

Harmonization, adaptation and legal coherence: an urgent need for the United Nations system

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GCA (2S) Philippe RENARD

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L'Armée de Terre dans la société

Compulsory universal national service and sociological reality of the Nation

Since its creation by the Jourdan and Delbrel law in 1798, the universal military service has not ceased to evolve according to the vicissitudes of the French Revolution. The aim is to have, at all times, a mass of armed citizens trained and educated to defend the integrity of national borders.

Yet, despite its compulsory nature, conscription has always generated great legal complexities and strong inequalities. Thus, from the Convention of 1792 to the laws of 1965 and 1971 under the Fifth Republic, via the First Empire, the Gouvion Saint Cyr law of 1818, those of 1855 and 1871 after the Second World War, the law of 1855 and the law of 1871 after the Second World War. The universal character of the country has always come up against the exceptions imposed by the sociological reality of the country.

When military service was definitively stopped at 10 months, in October 2001, it had to be said that the system had considerably moved away from its original ambitions since only part of the population had been able to do so. A class of men really submitted to their military obligations, in a great legal confusion, which considerably attenuated the "social mix" now erected as a myth in the collective memory.

Thus, between those who were exempted, dispensed, over-secured, reformed, incarcerated, exiled to the homeless, those with no fixed abode, those who had been "pulled" from the protected by "individual decisions of conscientious objectors, insubordinate, deserters, so-called "conscientious objectors ".s of the overseas cooperation service, called up from the technical assistance service for overseas development, called up under protocols within other ministries, called up from the technical assistance service for overseas development, called up under protocols within other ministries, called up under protocols within other ministries, called up under protocols within other ministries. The

young people of the French army, scientists of the contingent, auxiliary agents of the national police force, auxiliary firefighters in the civil security and departmental fire and rescue services, barely half of the young French people really made up "the nation in arms".

For the latter still, a distinction had to be made between those who were directly employed in combat units and who had to adapt to the most rigorous requirements of military life and those who, thanks to their intellectual level and social origin, were employed in the services and administrations. In this unequal context, "brassage" was all the more theoretical since the distribution between the different fractions of the contingent maintained the cleavages between the social circles of (08-10 and 12 contingents vs. 02-04-06 contingents), including in the supervision of units with supervisory ranks and sergeants often called from the best contingents.

Finally, it should be noted that the overall engineering of conscription (census, selection, administration), still described in the current National Service Code, was until 2001 based on an organization, infrastructures and means very largely supported and self-sustained by the abundance and richness of the resource of conscripts of the contingent.

Harmonizing and making coherent a fragmented legal framework

From now on, the ambition of the new UNS project is no longer to build a nation in arms, but to plug the gaps that threaten national cohesion and "... to make it more coherent. forging the character of citizens for the defence of the city" or "enhancing through a collective experience the values of authority and discipline".

In a societal and political context with a lack of values, it therefore seems logical to recognise that armies have skills, particularly in terms of authority, rigour and discipline, but without taking an overly simplistic view, which would lead to the establishment of the military-inspired model. (7) as an ideal model of education, integration and "socialization". This is not the main mission of a professional army of employment and the National Education system remains in principle, after the family, the natural crucible of education and citizenship.

The challenge is therefore to move on from ambitious concepts (young people have a rendezvous with themselves, national cohesion, collective experience of citizenship, surpassing themselves, strengthening the spirit of citizenship, the values of the Republic, etc.). to the implementation of the concrete conditions for carrying out the project without jeopardizing the precarious balance of the armed forces or weakening the existing mechanisms. Indeed, the renewed United Nations system must find its place in a complex landscape where complementary and sometimes redundant systems are evolving, all claiming a civic and social function of "socialization" and integration. Firmly anchored in the volunteer landscape but, for some, experiencing operational difficulties (budget, management, infrastructure, administration, food, clothing, supervision, medical support), their future is necessarily consistent with the new presidential project (8).

The key point of this new, renewed United Nations system (9) results from the political will to make it an obligatory appointment for age groups of nearly 800,000 boys and girls. Although the content of this one-month UNS is not specifically military in nature, it nevertheless expresses ambitions for "cohesion, surpassing oneself, a taste for effort, a structured living environment, etc.". or the re-establishment of the notion of authority" which will de facto involve the armed forces but also, it is to be hoped, all the institutional and even associative actors of the Nation, which will require from the outset a solid and

common legal arsenal.

If we refer today to the provisions of the Defence Code dealing with the general status of military personnel, hierarchy, exercise of authority, command, rights and obligations, duties and responsibility, etc., we can see that the concept of "authority" will de facto involve not only the armed forces but also all the nation's institutional and even associative actors, which will require a solid and common legal arsenal from the outset. Discipline, dress, sanctions and rewards, it is clear that the existing articles only imperfectly meet the specificities of a SNU that is compulsory for all. As for the National Service Code, the chapters devoted to the status of volunteers in the various forms of service are not exhaustive. (10) The non-military services offered to young French citizens are not immediately transposable to the provisions required for a month's compulsory service, especially since many legal subtleties inherited from conscription (citizenship, exemptions, conscientious objectors, etc.) are still in force, but without being integrated into the new legislation. However, they do not incorporate certain recent legislative provisions which will merit a targeted and in-depth examination (which will be carried out in the near future): apprenticeship contracts, professionalization contracts, integration contracts, jobs with a future, assisted contracts or international protocols such as Erasmus, for example?).

In view of the new obligations resulting from the renewed United Nations system, there is a need to harmonise (11) and clarification is therefore essential between all the forms of citizen engagement now permitted by current laws and decrees, as already underlined on 9 December 2015 by the PUEYO-DUBOIS information report n°3322 submitted by the National Defence and Armed Forces Commission on the assessment and perspective of the Ministry of Defence's citizen mechanisms.

Ensuring a clear legal basis for management action

In this fragmented context, where failures and successes follow one another in the wake of new schemes, it is interesting to note that all existing schemes with a similar ambition of education, integration or "socialisation" are all based on voluntary work. This type of approach, which makes it possible to give meaning to individual commitment, particularly with regard to the rights and duties to be respected in a logic of freely consented acceptance, is therefore opposed, at least legally, to the individual constraints induced by the obligation "by law".

However, experience feedback, in particular in EPIDE, shows that for the young people concerned, and despite the voluntary contract and the initial selection process, the transition from forced submission to voluntary acceptance and then to membership of the EPIDE is not always easy. The first few weeks of the programme are marked by an incompressible failure rate (absenteeism, rebellion against authority, violence, drug use, alcohol abuse, sexist attitudes, harassment of girls, etc.).

This observation, unanimously relayed by the management, demonstrates the decisive role played by the legal and regulatory basis essential to the exercise of authority, not to say "the exercise of command". In spite of a strict and well-defined framework, young volunteers require time and constant, local support to adapt to requirements and codes that they have generally avoided in their home environment.

In the end, it is indeed the requirement of authority and discipline that underpins the

success of EPIDE thanks to a clear legal framework, supported by rigorous documents, structured by more than ten years of practice:

the "internal rules applicable to the staff of the EPIDE Directorate General and EPIDE Centres", which guide the action and style of the management;

the "EPIDE internal regulations - rules of conduct and discipline applicable to which sets out, as soon as the volunteer contract is signed, the rules of conduct and discipline applicable to volunteers. These rules set out the rules of behaviour and discipline, the rights of volunteers, the obligations and prohibitions and, above all, the range of sanctions, including financial sanctions, without which the management's action would be doomed to failure;

finally, the EPIDE's citizen pathway reference guide (56 pages) which harmonizes the work of transmission of citizen values by the education and citizenship counsellors who supervise the groups of volunteers.

Thus, it is the foundations of authority and discipline as well as the values of respect and citizenship that form the basis of "succeeding together" for a population initially in difficulty, often rebellious, in a situation of failure and on the margins of society. However, obtaining the same result in one month with young people who do not volunteer appears to be a challenge and the objective of social mixing will require, as in the EPIDE, consistent, competent, selected and trained supervision, which makes it difficult to resort to ad hoc supervision for short, programmed periods.

Indeed, the example of the Recruitment and Selection Groups, which welcome candidates for recruitment to the army, shows that a permanent contact management, day and night, to ensure discipline and security, is essential. This is absolutely essential since the one-night boarding school regime is a revelation of all the deviances in society (violence, sexism, drug use, alcohol abuse, bullying, etc.).

The success of the renewed United Nations system cannot therefore be achieved without an appropriate and rigorous legal framework to provide the project's actors with ⁽¹²⁾ the authority, means and levers essential to the achievement of the objectives assigned to them. It will also require an in-depth examination of laws and decrees or circulars on secularism and the foundations of republican coexistence to avoid importing political cleavages with the SNU. ⁽¹³⁾ This is the case for all those people, whether community, religious or cultural, who might find an opportunity to assert themselves through proselytism, provocation, confrontation or insubordination.

Implementation requiring complex legislative and regulatory support

In addition to questions of authority and discipline, which are essential, the implementation of the reformed United Nations system also raises many legislative, regulatory and administrative questions, which are related to the choices that will be made. The implementation of the renewed United Nations system also raises many legislative, regulatory and administrative questions, which are related to the choices that will be made by the political decision-maker, such as questions of status, dress, remuneration, monthly allowances, health coverage, pension points, free transportation and leave entitlements, etc.

The current regulatory texts, which apply mainly to professional soldiers, volunteers or reservists, cannot be applied as they stand for activities such as The current regulations, which apply mainly to professional soldiers, volunteers or reservists, cannot be applied as

they stand for specific activities likely to present risks of accident or illness attributable to the service (physical activities such as walking, cohesion courses, obstacle courses, etc.). Similarly, those relating to prevention, transport of personnel, etc., should be applied as they stand. (14) In addition, the health and safety rules will have to be adjusted to the choices that will be ratified in terms of food, food safety, food security and food safety. living conditions and accommodation, also taking into account the requirements of the labour code or European legislation (working time, for example).

In this context, the question of specialist instructors (EPS and first aid in particular) alone reveals all the difficulty of bringing together qualified staff in number and quality in all the structures mobilised on the national territory and in the DOM-COM for the implementation of the project.

As for the handling of weapons or shooting instruction, if they were to be integrated into the renovated SNU programme, all the current regulations, based on combat readiness, would have to be applied. (instruction manuals, safety measures for instruction and training, safety data sheets, safety on firing ranges, ammunition safety, etc.). Clearly, the potential risks, the armament available, the availability of specialised facilities or medical teams of The potential risks, the armament available, the availability of specialised facilities or medical intervention teams as well as the volume of ammunition allocated to armies make this possibility, sometimes evoked to open an airlock to military preparations, the Reserve or Pre-Recruitment, utopian.

On another level, the duration of one month with collective activities and the preliminary census naturally refers to the question of medical aptitude and therefore the ability to determine threshold profiles according to the programme that will be developed. This is particularly important in terms of the ability to decide in advance on individual abilities to follow all the planned activities (sick, disabled, pregnant, various disabilities, drug addicts, etc.).

Finally, the question of the sustainability of the JDCs arises as a corollary since some of the objectives of the United Nations system are now outdated. The JDCs should be able to take action, firstly in the framework of the partnership with the national education system for the Tests d'évaluation des acquis fondamentaux de la langue française (76,889 young people in difficulty in 2014, or 9.88 per cent), and also for the Ministry of Labour as part of the French Plan for the Development of the French Language. The "European Guarantee for Youth" aimed at the detection of NEETs (15).

The only thing missing at the JDCs is the health check that the parliamentarians wanted but never carried out, due to a lack of agreement between the Ministry of the Armed Forces and the Ministry of the Interior.

Health on the provision of the necessary means, with the exception of the triennial survey for the observatory on drugs and drug addiction.

The constraints and risks that emerge in many areas, amplified by the complexity induced by the universality of the United Nations system in principle, bring to light very many of the constraints and risks that have to be taken into account. Thus the constraints and risks that emerge in many fields, amplified by the complexity resulting from the universality of the principle of the United Nations system, highlight many questions and uncertainties concerning the human, material and financial resources to be allocated for the supervision, management, administration, support, security and logistics of the system. In view of the scale of the challenge, the legislative and regulatory framework appears more

than ever to be an emergency prior to the reception of the first contingents because, under interministerial governance, which is itself a source of great complexity, no detail can be left to chance, otherwise the State's capacity to succeed in its ambitious project will be discredited from the outset.

7 As is clearly referred to in Article L 314-1 of the Defence Code in relation to EPIDE, which it presents as civilian establishments with a framework "inspired by the military model".

8 Adapted Military Service, Voluntary Military Service, Voluntary Service in the Armed Forces, Defence and Citizenship Days, Service for the Defence of the French Republic, etc.

Civic, Military Preparations, Military Reserve, Cadets, National Guard, Public Establishment for Defence Insertion, nowadays Public Establishment for Insertion into Employment

9 Article L 111-2 of the National Service Code stipulates: " The Universal National Service includes three obligations: the census, the call for defence reparation and the call to the armed forces. It also includes ariat wills". As the call to arms has been suspended, the current citizenship process now consists of only three compulsory stages: the census at age 16, defence education in schools, and Defence Preparation Appeal Day, now Defence and Citizenship Day, between the 16th and 18th birthdays.

10 Volontariat pour l'insertion, volontariat de solidarité internationale, volontariat international en entreprise ou en administration, defence cadets, cadets of the republic or of the gendarmerie, civil security or fire brigade, civic service volunteers (Article L 120-1 of the National Service Code)

11 The willingness already expressed to federate the voluntary services when the legislator created the voluntary civil service by Act No. 2006-396 of 31 March 2006 on equal opportunities and then established by Act No. 2010-241 of 10 March 2010 the civic service as a component of the United Nations system.

12 Including for the police, gendarmerie and the judiciary, which will inevitably be involved by the increase in procedures (cf. work of chancelleries during conscription).

13 Opportunity of militant actions for extremist activists (Zadists, BlackBlocs, anarcho-libertarians...)

14 Knowing that the army's tactical transport fleet no longer has the capacity to transport personnel, as it did during the conscription period.

15 Neither in Employment nor in Education or Training

Title : GCA (2S) Philippe RENARD

Author (s) : GCA (2S) Philippe RENARD

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