevention of stress disorders (PTSD) exist, mental health remains a cultural issue. Yet, it is a work in progress.

Furthermore, the General confirmed that NATO and EU standards for medical care are about the same.

Addressing the 103rd Presidium, Colonel Ulrich Kirsch, Chairman of German Armed Forces Association (DBwV), stated that in the context of new threats and tasks beyond the EU-NATO territory, it made sense for European armed forces to merge capabilities and create smaller, more mobile and flexible armies. Nevertheless, he emphasised that some structural differences within Europe such as national decision-making processes, defence regulation structures, transfer of competencies, and funding, needed to be clarified. The development of a standardised model of Innere Führung was underscored. Col Kirsch asserted that while the Lisbon Treaty brought the vision of a European army, governments were not prepared to leave their core element of sovereignty. He underlined the need for unity and legal clarity, and stated that EUROMIL has shown a lead in creating the core elements of European defence regulations. Multinationality was presented as an essential aspect of modern

armed forces, and common standards to establish common legal basis and leadership concepts for multinational forces were claimed. Col. Kirsch declared that EUROMIL must ensure that servicemen and –women are not disadvantaged by serving as part of multinational operations.

On the occasion of the 103rd Presidium, EUROMIL welcomed two new members; the Italian FICIESSE (Finanzieri Cittadini e Solidarietà - Financiers, citizenship and solidarity - Ficiesse) and the Greek AN.E.A.E.D. (The Independent Association of Retired Armed Forces Officers), bringing the membership of EUROMIL to 39 national associations and unions.



Colonel Ulrich Kirsch, Chairman of German Armed Forces Association (DBwV)



EUROMIL Board member Antonio Lima Coelho interviewed by Linda Sundgren for SAMO. Several Board members have been also interviewed by a French TV team for a documentary on the right of association for French civil servants, including the military (airtime: September 2011, CANAL+)

The 103rd Presidium Meeting brought together delegates of EUROMIL's 39 member associations from 26 countries. The main topics of the Presidium were PTSD, military pension systems and health care during military operations under guidance of COMEDS.



EU AFFAIRS

POOLING & SHARING OF MILITARY CAPABILITIES

By EUROMIL

“Despite more than 2 million troops in uniform – NOT counting the U.S. military – NATO has struggled, at times desperately, to sustain a deployment of 25- to 40,000 troops, not just in boots on the ground, but in crucial support assets.” Also the mission in Lybia, “a mission in Europe’s neighbourhood deemed to be in Europe’s vital interest”, made shortcomings “painfully clear”; “only 11 weeks into an operation, many allies are beginning to run short of munitions, requiring the US, once more, to make up the difference”.

These are a few quotes from the “farewell-speech” by outgoing US Defence Secretary Robert Gates during a conference organised



Defense Secretary Robert M. Gates at the SDA conference on 10 June 2010. Photo: www.securitydefenceagenda.org

by the Security and Defence Agenda, a Brussels-based think tank. Gates criticised bluntly significant shortcomings in NATO – in military capabilities, and in political will. He acknowledged that “many of those allies sitting on the sidelines do so not because they do not want to participate, but simply because they can’t. The military capabilities simply aren’t there.” Gates plainly said that the US is frustrated with their “more security-consuming European allies” and questioned the rationale of a NATO where the US has to cover more than 75 percent of defence spending. He proclaimed that NATO is today de facto a “two-tiered alliance: Between members who specialise in “soft” humanitarian, development, peacekeeping, and talking tasks, and those conducting the “hard” combat missions.” Gates clearly said that “member nations must examine new approaches to boosting combat capabilities – in procurement, in training, in logistics, in sustainment.”

On the same topic The Economist writes that, while “Europeans will not suddenly spend more in times of austerity”, they should pool their equipment. Denmark, giving up submarines to play a bigger role in Afghanistan, countries sharing C-17 transport aircrafts and the Franco-British military co-operation are mentioned as examples. The Economist’s conclusion? “Pool it or lose it.”

But wasn’t there some activity in Pooling & Sharing and capability building by the EU Member states? Some talk on co-operation in defence among the Member states?

But there was. Member states acknowledged the need for pooling when negotiating the Lisbon Treaty, in which they included the possibility of Permanent Structured Co-operation (PESCO) among

the Member states. EUROMIL wrote on the state of play of PESCO in 2010 (see: “Permanent Structured Co-operation: A European Imperative?”, EUROMIL News Issue 15, December 2010).

A short summary: The Spanish EU Presidency has started a “reflection process” on PESCO in March 2010, which was continued as a priority by the Belgian EU Presidency. In May 2010, Belgium, Hungary and Poland wrote a Non-Paper recognising the added value of PESCO. Germany and Sweden followed in November 2010 with a food-for-thought paper, the “Ghent Initiative”. In this paper both countries recognised the imperative of co-operation and proposed to identify areas for intensified multinational co-operation. The Foreign Affairs (Defence) Council in December 2010 backed this paper. Also in December 2010, France, Germany and Poland carried the political momentum with a letter to the High Representative Catherine Ashton, urging her to personally take charge of plans to boost military co-operation between EU Member states and between the EU and NATO. All three countries affirmed their willingness to enhance co-operation within their Battlegroup (first half of 2013) and deploy those forces if required.

Since then, the High Representative received another letter in May 2011 from the Ministries of Foreign Affairs of Italy and Spain. Attached to this letter was once more a Non-Paper with input to the debate on options for implementation of PESCO. According to letter and Non-Paper, Italy and Spain deem that now is the moment for a pragmatic approach. And it is contents of PESCO, rather than concepts or access criteria, that need to be decided. Practical initiatives in an inclusive and flexible framework should be implemented. Italy and Spain proposed as such initiative a truly multinational and permanent capability for the planning and conduct of civil and military operations in Brussels. The lack thereof is felt as key capability shortfall.

Also in May 2011 the 3091st Foreign Affairs Council reiterated its earlier conclusion (December 2010) to turn the financial crisis and its impact on national defence budgets into an opportunity for greater co-operation. The Council called for a long-term approach to Pooling & Sharing on a “systematic and sustainable basis” leading to concrete results. Yet, the Council also repeated that the Member states will remain in the driving seat in defining and committing voluntarily to concrete Pooling & Sharing projects. The work at EU level shall support and foster political momentum, map co-operation, identify best practices and provide expertise in areas such as interoperability and standardisation.

Additionally, the Council in May 2011 welcomed close contacts with NATO on Pooling & Sharing. Enhancing EU-NATO relations is also demanded for by foreign ministers of Belgium, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, The Netherlands, Poland, Spain, Sweden and the United Kingdom. 15 ministers signed a letter to the High Representative Catherine Ashton and NATO Secretary General Anders Fogh Rasmussen, calling to take forward this relationship and reporting back on actions taken to improve co-operation to the



EU High Representative Catherine Ashton presides over the Foreign Affairs Council

Foreign Affairs Council and North Atlantic Council in the next few months. Poland sees the strengthening of military and civil EU capabilities as an important element of their Presidency of the EU Council in the second half 2011. The Presidency will also support actions towards the consolidation of direct EU-NATO dialogue.

Is that progress? It looks as if Member states in austerity Europe are more willing to see PESCO, or at least Pooling & Sharing, as the “lifeline to grab” to sustain and enhance CSDP and NATO burden sharing. The political will seems to be there and remain strong - in words and on paper. Mr. Gates brought it to the point, Europe needs to make “a serious effort to protect defence budgets from being further gutted in the next round of austerity measures”, the European states need to “better allocate (and coordinate) the resources”, and

decision makers need to “follow through on commitments to the alliance and to each other”. The Economist states that “countries want neither to depend on others nor to be dragged into somebody else’s war”, but specialisation and pooling of equipment when doing similar things is needed. Gates and the Economist both emphasise that an annual collective defence spending of €275 billion by non-U.S. NATO members “could buy a significant amount of usable military capability - if allocated wisely and strategically”.

What needs to follow is concrete action with visible results. And judging by other articles in this issue of the EUROMIL News (page 7 and 8), those actions need to come fast, before Europe ends up with military forces too under-financed, under-equipped and under-staffed to be useful or effective.

TML

EP RESOLUTION ON CSDP

By EUROMIL

On 11 May 2011, the European Parliament (EP) adopted a resolution on the development of the Common Security and Defence Policy (CSDP) following the entry into force of the Lisbon Treaty, tabled by Roberto Gualtieri (S&D).

The resolution calls for a comprehensive approach towards EU external action, including an autonomous CSDP. The EU should become a decisive and credible actor in the 21st century, as set forth by the Treaty. Yet, Member States have shown lack of

common political and strategic objectives, particularly in the Libyan crisis. The resolution calls for clear policies towards Europe’s southern neighbourhood, the Sahel and the Horn of Africa. A tangible CSDP must be developed with credible, reliable and available military capabilities, with a wide range of applications, and should not be replaced by ad hoc coalitions or attempts of bilateral co-operation. The Parliament wishes to increase its role in foreign policy, and asks High Representative Catherine Ashton to take proactive measures.

The resolution particularly suggests integrating all units dealing with crisis response planning and programming in the European External Action Service,

and creating a unified crisis management structure. It underlines pooling and sharing to face budget cuts. In addition, the resolution recommends better financed, evaluated, and integrated missions, an enhancement of the role of the European Defence Agency for armement co-operation, Permanent Structured Co-operation, the establishment of a permanent Operational Headquarters, the revision of the concept of Battlegroups, the planning of an Extraordinary Council and a White Paper on defence, as well as a permanent seat at the United Nations Security Council.

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The text of the resolution can be found on www.europarl.europa.com

WHERE IS THE WORKING TIME DIRECTIVE?

By EUROMIL

The Working Time Directive (WTD) has been under discussion for quite some time now. What has happened? Well, nothing really.

As usual in the co-decision process, started in 2004, with no agreement between the Council of the European Union and the European Parliament (EP) the Conciliation Committee convened as the third and final phase. The Committee is usually composed of the Council and an equal number of Members of the European Parliament (with the attendance and moderation of the Commission). On 29 April 2009 the Conciliation Committee decided it was not

possible to come to an agreement on the proposed directive on working time, bringing 5 years negotiation to an end.

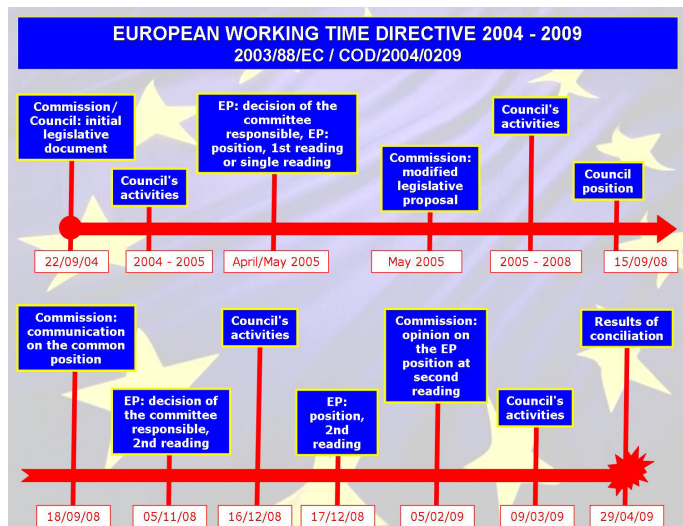
One of the main issues, where Parliament and Council could not find a compromise, has been the opt-out (the existing statutory maximum average weekly working time is 48 hours; however, Member States may allow for higher working times – opt-out). The Council did not agree to phase out this provision, as demanded by the EP. Other issues are on-call time and multiple contracts. Therefore the current Directive (2003/88/EC) still remains in force.

On 24 March 2010 the European Commission (EC) has started a first-phase and on 21 December 2010 a second-phase consultation (pursuant to Art. 154 TFEU) of the social partners at European level (see Communication COM (2010) 801, 21 December 2011). The social partners are the European Trade Union Confederation (ETUC), Business Europe, the European Centre of Employers and Enterprises providing Public services (CEEP) and the European Association of Craft, Small and Medium-sized Enterprises (UEAPME).

In the second consultation phase, the Commission will take no further action to issue amendments awaiting the outcome of the dialogue by the social partners. The Social partners have indicated internal clearance to begin the dialogue in the period between June and September 2011. Patrick Itschert, ETUC Deputy General Secretary, stated on 28 June 2011 a “readiness to negotiate”, stressing that “the revision must cover all the points which are causing problems”.

The following steps are formalised procedure. First, a letter will be sent to the Commission to indicate the start of the dialogue. Nine months after the letter has been received, the Commission has to react by either issue draft amendments to the directive based on the outcome of the dialogue, or offer the social partners an extension of time to deliver a common position.

TML



GUEST COLUMN

THE FUTURE OF PARLIAMENTARY SCRUTINY OF EUROPEAN FOREIGN, SECURITY AND DEFENCE POLICY

BY ROBERT WALTER, MP, FORMER PRESIDENT OF THE EUROPEAN SECURITY AND DEFENCE
ASSEMBLY/ASSEMBLY OF WEU



Robert Walter MP

With the dissolution of the European Security and Defence Assembly/WEU Assembly, which held its last plenary session on 9 May, and the denunciation of its underlying treaty, the modified Brussels Treaty, the interparliamentary instruments provided by the WEU Assembly will no longer be available to national parliamentarians to exercise scrutiny of the EU's security and defence policy.

In the Lisbon Treaty provisions the national parliaments are called upon to "contribute actively to the good functioning of the Union". Protocol No. 1 on the role of national parliaments in the EU opens up new possibilities for interparliamentary dialogue among the national parliaments and between them and the European Parliament.

Many national parliaments have already put forward proposals on how they wish to continue the interparliamentary dialogue on CFSP and CSDP. But the Conference of EU Speakers of 4-5 April of this year was unable to take any decisive action following a highly controversial discussion and major divergences between the representatives of the national parliaments and those of the European Parliament. All that was decided was that an interparliamentary conference would be set up to scrutinise CFSP/CSDP. No decisions were taken on important issues such as the composition of delegations, working methods and the secretariat.

The next Presidency of the EU Speakers Conference will now have to try and take matters forward, in order to report back to the Conference at its meeting in April 2012. I strongly recommend that our Polish friends take up this challenge with energetic creativity. Non-action in this field will certainly lead to loss of scrutiny on the part of national parliamentarians, which could have disastrous consequences for the further development of a much-needed common European policy in the field of foreign affairs, security and defence.

WEU, its Assembly and all its members have given substance to the will to build a "responsible and democratic" European defence agenda in the last 60 years. The added value of the Assembly lay in

the expertise of its parliamentarians and its capacity for consensus building. It is crucial for such interparliamentary scrutiny of the CFSP/CSDP to continue in the future.

The future of interparliamentary scrutiny of the CFSP/CSDP, which will remain an "intergovernmental" policy for a long time to come, cannot be conceived of "outside the national parliaments" which vote for defence budgets and authorise the deployment of troops overseas. Debates alone, such as those that take place in the COSAC¹ framework in particular, would not be enough to provide a strategic response to current security challenges. Parliamentarians who are better informed are better able to convince Europe's citizens that security and defence expenditure is a worthwhile use of taxpayers' money. The EU has to be able to assume its responsibilities in international security matters. That can only happen if national parliaments are on board. ■

Robert Walter was born in 1948 and educated at the Warminster School and University of Aston in Birmingham (BSc 1971).

In January 2011 he was appointed by the Prime Minister, the Rt Hon David Cameron MP, to head the United Kingdom delegation to the Parliamentary Assembly of the Council of Europe. Also in 2011, he was elected as Chair of the British Group of the Inter-Parliamentary Union (IPU). The IPU is a world-wide organisation of parliamentarians working for peace and co-operation among peoples and the firm establishment of representative institutions.

From 2008 until 2011, Robert Walter was the elected President of the European Security and Defence Assembly/Assembly of Western European Union, established under the modified Brussels Treaty.

Robert Walter served in various committees in the UK Parliament from 1997 to 2001.

Robert Walter's political career began 1967. Before entering Parliament in 1997, he was an international banker and farmer. He is a former member of the London Stock Exchange and was a Director of Aubrey G Lanston & Co Inc.

¹ Conference of Community and European Affairs Committees of Parliaments of the European Union

EUROMIL Calendar 2011

14	September	Board Meeting	Brussels, Belgium
27	October	Board Meeting	Brussels, Belgium
28-29	October	Presidium Meeting	Brussels, Belgium
8-9	November	10th Congress on European Security and Defence	Berlin, Germany



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