

575th Plenary Meeting

FSC Journal No. 581, Agenda item 3

**DECISION No. 2/09
TECHNICAL UPDATE OF THE QUESTIONNAIRE ON THE
CODE OF CONDUCT**

The Forum for Security Co-operation (FSC),

Remaining committed to the Code of Conduct on Politico-Military Aspects of Security (CoC) and its full and effective implementation,

Confirming the continuing validity of the comprehensive concept of security, as initiated in the Helsinki Final Act, which, *inter alia*, relates the maintenance of peace to the respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Remaining convinced that security is indivisible and that the security of each of the participating States is inseparably linked to the security of all others,

Recalling Ministerial Council Decision No. 3/07 on issues relevant to the FSC where participating States expressed their determination to continue enhancing the implementation of the CoC,

Recognizing that the annual information exchange on national implementation of the CoC demonstrates participating States' commitment to transparency and thus contributes to the implementation of the CoC,

- Decides that participating States will provide each other, and the Conflict Prevention Centre (CPC), relevant information on the implementation of the CoC, in accordance with the questionnaire attached to this decision by 15 April of each year;
- Decides that the information exchange based on this decision will be carried out not later than 15 April 2010;
- Encourages participating States to highlight major changes or updates in their replies to the questionnaire, as appropriate;
- Encourages participating States on a voluntary basis to organize or host national and international symposiums, workshops and seminars to promote the CoC and to raise

awareness, and to provide information on the aim, content and participation of these activities to other participating States and the CPC;

— This decision will supersede FSC Decision No. 4/03.

QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY*

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

- 1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?
- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?
- 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?
- 1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:
 - Financing of terrorism;
 - Border controls;
 - Travel document security;
 - Container and supply chain security;
 - Security of radioactive sources;
 - Use of the Internet and other information networks for terrorist purposes;
 - Legal co-operation including extradition;
 - Safe havens and shelter to terrorists and terrorist organizations.

2. Stationing of armed forces on foreign territory

- 2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

* Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate.

3. Implementation of other international commitments related to the Code of Conduct

- 3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.
- 3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Section II: Intra-State elements

1. National planning and decision-making process

- 1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?
- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

2. Existing structures and processes

- 2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?
- 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?
- 2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

3. Procedures related to different forces personnel

- 3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?
- 3.2 What kind of exemptions or alternatives to military service does your State have?
- 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

4. Implementation of other political norms, principles, decisions and international humanitarian law

- 4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?
- 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?
- 4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?
- 4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?
- 4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Section III: Public access and contact information

1. Public access

- 1.1 How is the public informed about the provisions of the Code of Conduct?
- 1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?
- 1.3 How does your State ensure public access to information related to your State's armed forces?

2. Contact information

- 2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

FSC.DEC/2/09

1 April 2009

Attachment 1

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Denmark (also on behalf of Germany, Canada, Estonia, Finland, the United Kingdom, Ireland, Iceland, Latvia, Lithuania, Norway, the Netherlands, Portugal, Slovakia, Sweden, Switzerland and the Czech Republic):

“Mr. Chairperson,

Denmark, also on behalf of Sweden, Finland, Norway, Iceland, Republic of Estonia, Republic of Lithuania, Republic of Latvia, United Kingdom, Slovakia, the Netherlands, Portugal, Ireland, the Czech Republic, Germany, Switzerland and Canada, wish to make the following interpretative statement in relation to the decision just made:

We strongly support the update of the Questionnaire on the Code of Conduct that we believe will further improve the implementation of the Code of Conduct.

Emphasizing the importance of the Helsinki Final Act, as recognized in the preamble of the decision on the update of the Questionnaire, we believe that respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion should be interpreted in a broad sense.

Therefore, we find that the Questionnaire should also have reflected the 2004 OSCE Action Plan for the Promotion of Gender Equality in accordance with ministerial decision No. 14/04; as well as ministerial decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation — aiming at enhancing the implementation of the UN Security Council resolution 1325 (2000).

Consequently, we intend to expand the scope of our replies to the Questionnaire, by following the guidelines expressed in the two ministerial decisions, to include information on women, peace and security.

The issue of gender constitutes an integral part of human rights and we encourage all participating states to include this issue in their responses to the Questionnaire.

Thank you, Mr. Chairperson.

I kindly ask you to attach this interpretative statement to the decision just made.”

FSC.DEC/2/09

1 April 2009

Attachment 2

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Germany (also on behalf of Austria, the United Kingdom, Luxembourg and Switzerland):

“Mr. Chairperson,

The delegations of Germany, Austria, the United Kingdom, Luxembourg and Switzerland welcome the Forum for Security Co-operation’s decision on a technical update of the questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

We believe that this update provides a major step forward toward a better implementation of the Code’s provisions through its improved structure and clarity. This will enhance transparency and also update the questionnaire to a significant extent to take account of developments in the politico-military area.

While many questions are oriented toward the constitutional and political control of military, paramilitary and internal security forces, intelligence services and the police, the questionnaire does not take into account the role of private military and security companies. These companies play an increasing role of taking tasks, in particular during operations, which in the past have exclusively been taken up by the above-mentioned forces. Ensuring, that these companies are under proper democratic political control and that they act solely within their State’s constitutional framework is an important task of national authorities.

Recognizing that there is no question in the questionnaire dedicated to the democratic, political control of private military and security companies, we call on participating States to include statements on the democratic political control of private military and security companies in their replies to the questionnaire.

Mr. Chairperson, we would request this statement to be duly registered by the Secretariat as an interpretative statement and circulated to the participating States.”

FSC.DEC/2/09

1 April 2009

Attachment 3

ENGLISH

Original: RUSSIAN

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“The Russian Federation takes the position that OSCE participating States are at liberty to provide answers to question 1.4 of the updated Questionnaire on the Code of Conduct but are not required to do so. In this same connection, the form, structure and content of the answers, in the event they are provided, remain entirely at the discretion of the OSCE participating States.

Mr. Chairperson,

I would ask that this statement be attached to the journal of today’s plenary meeting of the Forum for Security Co-operation.”