



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

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Canadian Chairmanship

**Second Follow-up Conference on the OSCE
Code of Conduct on politico-military aspects of security**

Vienna, 29-30 June 1999

SUMMARY

TABLE OF CONTENTS

	<u>Page</u>
Chairman's Report.....	1
<u>Reports of the Working Session Rapporteurs:</u>	
Working Session 1:	
Sections I to VI: General Principles, Commitments And Obligations	
Section VII: Democratic Political Control	3
Working Session 2:	
Section VIII: Norms for the Use of Armed Forces in Peace and War	
Sections IX and X: Implementation Mechanisms	6
Annex A: Log of Contributions	
Annex B: Agenda, modalities and work programme for the Follow-up Conference on the Code of Conduct on politico-military aspects of security (FSC.DEC/3/99)	

CHAIRMAN'S REPORT

The Second Follow-up Conference on the OSCE Code of Conduct on politico-military aspects of security took place on 29-30 June.

It was shorter in duration than the first one but, thanks to the substantive contributions from delegations and to the hard work of our moderators, keynote speakers and rapporteurs, there has been a most productive exchange of ideas, and we have maintained the tradition of excellence established at the First Follow-up Conference.

The presence of many experts from capitals has been of particular value. It has enabled us to take advantage of their singular contributions.

Many forward-looking proposals have been made for the implementation, assessment and further development of the Code. With the Conference now behind us, we must now draw some lessons and make the best use of them in support of the Code.

It is clear that our appreciation of the elements of the Code of Conduct and their continued relevance remains constant. The implementation of the Code of Conduct, by contrast, continues as a dynamic process.

Participating States have illustrated for us through their statements and comments the varied stages of implementation of the aspects of the Code which they have reached. This has again added to our understanding both of the complexity of the Code itself and of the complexity of its full implementation.

In some cases, areas of the Code appear to be unclear and ambiguous in their presentation and in the requirements for their implementation.

This should remind us that our security situation, which the Code so closely governs, itself remains fluid and in transition.

The very recent crisis over Kosovo has sharpened our perceptions of the importance of the Code. Our discussions have reflected this point.

In their remarks, delegations spoke of consolidation and of areas where work has been done and progress has been made, or where models and examples can be observed and made use of. Ways to improve our individual and collective evaluation and monitoring of implementation were also proposed.

On the first day of the Conference, delegations had the opportunity to reflect on the value of the Code and note areas for further work with regard to the democratic political control of armed forces. The relation between the Helsinki Decalogue and Sections I to VI of the Code was particularly emphasized. A reference was made to the importance of the Code's provisions on combating terrorism.

On the second day, a frank exchange of view took place on the subject of international humanitarian law and the use of armed forces in internal security situations. Issues related to effective implementation were introduced and led to several concrete proposals.

Indeed in the course of the Conference, it was proposed, *inter alia*, that: OSCE Missions be used for promoting and disseminating the Code in co-operation with the CPC - for example, through seminars on international humanitarian law; that a manual or explanatory notes providing guidance on implementation of the Code be developed.

It was underlined that the responses to the recently adopted questionnaire should not remain *lettre morte*. The responses could be, for instance, reviewed each month by the appropriate FSC working group. Several delegations saw merit in working on these proposals in conjunction.

It was proposed that there be, next year, a joint special session of the Permanent Council and the FSC on the provisions of the Code and the application of lessons learned from the recent events in the Balkans.

The idea was put forward of convening a conference next year to mark the fifth anniversary of the Code, the conference being designed to be of particular interest to parliamentarians concerned with the control of armed forces.

A detailed list of proposals made during the Conference will be circulated by the CPC, soon.

Several delegations pointed to the connection between the Code and the work being done on the Charter and, in general, with the work of the Permanent Council.

In conclusion, at all levels and in all areas of OSCE activity, the Code and its implementation remain a critical factor with a crucial influence on our thinking and our work.

We were gratified by the interest of delegations for this Conference and the good number of concrete proposals put on the table. The Forum should now follow-up on these.

WORKING SESSION 1

Tuesday, 29 June 1999

Report of the Working Session Rapporteur

Agenda item 2: Sections I to VI: General Principles, Commitments and Obligations

Agenda item 3: Section VII: Democratic Political Control

Working Session 1 of the Second Follow-up Conference on the Code of Conduct provided delegations with an opportunity to reflect on the value and relevance of the principles and commitments enshrined in the Code as well as to share experience and note areas for future work relating democratic political control, especially in the implementation field.

At this working session, statements were made by two keynote speakers.

1. The first keynote speaker outlined the fundamental values on which the comprehensive security concept of the OSCE is based and focused on the issues of peace and democracy. He said that the Code of Conduct is valuable where it is directed solely towards improving the quality of democracy and that the Code has been designed as an instrument for promoting security and peace among the participating States.

A number of delegations stated that Sections I-VI of the Code are an affirmation of the Helsinki principles and a reiteration of the comprehensive concept of security. The value of the Code in its entirety and the equal importance of all its sections were underlined.

One delegation referred to the way the Code of Conduct is reflected in its country's national legislation.

One delegation took up the question of terrorism, an international phenomenon equally affecting all nations, both in their international relations and domestically. In this connection, the negative impact of terrorism on the democratic institutions, territorial integrity and security of States and on the exercise of human rights was highlighted. In order to promote a more active OSCE role in combating terrorism, that delegation recalled a proposal made some time ago by another delegation regarding the elaboration of a special Code of Conduct on terrorism.

The relevance of the Code's principles in the context of regional and subregional crises and conflicts in the OSCE area was referred to by one delegation, which also stressed the need to increase the effectiveness of the implementation mechanisms connected with the responsibilities of the OSCE in the areas of early warning, conflict prevention, crisis management and post-conflict rehabilitation.

One delegation referred to the important contribution made by seminars to the extensive exchange of views on implementation and other aspects of the Code of Conduct.

2. The second keynote speaker brought to the attention of the delegations some aspects of the implementation of the Code's provisions relating to democratic political control in the context of the radical changes taking place in the armed forces of his country. More specifically, he referred to the recent development of a document on the foundations and principles of the exercise of the military profession in the Army of his country.

Some delegations underlined the innovative character of the Code of Conduct in setting, in the spirit of co-operative security, comprehensive rules pertaining to the democratic control and internal use of armed forces. They referred to the use of Sections I-VI of the Code as a common denominator for streamlining the armed forces of participating States and bringing their structures and doctrines into line with democratic principles.

The conceptual relevance of the Code for the development of national legislation and norms relating to democratic political control was highlighted. Some delegations elaborated on particular aspects of their national legislation regarding democratic political control, giving vivid examples of the Code's impact at the national level.

Several delegations elaborated on the functioning of democratic political control in their respective States. It emerged that the formal models of civil-military relationships and the practice of democratic political control may vary from State to State. In this respect, the basic guidelines of the Code preserve their full conceptual validity and operational value.

It was revealed that the sequential relationship between the development of the Code of Conduct and national procedures also varies. In some States, adoption of the Code confirms the national norms and practices already in place, whereas in other States its provisions serve as a useful tool for promoting internal reforms in the area of democratic political control.

One delegation touched upon the role of the mass media in the democratic political control of the armed forces. It was stressed that the mass media may reinforce the oversight exercised by the constitutional authorities and can help to build understanding for, confidence in and support for the armed forces.

Special emphasis was placed on the need for the human rights of members of the armed forces to be fully respected, reference being made to paragraphs 23, 27, 28 and 33 of the Code. In this context, national legal provisions and procedures relating to exemption from and alternatives to military service were presented.

The importance of balancing the rights and obligations of servicemen was emphasized by one delegation. It was noted that observing the democratic rights of conscripts implies the continued exercise of the basic human rights which were enjoyed by them as civilians.

The various ways of using the provisions of the Code of Conduct were touched upon by a number of delegations. Examples in this area included the incorporation of specific provisions of the Code into national legislation and regulations concerned with the training of armed forces personnel, and publication and broad dissemination of the Code.

Some delegations emphasized the particular importance of the adoption of the Questionnaire on the Code of Conduct (Decision No. 4/98 of the FSC) and of participating States' responses to it as a tool for implementation of the Code of Conduct.

WORKING SESSION 2

Wednesday, 30 June 1999

Report of the Working Session Rapporteur

- Agenda item 4: Section VIII: Norms for the Use of Armed Forces in Peace and War
- Agenda item 5: Sections IX and X: Implementation Mechanisms
-

The opening keynote speech by Mr. Bruno Zimmermann of the ICRC addressed the relationship between the Code of Conduct and International Humanitarian Law. His approach to the topic was fresh and imaginative and stressed the need for continued co-operation between the OSCE and the ICRC in the dissemination and implementation of International Humanitarian Law. Drawing from his speech and guided by the Moderator, a lively and open debate followed on Sections VIII, IX and X.

The first delegate speaker stressed the need to plan and train for different levels in the control hierarchy. Political military and factual levels must be catered for and each must be distinguished from the others. He was of the view that directives were needed at a political level while rules of engagement were a requirement at the operational level.

Another delegate expressed the view that the phrase “armed forces” as used in paragraph 34 is not sufficiently explicit and that it should clearly encompass any forces legally authorized to carry arms and apply force. In response, a further delegate remarked that it had not been possible, at the drafting stage of the Code, to reach a consensus on a definition but he adverted to the fact that paragraph 20 emphasizes the concept of democratic control of military, paramilitary and internal security forces as well as intelligence services and the police. Despite the expressed reservations he considered that, in the true spirit of the Code, it was possible to accept the wider definition of “armed forces”.

It was stated that although paragraph 36 allows for the use of armed forces in internal security situations, that paragraph should be looked at in tandem with paragraph 37, when it then becomes clear that armed forces should not be used to curb human and civil rights.

A further delegate emphasized the overriding need for all forces, of whatever nature, to be subject to the Rule of Law. One speaker highlighted the position in his own State where the law provides that “all other means” must be put into effect in his State before military forces are committed in internal security situations. Another delegate cautioned that delay in committing armed forces in an internal security situation could be counter-productive and that such delay could lead to an unnecessary loss of life.

The importance of amending rules of engagement in the light of evolving legislative and legal changes was stressed. The need to balance the political requirements of the Code with the legal requirements of Geneva Law and the 1977 Protocols, was emphasized. Clarity can be found by grounding actions on both the Code and Geneva Law.

A delegate referred to the positive contribution which armed forces can make in protecting citizens during natural disasters and he emphasized the role of armed forces in guaranteeing the rights and freedoms of citizens.

A further speaker spoke of the need for the Code to reflect the needs of the citizen. The speaker considered that this could be best achieved by putting in place clear rules of engagement. It was stated that the Code of Conduct could greatly enhance the behaviour of international forces and that of peacekeeping forces.

A particular delegate remarked that military forces may not be used for tasks of an internal political character in his country and further stated that the army may not be used to control civil unrest in his country. The speaker from the ICRC, addressing the question as to how best to protect the rights of citizens in internal security situations, suggested that one should look to the whole Code of International Humanitarian Law.

The need to proclaim rules of engagement in advance of operations was stressed as otherwise effective control cannot be exercised over armed forces.

The second keynote speaker of the session delivered an incisive and thought-provoking presentation on implementation in his State. He referred to the "Parliamentary Commissioner of the Bundestag" who provides parliamentary control of the military and who also protects the human rights of service personnel. He proposed that, in January 2000, on the 5th anniversary of the entry into force of the Code, that the FSC should propose and, subject to the agreement of the OSCE Parliamentary Assembly, organize a meeting of members of parliament.

It was suggested that perhaps one question each month be addressed at FSC discussions. CPC's own expertise could also be inputted. A further suggestion was made that a data bank be developed which would contain the replies to questionnaires and that this could be placed on the OSCE website.

A proposal was made to introduce a manual as an annex on the application of the Code of Conduct. The scope of the proposed annexed manual would be wide enough to accommodate all matters requiring clarification or specification, including definitional matters and implementation arrangements. It would provide an opportunity to address issues deserving further elaboration in the light of apparent or emerging security concerns relevant to the Code.

The fact that the Code of Conduct should be a living document was stressed. Parliamentarians need to be made more aware of the Code. It was suggested that the FSC could make further use of information technology.

Some reservations were expressed about the wisdom of producing a manual or indeed the feasibility of producing one. It was suggested that we should focus on the applications of the Code of Conduct to peacekeeping operations.

Many speakers supported the idea of wide circulation and use of the questionnaires. A collective wish was expressed that they could not be consigned to dusty filing cabinets. A suggestion was made that a seminar on democratic control of armed forces be held in a region where public access to information and exposure to international media is not usual.

The attendant publicity could lead to information on the Code being disseminated in such a region or country.

It was suggested that caution should be exercised in attempting to clarify some aspects of the Code, noting that the Code was produced following upon long debate and great compromise.

The keynote speaker from the Federal Republic of Germany concluded by urging all countries to assure that their own members of parliament were made aware of the Code of Conduct and of their responsibilities under the Code.

Log of Contributions to the Second Follow-up Conference
on the OSCE Code of Conduct on politico-military aspects of security

(Vienna, 29 to 30 June 1999)

Doc. id. No.	Date	Originator	Title	Lang.
I. Plenary Sessions				
FSC.DEL/186/99	29.06.99	Canada	Opening statement	E
FSC.DEL/187/99	29.06.99	Chairman (Canada)	Opening statement	F
FSC.DEL/188/99	29.06.99	Germany-EU	Opening statement	E
FSC.DEL/192/99	29.06.99	Turkey	Opening statement	E
FSC.DEL/194/99	29.06.99	Russian Federation	Opening statement	E/R
FSC.DEL/195/99	29.06.99	Switzerland	Opening statement	E/G
FSC.DEL/197/99	29.06.99	Netherlands	Opening statement	E
FSC.DEL/199/99/ Rev.1	30.06.99	USA	Opening statement	E
FSC.DEL/200/99	29.06.99	Egypt	Opening statement	E
FSC.DEL/205/99	30.06.99	Belarus	Opening statement	E/R
FSC.DEL/212/99	30.06.99	Greece	Opening statement	E
FSC.DEL/221/99	30.06.99	Romania	Report of the Rapporteur of Working Session 1	E
FSC.DEL/235/99	01.06.99	Chairman (Canada)	Chairman's perception	E
FSC.DEL/236/99	01.07.99	Ireland	Report of the Rapporteur of Working Session 2	E
II. Working Sessions				
Working Session 1				
Sections I to VI: General Principles, Commitments and Obligations				
FSC.DEL/190/99	29.06.99	Bulgaria	National Security Concept	E
FSC.DEL/191/99	29.06.99	Bulgaria	Military Doctrine	E
FSC.DEL/196/99	29.06.99	Azerbaijan	statement	E/R
FSC.DEL/198/99	29.06.99	Switzerland	Keynote Speech: Prof. Roland Kley (University of St. Gallen, Switzerland)	E/G
FSC.DEL/208/99	30.06.99	Sweden	The Role of Mass Media in Democratic Control of Armed Forces	E
Section VII: Democratic Political Control				
FSC.DEL/209/99	30.06.99	Sweden	Rights and Duties of Armed Forces Personnel	E
FSC.DEL/216/99	30.06.99	Ukraine	statement	R
FSC.DEL/218/99	30.06.99	France	Keynote Speech: Gén. Jean-René Bachelet (French Armed Forces)	F
Working Session 2				
FSC.DEL/210/99	30.06.99	Netherlands	Food-for-Thought, Some items for discussion	E
Section VIII: Norms for the Use of Armed Forces in Peace and War				
FSC.DEL/217/99	30.06.99	ICRC	Keynote Speech: Mr. Bruno Zimmermann (ICRC)	E
FSC.DEL/222/99	30.06.99	Russian Federation	Statement	R

Doc. id. No.	Date	Originator	Title	Lang.
Sections IX and X: Implementation Mechanisms				
FSC.DEL/213/99	30.06.99	Germany	Keynote Speech: Col. Jürgen Weidermaier (German Centre for Leadership, Development and Civic Education)	E
III. Other				
FSC.GAL/75/99 Restr.	22.06.99	Chairman (Canada)	Timetable for the Conference	E
FSC.GAL/77/99 Restr.	28.06.99	Chairman (Canada)	List of items for discussion	E
FSC.INF/10/99/ Rev.1	30.06.99	Conference Services	Final List of Experts participating in the Conference	E
FSC.DEL/224/99	30.06.99	Czech Republic	General Contribution	E



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/3/99
17 March 1999

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248th Plenary Meeting

FSC Journal No. 254, Agenda item 2

DECISION No. 3/99

**AGENDA, MODALITIES AND WORK PROGRAMME FOR THE
FOLLOW-UP CONFERENCE ON THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY**

(Vienna, 29 to 30 June 1999)

OBJECTIVES OF THE FOLLOW-UP CONFERENCE

The Conference will assess, review and, where necessary, make recommendations to improve the implementation of the Code of Conduct.

The Conference will assess and review replies to the Questionnaire.

The Conference will consider ways of enhancing the contribution of the Code of Conduct to European security as a whole.

I. DRAFT AGENDA

1. Opening plenary:

Presentation by the Chairman of the Conference

Presentation by a representative of the Chairman-in-Office

Contribution by the Conflict Prevention Centre (CPC)

General statements

2. Sections I to VI: General Principles, Commitments and Obligations

- concepts guiding security relations;
- preventing and combating terrorism;
- reaffirmation of existing principles and the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State;
- rights and commitments in the field of security;

- arms control, disarmament, confidence- and security-building measures;
 - early warning, conflict prevention, including, *inter alia*, co-operation on implementation of the commitments in the economic and human dimensions, and crisis management.
3. Section VII: Democratic Political Control
- democratic political control of military, paramilitary and security forces;
 - integration of the armed forces into civil society;
 - rights and duties of armed forces personnel;
 - dissemination of the principles of the Code of Conduct.
4. Section VIII: Norms for the Use of Armed Forces in Peace and War
5. Sections IX and X: Implementation Mechanisms
- Questionnaire
6. Closing plenary: Chairman's Summary, including recommendations on future work and suggestions for contributions to the ongoing work on the Security Model.

II. MODALITIES

1. The Conference will be held in Vienna from 29 to 30 June 1999.
2. The working hours of the Conference will be from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m.
3. The Conference will be organized into opening and closing plenaries as well as consecutive working sessions on agenda items 2, 3, 4 and 5.
4. The Chair will be held by the Chairmanship of the Forum for Security Co-operation. The Chairman may call upon the members of the FSC Troika and CPC for such assistance and support as may be needed.
5. Each working session will be moderated by a representative of the Chair. The moderator will ensure optimal utilization of the time available for discussion of the various agenda items.
6. The Chairman will be assisted by two Rapporteurs on agenda items 2, 3, 4 and 5 respectively. Participating States that wish to nominate volunteers for the function of Rapporteur should submit the names of candidates as well as the preferred sessions to the Chairman not later than 11 June 1999.

7. Prior to the commencement of the Conference the Chairman will circulate a list of items for discussion with a view to providing guidance on the deliberations and promoting full coverage of all agenda items.
8. There will be no formal statements during the working sessions.
9. During the closing plenary, each Rapporteur, upon appropriate consultation with the Chair, will submit a report on the issues addressed during the respective working sessions.
10. On the basis of these reports, the Chairman will present his Summary to the Conference. The Chairman's Summary of the Conference will be brought to the attention of the FSC.
11. OSCE participating States are encouraged to include relevant experts from capitals in their delegations.
12. This Follow-up Conference will replace the 1999 Special Meeting of Working Group A which is foreseen in accordance with FSC.DEC/4/98.
13. The Mediterranean partners for co-operation and Japan, as well as the Republic of Korea, are invited to observe the Conference. They will not take part in the preparation or adoption of recommendations, or in the review of the implementation of the Code by participating States. They may contribute to the Conference in areas in which partners' concerns may relate to the implementation of the Code.

WORK PROGRAMME

Working hours: 10 a.m. - 1 p.m.
3 p.m. - 6 p.m.

	Tuesday, 29 June 1999	Wednesday, 30 June 1999
Morning	PL (Item 1)	WS (Items 4 and 5)
Afternoon	WS (Items 2 and 3)	PL (Item 6)

WS = Working Session
PL = Plenary meeting