



**Permanent Mission of Montenegro to the UN, OSCE and other
International Organizations in Vienna**

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The Permanent Mission of Montenegro to the Organization for Security and Cooperation in Europe (OSCE) presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to enclose herewith the replay of Montenegro to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Montenegro to the Organization for Security and Cooperation in Europe (OSCE) avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre assurances of its highest consideration.



Vienna, July 04, 2014

**To: All Permanent Missions/Delegations to the OSCE
Conflict Prevention Centre
Vienna**



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ENGLISH only

Montenegro

Ministry of Foreign Affairs and European Integration

Exchange of Information on the OSCE Code of Conduct on Politico-Military Aspects of Security

(July 2014)

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?

Montenegro is a party of following conventions:

- European Convention on Counter Terrorism;
- European Council Convention on Prevention Terrorism;
- European Council Convention on Laundering, Searching, Confiscating Objects Gaining by Criminal Activities and on Funding Terrorism.
- In 2013., Memorandum between the Ministry of Internal Affairs of Montenegro and the Ministry of Internal Affairs of Ukraine about the cooperation in the sphere of combating crime (done in Kiev on June 13 June 2013). Period of validity of this Memorandum is indefinite, it came into force on the date of signing, and the aforementioned document provides also cooperation in the fight against terrorism.
- In 2012., Ministry of the Interior has signed a few international agreements, which one part is concerning fight against terrorism:
- Agreement between the Government of Montenegro and the Government of Macedonia on police Co-operation, signed in Skoplje on 16. March 2012, ratified in the Parliament of Montenegro on 04. March 2013. In Article 3 Paragraph 1 Point 1 Line 1 of this Agreement, co-operation between parties of the agreement concerning also fight against terrorism.
- Agreement between Montenegro and the Czech Republic on Co-operation in the Fight against Crime, signed in Podgorica on 22. June 2012, ratified in the Parliament of Montenegro on 04. March 2013. In Article 2 Paragraph 1 Line b, co-operation between parties of the agreement also follow fight against terrorism and financing of terrorism.
- Agreement between the Ministry of the Interior of Montenegro and the Ministry of the Interior of the Slovak Republic on Police Co-operation, signed in Podgorica on 5. June 2012, came into force 30 days from the day of signing. In Article 2 Paragraph 1 Line 2, co-operation between parties of agreement also follow fight against terrorism and financing of terrorism.
- Montenegro has signed Convention on the Police Co-operation in Eastern Europe (Official gazette of Montenegro – International Agreements, Number 01/08), in Vienna, on 05. May 2008. Along Montenegro, Convention has also been signed by: Albania, Bosnia and Herzegovina, Bulgaria, Moldova, Republic of Macedonia, Romania and Serbia. Hungary, Austria and Slovenia have made their accession acts to the Convention. One part of the Convention is concerning also fight against international crime.
- For the purpose of successful cooperation in participating of police officers in peacekeeping missions in Afghanistan, the Ministry of the Interior and the Ministry of Defense of Montenegro have signed, on 19. November 2012., the Agreement on cooperation on preparation and engagement of advisory police

teams within peacekeeping mission ``International Security Assistance Force`` in Afghanistan.

For international-legal instruments in the field of preventing and combating terrorism and cooperation in the fight against crime, Montenegro has deposited its instrument of succession to the following conventions:

- Conventions whose designated depository is the Secretary General of the United Nations:
 1. United Nations Convention against Transnational Organized Crime;
 2. International Convention for the Suppression of the Financing of Terrorism;
 3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
 4. International Convention for the Suppression of Terrorist Bombings;
 5. International Convention Against the Taking of Hostages;
 6. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
 7. International Convention for the Suppression of Acts of Nuclear Terrorism, succession to the signature;

- Conventions whose designated depository is the Council of Europe:
 1. European Convention on the Suppression of Terrorism;
 2. Council of Europe Convention on the Prevention of Terrorism;
 3. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

- Conventions whose designated depository is the International Maritime Organisation:
 1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988);
 2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (SUA PROT 1988);

- Conventions whose designated depositories are individual states:
 1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;
 2. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988,
 3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1970.¹

Montenegro has assumed obligations arising from agreements signed between the SRY and the subsequent State Union of Serbia and Montenegro and:

¹ The depositories of these three international instruments are the United Kingdom, the Russian Federation and the United States of America. Montenegro deposited its instrument of succession with the Government of the United Kingdom, after which the Foreign Office informed the Montenegrin Ministry of Foreign Affairs that other members and depositories would be informed about the given legal transaction.

1. the Republic of Greece on cooperation in the fight against organized crime, illegal trafficking in drugs and psychotropic substances, terrorism, and other severe criminal;
2. the Republic of Bulgaria on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
3. the Republic of Croatia on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
4. The Montenegrin Ministry of Interior and the Republic of Italy and the Republic of Albania Memorandum of Understanding that, inter alia, envisages cooperation in the fight against international terrorism.
5. acceptance and implementation of the Berlin Declaration as of 10 July 2002;
6. implementation of the necessary activities related to red notices, blue notices and other official actions of the INTERPOL with regard to persons for whom there is a reasonable doubt that they have incited, participated or committed terrorist activities; and
7. the Republic of Austria on police cooperation.

Administration for the Prevention of Money Laundering and Terrorism Financing, as Montenegro's Financial Intelligence Unit, signed agreements on cooperation in exchange of financial intelligence data with Financial Intelligence Units (FIU) of the following states:

- Agreement on Cooperation with FIU of Serbia (signed on 16 April 2004);
- Agreement on Cooperation with FIU of Albania (signed on 03 June 2004);
- Agreement on Cooperation with FIU of Bosnia and Hercegovina (signed on 19 April 2005);
- Agreement on Cooperation with FIU of Macedonia (signed on 29 October 2004);
- Agreement on cooperation with FIU of UNMIK Kosovo (signed on 07 December 2004);
- Agreement on Cooperation with FIU of Slovenia (signed on 28 December 2004);
- Agreement on Cooperation with FIU of Croatia (signed on 24 March 2005);
- Agreement on Cooperation with FIU of Bulgaria (signed on 11 April 2006);
- Agreement on Cooperation with FIU of Portugal (signed on 11 June 2007);
- Agreement on Cooperation with FIU of Russian Federation (signed on 07 September 2007);
- Agreement on Cooperation with FIU of Poland (signed on 15 November 2007);
- Agreement on Cooperation with FIU of Romania (signed on 10 October 2008);
- Agreement on Cooperation with FIU of the USA – Fin CEN (signed on 21 October 2008);
- Agreement on Cooperation with FIU of EULEX Mission in Kosovo (signed on 19 February 2009);
- Agreement on Cooperation with State Committee for Financial Monitoring of Ukraine (signed on 27 May 2009);
- Agreement on Cooperation with the Unit for Prevention of Money Laundering and Suspicious Cases of the United Arab Emirates (signed on 06 July 2009);
- Agreement on Cooperation with FIU of Bermuda (signed on 21 October 2009)
- Agreement on Cooperation with FIU of Moldova (signed on 12 December 2010)
- Agreement on Cooperation with FIU of San Marino (signed on 12 December 2010)

- Agreement on Cooperation with FIU of Israel (signed on 12 December 2010)
- Renewed Agreement on Cooperation with FIU of Russia (signed on 15 December 2010)
- Agreement on Cooperation with FIU of Aruba (signed on 14 March 2011)
- Agreement on Cooperation with FIU of Estonia (signed on 14 March 2011)

1.2. What national legislation has been adopted in your State to implement the above mentioned agreements and arrangements?

Competencies, authorities and procedures of state subject which participate in counter-terrorism activities have been regulated with several strategic documents and laws, that relate to the field of terrorism and other fields connected with it. Among the above-mentioned documents and laws are the following: the Constitution, National Security Strategy, Strategic Defence Review, Criminal Code, Criminal Procedure Code, Law on Prevention of Money Laundering and Terrorist Financing, Law on the National Security Agency, Law on Police, Law on Defense, Law on the Armed Forces of Montenegro etc.

These documents and laws define which activities imply criminal offences of terrorism, which institutions and in what manner they participate in counter-terrorism, how to constantly improve capacities of Montenegro in counter-terrorism, how to prevent potential terrorism financing, in what way to eliminate offenders etc.

1.3. What are the role and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Competences, authorities and procedures of the Government bodies involved in counterterrorism activities have been defined by a number of strategic documents and Laws pertaining to the field of terrorism and other areas related to it. These documents and Laws include: National Security Strategy, Strategic Defence Review, Criminal Code, Criminal Procedure Code, Law on Prevention of Money Laundering and Terrorist Financing, Law on the National Security Agency, Law on Police, Law on Defence, Law on the Armed Forces of Montenegro, etc.

These documents and Laws define what criminal activities represent a criminal act of terrorism, which institutions and how they participate in countering terrorism, how to constantly improve Montenegro's capacities for countering terrorism, how to prevent a potential terrorist financing, how to punish perpetrators of criminal acts of terrorism etc.

Also, strategic documents stipulate that the Police is in charge of countering terrorism, proliferation of weapons of mass destruction, corruption and drugs, while the Armed Forces of Montenegro may be engaged as a support to the Police in countering terrorism. For the realization of the second mission of the Armed Forces in the field of supporting civilian structures in countering terrorism, the Special Forces Company and Military Police Company have been declared.

According to the Law on Defense, the Department for Military Intelligence and Security Affairs (DMISA) of the Ministry of Defense was established, which is, among other things, responsible for the implementation of preventive measures to the persons who perpetrate criminal acts of terrorism, espionage, diversion, sabotage and serious criminal acts directed towards the Ministry and the Armed Forces. Also, one member of the DMISA is a member of the Interagency Working Group that is responsible for monitoring and implementation of the Action Plan for the implementation of the 2010-2014 Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing.

The National Security Agency, as a part of an integrated security system, according to the Constitution and Law, among others, performs tasks of collecting and analyzing data

important for national security, including information on potential terrorist threats, while Special Prosecutors in charge of processing criminal acts of terrorism.

The national security system of Montenegro is a complex system in which, in addition to the National Security Agency, Ministry of the Interior (the Police), DMISA, Armed Forces, other government bodies also participate, some with major and some with smaller roles: Administration for Preventing of Money Laundering and Financing of Terrorism, Ministry of Justice, Directorate for the Protection of Classified Information (National Security Authority), Customs Administration, two specialized Departments of the Higher Court (among other tasks, responsible for cases regarding terrorism), Tax Administration, etc.

Within its institutional framework Montenegro has no paramilitary forces.

1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism?

The national security system of Montenegro is a complex system in which besides the National Security Agency (NSA), Ministry of the Interior (the Police), Ministry of Defense (Military-Intelligence Service), participate other state subjects, some of them playing a major, and some a minor role: Administration for Prevention of Money Laundering and Terrorist Financing, Ministry of Justice, Directorate for Protection of Classified Information, Customs Administration, two Special Offices of Higher Court (competent for terrorism cases), Department of Public Revenues etc.

Within its institutional framework Montenegro does not have paramilitary forces.

2. Stationing of armed forces on foreign territory

The Armed Forces of Montenegro members' participation in the Peace Support Operations (PSO) during 2013:

1. 27 troops within the INTERNATIONAL SECURITY ASSISTANCE FORCE (ISAF) in Afghanistan, NATO led operation;
2. 2 UN Military Observers within the UNITED NATION MISSION IN LIBERIA (UNMIL) under UN mandate;
3. 3 Naval Officers within the European Union Naval Forces Operation (EU NAVFOR - ATALANTA) in the Arden Bay and Somali territorial waters, embarked (have been on board) on the ships of the Italian Navy and the Hellenic Navy, while third one has been appointed to the ATALANTA OHQ in Northwood, GB.

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

3.1. Provide information on how your State ensure that commitments in the field of arms control, disarmament and confidence – and security – building as an element of invisible security are implemented in good faith.

After independence, Montenegro has established Agency for arms control since 2007. This agency is subordinated to the Ministry of Defence of Montenegro and it has a main role in execution of all obligations in arms control field. We would like to mention that Montenegro is a member of OSCE and as independent State is a signatory of following agreements and documents related to the Arms control:

- Dayton peace agreement (Article IV);
- Vienna document 2011;
- SALW (Small arms and light weapons) agreement;

- Ottawa conventions;
- HCOC (Hague Code of Conduct Against Ballistic Missile Proliferation) ;
- Conventions of Cluster ammunition;
- CTBT (Comprehensive Test Ban Treaty);
- NPT (Nuclear Non-Proliferation Treaty);
- CCW (The Convention on Certain Conventional Weapons);
- BTWC (Biological and Toxin Weapons Convention); CWC (Chemical Weapon Convention);
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction;
- Treaty on the Non-Proliferation of Nuclear Weapons;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction;
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Upon succession, Montenegro notified its consent to be bound to Protocols I, II and III (adopted on 10 October 1980) annexed to the Convention;
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Convention on Cluster Munitions;
- Convention on Physical Protection of Nuclear Material;
- Safeguard Agreement with IAEA with following Additional Protocol and Small Quantities;
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;

Montenegro and the Arms Control Agency conducts and receives inspections and evaluation visits according to Vienna document 2011 and Dayton peace agreement (Article IV) and participates in many other activities related to CSBM in OSCE, like visit to Air base and Military facility, exchange of military informations, building a regional measures on a voluntary basis and many others. In proces of disarmament Montenegro has developed a program MONDEM in cooperation with SEESAC, UNDP, OSCE and USA goverment, and in 2013 have been destroyed 247 tons and 274 kg of different types of weapons and ordnance . The MONDEM programe is currently in this moment in 3rd phase, 2nd subphase. In all activities related to arms control, Montenegro showed maximum cooperations, opens and good will for contribution in progress in strenghtening security and confidence and achieving disarmament.

3.2. Provide information on how your State pursues arms control, disarmament and confidence-and securita-building measures with a view to enhancing security and stability in the OSCE area.

The proces of arms control and disarmament and CSBM has a very important role in defence policy of Montenegro. Montenegro has established a Agency for Arms Control in 2007 and this institution implemented all activities concerned to the arms control activities.

According to Vienna document 2011 Montenegro has an obligation to receive 3 inspections of Specified area and 1 Evaluation visit per year.

Also Montenegro established a bilateral agreements, concerned to arms control and Vienna document 2011, with Hungary, Germany and Denmark. According to this agreements Montenegro conducts every second year one inspection or evaluation visit on the territory of this countries and receives one inspection or evaluation visit from this countries on its territory. Montenegro realises a bilateral meetin every year with these countries.

According to Dayton peace agreement, Montenegro receives 3 inspection in total by the Republic of Serbia, Republic of Croatia and Bosnia and Herzegowina and conduct a one inspection on the territory of previous mentioned countries.

During 2009. Montenegro realized 1 training inspection according to Open Skies treaty on its territory with more than 15 participants from 6 countries.

Montenegro exchanges a military information, defence planing information and all datas concerning to all arms control agreements wit members of OSCE and on this way shows a good will for cooperation and opens among all OSCE countries.

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?

Jurisdiction of state bodies and institutions in national planning and deciding on the use of the Armed Forces of Montenegro regulates the Constitution of Montenegro, Law on Defence, Law on the Armed Forces of Montenegro and Law on deployment of the AF of Montenegro units to the international forces and participation of members of civil defense, police and public administration employees in the international missions and other activities abroad.

The highest document that gives jurisdiction of the state authorities for planning and decision making on the use of the AF of Montenegro is the Constitution of Montenegro. According to the Constitution, within the process of national planning and decision-making about the use of the AF of Montenegro, as well as defense costs, the Montenegrin Parliament, Security and Defence Council, President of Montenegro and the Government of Montenegro are included.

The Parliament of Montenegro: 1) declares a state of emergency and state of war, 2) Adopts the budget and the final budget account, 3) Adopts the National Security Strategy and the Defence Strategy, 4) Decides on the use of units of the AF of Montenegro in the international forces, 5) Supervises the AF and security services.

Security and Defence Council: 1) Make decisions on commanding of the AF of Montenegro; 2) Approves the Plan on use of the AF of Montenegro 3) Analyzes and assess the security situation in Montenegro and makes decisions for taking appropriate

measures, 4) Assigns, dismiss and improves officers in the AF of Montenegro, 5) Proposes to the Parliament the declaration of war or emergency 6) Suggests the use of the AF of Montenegro in the international forces, 7) Assigns and dismiss the military diplomatic representatives.

President of Montenegro: 1) Commands the AF on the basis of decisions of the Council of Security and Defense, 2) Orders the mobilization of the AF in accordance with the decisions of the Council for Security and Defense, 3) Improving the initial acts of officers and reserve officers of the AF. President of Montenegro is the President of the Security and Defense Council.

Government of Montenegro: 1) Proposes the budget and final budget account, 2) Proposes the National Security Strategy and Defense Strategy; 3) decides on the participation of civil defense staff in peacekeeping missions and other activities abroad, 4) adopts a Defense plan of Montenegro, 5) Adopts the Strategic Defense Review of Montenegro, 6) Adopts the Long-term Development plan, 7) Determines the organizational structure of the AF and the size of the AF.

According to the Defence Law of Montenegro **Ministry of Defence:** 1) proposes Defence Plan of Montenegro, 2) proposes organizational structure of the AF and the size of the AF 3) provides the execution of decisions and other documents from the President of Montenegro and the Government concerning the issues of the Defence system, 4) executes the established Defence policy, 5) organizes and executes international cooperation in area of defence, 6) organizes the protection of electronic communications and information systems for defense and 7) organizes the security affairs in defence area.

Defence minister, according to the Law on AF of Montenegro: 1) ensures the implementation of decisions of commanding the AF, 2) recommends to the Security and Defence Council the assignments and dismissal of CHOD of AF of MNE, 3) proposes to the Council of Security and Defence the promotion, assignment and dismissal of officers of the AF, 4) recommends to the Council for Security and Defence the assignment and dismissal of military diplomatic representatives.

General Staff of the AF does: 1) maintenance of readiness and combat readiness of the AF, 2) development of a command system in the AF, 3) the drafting of military doctrine, the use of the Plan of AF, the fulfillment Plan of the AF, Plan of the mobilization of AF, training plan and training of persons serving in the AF, plan of measures for the organization, development, equipping and modernization of the AF, 4) preparation of the AF to participate in the international forces.

Chief of the General Staff is organizing and commanding of the General Staff. All commands and units of the AF are subordinated to him. On the state of the AF, CHOD is referring to the Minister of Defence.

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?

The Law on use of units in international forces regulates the use of units of AF of Montenegro, participating of members of civil protection, police and employees in state bodies in peacekeeping missions and other activities abroad (2008). Under the use of unit, in accordance with this law, these are the activities: 1) to achieve and preserve peace, 2) in the peacekeeping and peace support missions, 3) the provision of humanitarian assistance, 4) to encourage the development of democracy, legal security and protection

of human rights within international organizations and alliances, and 5) on which Montenegro is committed to international agreements. The Armed Forces units are filled on a voluntary basis.

Engagement of the AF of Montenegro in international operations is based on the Decision of the Parliament of Montenegro from July 2011. According to this decision, the members of the AF of Montenegro are engaged in the following operations:

1. NATO-led operations "ISAF" in Afghanistan, until 45 members of the AF of Montenegro. For the first time, members of the Army carry out duties of patrolling in the area of responsibility RC North. National caveats were changed by decision of Security and Defence Council. According to Government decision (July 2012), two policemen participate in ISAF mission.
This will be the first time members of the Armed Forces to carry out patrolling in the RC North area of responsibility. Therefore, national caveats have been amended according to the Defence Council' decision. According to Government Decision as of July 2012, two policemen participate in the ISAF mission.
2. EU-led operation "Atalanta", until three members of the Navy of Montenegro
3. UN operation "UNMIL" until two members of the AF of Montenegro.

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?

Constitution of Montenegro states that: Armed Forces and security services are under democratic and civilian control (article 11 and 129); Parliament of Montenegro makes decision on deployment of members of AF in missions abroad and conduct oversight on AF and security services (article 82, paragraph 1, point 8 and 10); President of Montenegro commands AF based on decisions of Council for defense and security (article 95, paragraph 1, point 2); Council for defense and security makes decisions on commanding of AF, appoints and dismissed officers and proposes deployment of members of AF (article 130).

2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

These procedures are fulfilled by executions of Law on defense, Law on AF of Montenegro, Law on parliamentary oversight in the field of security and defense and Law on deployment of the AF of Montenegro units to the international forces and participation of members of civil defense, police and public administration employees in the international missions and other activities abroad. Law on parliamentary oversight in the field of security and defense state that democratic and civilian control of AF is being conduct through parliament body for security and defense. This body has authority to: discuss reports in this field, conduct inspections, organize hearing, discuss legal acts and defense budget. Parliament makes decision on deployment of members of AF in mission abroad, adopts laws and strategies and budget.

In terms of control over budgetary resources and security and defense department, the Security and Defense Committee of the Parliament of Montenegro, during the previous year, considered the Proposal of the Law on Execution of the Budget of Montenegro

with the Report on audit of the Law on Execution of the Budget for 2012 year, in part relating to consumer unit: Ministry of Defense, Ministry of Interior and the Agency for National security, in accordance with article 7 of 9 of the Law on Parliamentary Supervision in the field of security and defense. In addition, the Proposal of the Law on Budget of Montenegro for 2014 was considered at the first joint session of the Committee for Security and Defense and the Committee for Anticorruption, in the part which refers to the aforementioned consumer units.

Taking into consideration the Section VII of the OSCE Code of Conduct on Politico - Military Aspects of Security, which concerns necessity of implementing democratic political control of the sector for defense and security, as an integral part of the stability and security of a state, the Committee took part in 2013, with its regular and extraordinary activities, in implementation of the Code through monitoring of implementation of the Law on Parliamentary Supervision in the field of Security and Defense.

Council for defense and security makes decision on which President of Montenegro commands Montenegrin AF. Minister of defense is civilian and he is being appointed by Parliament. Government of Montenegro proposes to the parliament laws, strategies, Budget, Minister of defense and discuss annual reports of Ministry of defense.

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?

The role of AF of Montenegro is to defend independence, sovereignty and state territory in accordance with principles of international law on usage of force. Missions of AF of Montenegro are: defense of Montenegro, support to civilian institutions in state during natural and artificial caused catastrophes and in other crisis, including crisis caused by terroristic activity and contribution in building and keeping of peace in the region and world.

Executing of Constitution and above mentioned laws, Montenegro ensures that our defense and security forces are acting in constitutional framework.

Montenegro does not have paramilitary forces.

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 international security forces does your state have?

Montenegro Army is professional and members of AF join Army on voluntary base. Law on AF states that Montenegro citizens have military obligation during state war or emergency. In peace time, on voluntary base, Montenegro citizens can be called for training for duties in war, not longer than 60 days per year.

3.2 What kind of exemptions or alternatives to military service does your state have?

Citizen of Montenegro, based on his religious and other conviction, has right to decline military duty which include usage of weapon in state of war or emergency.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts

Minister of defense makes decision concerning rights and obligations of members of AF in accordance with the law. Against these decisions members of AF can appeal to the state Ombudsman or regular Courts.

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 programs and regulations?

In accordance with Constitution of Montenegro AF of Montenegro defends independents, sovereignty and state territory in accordance with principals of international law on usage of force.

In accordance with this constitutional principle, programs of educations and training of members of arm forces includes basics of International Humanitarian Law an Law on arm conflicts

Duty of all members of AF is to know basics of International Humanitarian Law and Law on arm conflicts, which is being inspected in process of evaluations of defense readiness and especially in process of preparation for deployment in missions abroad.

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 action?

Law on AF states that member of AF has right and obligation to perform his duty in accordance with Constitution and other legal acts, and to fulfill his superiors orders, except in case if fulfillments of those orders present criminal act in which case he have to report this.

These provisions members of AF are learning during their training. Also al legal acts concerning this area are being published in "National gazette", and there easy to access in Ministry of defense and arm forces.

4.3 How does your state ensure that AF 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?

State ensures that AF 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, by executing Constitution and above mentioned laws in which are stated all procedures for usage of AF and punishment for those that violet them.

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?

Members of AF are being introduced with their constitutional rights during their military education. Constitution and Law on AF forbids membership in political organization.

4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?

Defense strategy and Strategy of national security are in accordance with international law and they are drafted with participations of foreign experts. Legal acts in this area are based on these strategies and in this way Montenegro ensured that our defense policy is in 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

Provisions of Code of the Conduct were an issue in statements of representatives of Ministry of Defense. Public relation Office, organized within Cabinet of Minister of Defense, launches information on this issue, as well as about activities of Ministry and Armed Forces of Montenegro by providing press releases and statements, organizing press conferences and publishing monthly magazine "Partner" which is focused on Euro-Atlantic integrations issues and armed forces area. All of those publications which Ministry of Defense provides in order to inform public are available on web site www.odbrana.gov.me. This official web site is updated on daily bases.

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?

Replies to the Questionnaire on the Code of Conduct are posted on the official web site of the Ministry of Foreign Affairs and European Integration.

1.3 How does your State ensure public access to information related to your State's armed forces?

Law on Free Access of Information regulates the right to access information of public importance. Public and non-governmental organizations (NGO), after fulfillment of prescribed procedure, are informed on all information held by Ministry of Defense which are not marked with confidentiality levels. Information on provisions of the Code of Conduct and its implementation is available for all stakeholders in public sector.

Public access to information related to Montenegro's armed forces is available on official web sites of Ministry of Defense www.odbrana.gov.me and www.vojska.me.