



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

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**Chairmanship: Lithuania**

**ANNUAL DISCUSSION ON THE  
IMPLEMENTATION OF THE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY**

**Vienna, 10 July 2013**

**CONSOLIDATED REPORT**

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

FSC.DEC/3/13

8 May 2013

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**716th Plenary Meeting**

FSC Journal No. 722, Agenda item 3

**DECISION No. 3/13  
AGENDA, TIMETABLE AND MODALITIES FOR THE SECOND  
ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE  
CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

The Forum for Security Co-operation (FSC),

Recalling FSC Decision No. 12/11 on an annual discussion on the implementation of the Code of Conduct on Politico-Military Aspects of Security,

Recalling the importance of the Code of Conduct and taking into account the provision of paragraph 38 of the Code of Conduct stating that appropriate bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of the Code of Conduct,

Taking into account the deliberations of the first Annual Discussion on the Implementation of the Code of Conduct held in 2012,

Decides to organize the second Annual Discussion on the Implementation of the Code of Conduct, which is to take place on 10 July 2013 in Vienna, in accordance with the agenda and organizational modalities contained in the annex to this decision.

FSC.DEC/3/13  
8 May 2013  
Annex

## **ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

### **I. Agenda and indicative timetable**

**Wednesday, 10 July 2013**

- |                   |  |
|-------------------|--|
| 10–10.30 a.m.     | Opening session <ul style="list-style-type: none"><li>– Opening and introduction by the FSC Chairperson</li><li>– Remarks by the Secretary General</li><li>– General statements</li></ul>  |
| 10.30 a.m.–1 p.m. | Working session 1: Sharing of views on the implementation of the Code of Conduct in the context of the existing political and military situation <ul style="list-style-type: none"><li>– Introduction by session moderator</li><li>– Keynote speakers</li><li>– Discussion</li><li>– Moderator's closing remarks</li></ul>                                       |
| 3–4.45 p.m.       | Working session 2: Evaluation discussion on the implementation and effectiveness of the Code of Conduct including the 2013 annual exchange of information pursuant to the Questionnaire <ul style="list-style-type: none"><li>– Introduction by session moderator</li><li>– Keynote speaker</li><li>– Discussion</li><li>– Moderator's closing remarks</li></ul> |
| 4.45–5 p.m.       | Closing session <ul style="list-style-type: none"><li>– Discussion</li><li>– Concluding remarks</li><li>– Closure</li></ul>  |

## **II. Organizational modalities**

### **Background**

In FSC Decision No. 12/11 it was decided, *inter alia*, to “regularize a focused discussion on implementation of the Code of Conduct on Politico-Military Aspects of Security by devoting an annual special one-day meeting to the Code of Conduct” and to “invite, as appropriate, representatives of think tanks of international standing and security-related scientific institutes to a morning session of this meeting to share views on implementation, while the following evaluation discussion of the afternoon session of the meeting is to be restricted to participating States.”

The second Annual Discussion on the Implementation of the Code of Conduct will therefore provide opportunities to discuss how to promote and improve the implementation of the Code of Conduct, including its annual information exchange, and to undertake an evaluation discussion and examine the application of the Code of Conduct in the context of the existing political and military situation.

### **Organization**

The Annual Discussion on the Implementation of the Code of Conduct will take place on 10 July 2013 in Vienna.

The OSCE Rules of Procedure and standard working methods will be followed, *mutatis mutandis*, at the annual discussion on the implementation of the Code of Conduct.

A representative of the FSC Chairmanship (Lithuania) will chair the opening and closing sessions.

Each session will have a moderator and a rapporteur.

Simultaneous interpretation between all six working languages of the OSCE will be provided at all sessions.

The FSC Chair will provide a report on the Annual Discussion on the Implementation of the Code of Conduct within one month, including a survey of suggestions and recommendations made during the meeting.

### **Participation**

The participating States are encouraged to ensure that they are represented at policy and expert level at the Annual Discussion on the Implementation of the Code of Conduct.

The OSCE Secretariat, the ODIHR, field operations, the OSCE Parliamentary Assembly and the OSCE Partners for Co-operation are invited to participate in the Annual Discussion on the Implementation of the Code of Conduct.

Only the morning session will be open for the invited representatives of think tanks of international standing and security-related scientific institutes.

## **General guidelines for participants**

In accordance with FSC Decision No. 12/11, a report on the implementation of the Code of Conduct prepared by the Conflict Prevention Centre of the OSCE Secretariat will be made available to participating States not later than 3 July 2013.

The Annual Discussion on the Implementation of the Code of Conduct will be conducted in four sessions.

The working sessions will concentrate on major topics, which will be introduced by keynote speakers. The introductions shall be followed by discussions of any number of relevant subtopics that delegates may wish to raise. The aim is an interactive and free-flowing discussion.

Delegations are welcome to distribute written contributions in advance of the meeting, both on agenda items and on related matters for possible discussion. In order to ensure the most productive discussion when the participating States are considering suggestions made during the meeting, the recommended approach is for delegations to bring forward suggestions or topics of interest by means of food-for-thought papers. Discussions on initial papers could lead to further work in the FSC.

## **Guidelines for keynote speakers**

The introductions given by the keynote speakers should set the scene for the discussion in the sessions and stimulate debate among delegations by raising appropriate questions and suggesting potential recommendations based on OSCE realities. The keynote speakers' contributions should set the stage for substantive, focused and interactive discussions. The available speaking time is approximately 15–20 minutes per keynote speaker.

Keynote speakers should be present during the entire session they are speaking at and be ready to engage in the debate following their presentation.

## **Guidelines for moderators and rapporteurs**

The moderator chairs the session and should facilitate and focus the dialogue among delegations. The moderator should stimulate the debate by introducing items related to the subject of the opening and working session, as appropriate, in order to broaden or focus the scope of the discussion.

The rapporteurs' reports should deal with issues raised during the respective sessions; they should cover lessons learned, best practices, challenges, improvements, and suggestions made at the session, and any other relevant information.

Personal views shall not be advanced.

**Guidelines on the timing of submitting and distributing written contributions**

Participating States and other participants of the meeting are invited to submit any written contributions by 3 July 2013.

## **SECOND ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 10 July 2013

### **Wednesday, 10 July 2013**

10–10.30 a.m.            Opening session

Chairperson: Ambassador G. Čekuolis, Chairperson of the Forum for Security Co-operation

- Opening and introduction by Ambassador G. Čekuolis, Chairperson of the Forum for Security Co-operation;
- Remarks by Mr. A. Kobieracki, Director of the Conflict Prevention Centre;
- General statements.

10.30 a.m.–1 p.m.      Working session 1: Sharing of views on the implementation of the Code of Conduct in the context of the existing political and military situation (with coffee break)

- Introduction by session moderator;
- Keynote speakers;
- Discussion;
- Moderator's closing remarks.

Moderator: Colonel A. Eischer, Senior Military Adviser, Permanent Mission of Austria to the OSCE

Rapporteur: Lt. Colonel M. Shiaelos, Senior Military Adviser, Permanent Mission of Cyprus to the OSCE

Slovak Perception and Approach to Security Sector Reform, by Ambassador P. Burian, State Secretary, Ministry of Foreign and European Affairs of the Slovak Republic

EU Support to SSR under the Common Security and Defence Policy and External Assistance by Ms. E. Frech, Policy Officer, Crisis Management and Planning Directorate, European External Action Service, and Ms. Katarina Motoskova, Policy Officer, Unit for Governance, Democracy, Human Rights and Gender, EuropeAid, European Commission

The Role of the OSCE in Security Sector Governance and Reform: Preliminary Observations, by Mr. H. Hänggi, Assistant Director and Head of Research, Geneva Centre for the Democratic Control of Armed Forces



- 1–3 p.m. Buffet lunch
- 3–4.45 p.m. Working session 2: Evaluation discussion on the implementation and effectiveness of the Code including the 2013 annual exchange of information pursuant to the Questionnaire (with coffee break)
- Introduction by session moderator;
  - Keynote speakers;
  - Discussion;
  - Moderator’s closing remarks.
- Moderator: Lt. Colonel D. Hempel, FSC Co-ordinator for the OSCE Code of Conduct on Politico-Military Aspects of Security  
Rapporteur: Major M. Álvarez Arribas, Military Adviser, Permanent Mission of Spain to the OSCE
- The 2013 Annual Information Exchange on the Code of Conduct, by Mr. F. Grass, FSC Support Officer, Conflict Prevention Centre
- National Experiences: Experience of Serbia in the Implementation of Code of Conduct, by Mr. M. Jovanovic, Assistant Minister for Defence Policy, Ministry of Defence of the Republic of Serbia
- The Code of Conduct and International Humanitarian Law: Challenges and Techniques in Preparing and Deploying Soldiers and Commanders for Contemporary Military Operations, by Colonel J. N. Stythe, Colonel Operational Law, HQ Land Warfare Centre, Warminster, United Kingdom
- Issues related to Women, Peace and Security and the Annual Information Exchange on the Code of Conduct, Ms. M. Beham, Senior Adviser on Gender Issues, Office of the Secretary General, OSCE
- 4.45–5 p.m. Closing session
- Discussion;
  - Concluding remarks by FSC Chairmanship;
  - Closure.

**OPENING STATEMENT BY THE CHAIRPERSON  
OF THE FORUM FOR SECURITY CO-OPERATION AT THE  
SECOND ANNUAL DISCUSSION ON THE IMPLEMENTATION OF  
THE CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

Vienna, 10 July 2013

Excellencies, ladies and gentlemen,

It is a pleasure and an honour to be here, and on behalf of the OSCE Forum for Security Co-operation, to open this Second Annual Discussion on the Implementation of the Code of Conduct on Politico-Military Aspects of Security, which remains a key normative document governing the role of armed and security forces in democratic societies.

In July last year, our first Annual Discussion took place under the Chairmanship of Latvia. We have again circulated the survey of suggestions made during this event for the perusal of the participating States.

This year's event will once more provide an opportunity for the participating States and experts to exchange experience and share their views on the implementation of the Code of Conduct in the current political and military situation, as mandated by the meeting of the Ministerial Council in Vilnius and FSC Decision No. 12/11.

The agenda, timetable and modalities for this Annual Discussion have been outlined by FSC Decision No. 3/13 of 8 May 2013. The annotated agenda was circulated on 2 July 2013 under reference No. FSC.GAL/72/13/Rev.1. I would like to express my gratitude to all the colleagues whose work and support made this event not only possible but also very rich in content. I would especially like to recognize the most valuable contributions by Lieutenant Colonel Detlef Hempel, FSC Co-ordinator for the Code of Conduct, and Mr. Fabian Grass from the OSCE Secretariat.

Today's Annual Discussion will be conducted in two working sessions. For both sessions, we invited prominent keynote speakers who had kindly agreed to share with us their thoughts, thereby facilitating our focused discussions on the Code of Conduct. Later today, the moderators of the working sessions will introduce their respective subjects in greater detail. I would like to thank the moderators and rapporteurs for taking up this important commitment.

The OSCE is renowned for its comprehensive approach to security, and the subject of security sector governance and reform is of particular relevance in this regard. The Chairmanship of the FSC welcomes the cross-dimensional perspective inherent in all our discussions, in particular, in our discussions concerning the review and implementation of the OSCE Code of Conduct.

In Dublin last December, our ministers decided to launch the Helsinki+40 process, and requested the Forum for Security Co-operation to contribute, within its mandate. They also stressed the importance not only of implementing and reconfirming our commitments,

but also of building on them. We are thus now faced with the question of how we can advance our work and strengthen co-operation. This question is very much pertinent to our today's discussion, and I therefore encourage everyone to have it in mind when addressing the implementation and effectiveness of the Code of Conduct on Politico-Military Aspects of Security.

In conclusion, I would like to wish all of us a successful event and a very productive dialogue.

**REMARKS BY THE  
HEAD OF THE FSC SUPPORT SECTION, ON BEHALF OF THE  
DIRECTOR OF THE CONFLICT PREVENTION CENTRE, AT THE  
SECOND ANNUAL DISCUSSION ON THE IMPLEMENTATION OF  
THE CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

Mr. Chairperson,  
Excellencies,  
Ladies and gentlemen,

It is a pleasure for me to address you today, at the opening of the second Annual Discussion on the Implementation of the Code of Conduct, on behalf of Ambassador Adam Kobieracki, who is unfortunately not able to attend this opening session due to other short-notice commitments. He will join us later this morning.

Today, at the second Annual Discussion on the implementation of the Code of Conduct, the participating States will assess and evaluate the Code's implementation and effectiveness in the context of the existing political and military situation. This is a unique opportunity to review the role and relevance of the Code of Conduct, as well as of its information exchange.

In my nine years in the OSCE, starting from my assignment in the Dutch delegation, and now as Head of the FSC Support Section, I have come to appreciate the Code of Conduct as one of the most important normative documents in the OSCE's toolbox. It is not for no reason that the Code of Conduct is often referred to as a hidden jewel of the Organization and of its participating States. The unprecedented landmark document for security sector governance was adopted in 1994, and today, nearly 20 years later, still constitutes one of the most unique OSCE instruments. In no other OSCE document can you find the commitment to provide for the democratic control of the armed and security forces spelled out in a clearer manner. Also, no other international organization has adopted a document with such far-reaching political commitments as did the OSCE participating States back in 1994.

Still today, I believe that the spirit and words of the Code of Conduct permeate the activities of the work of our Organization: When we try to build effective and accountable security institutions, when we engage with parliamentarians to strengthen the democratic control of armed forces, or when we work with the military or the police, or foster the respect of international humanitarian and human rights law, we contribute to the Code's goal of governing the role of armed and security forces in democratic societies.

Also, the CPC has remained very active in promoting the Code of Conduct and in strengthening its implementation. In line with FSC Decision No. 1/08, since last year, we have conducted several focussed training events and workshops in Zagreb, Astana, Skopje and Yerevan, directly assisting participating States in implementing the Code of Conduct. Moreover, we conducted an important outreach and awareness-raising event with the League of Arab States in Cairo in the spring, and in September of this year, we will convene a regional conference in Malta for the entire Mediterranean region to promote and discuss this unique document. In this respect, I would also like to express my gratitude to Germany and

Switzerland, which provided the Arabic translation of the Code of Conduct as an important in-kind contribution to our Organization to facilitate such outreach activities.

Dear colleagues,

As tasked by FSC Decision No. 3/13, the CPC has provided a statistical report on the annual information exchange of the Code of Conduct. Although a colleague from my Section will brief you in detail this afternoon, I would like to make here some general remarks:

With 52 participating States having provided their replies this year, the level of submissions remains at a very high and stable level. As in the previous year, most of the participating States replied to all the questions. However, only 30 participating States submitted their replies on time (i.e., by 15 April 2013). Moreover, when we take a closer look at the information exchanges, we come to see that the submissions by participating States vary greatly from reply to reply, from section to section as well as from question to question. More importantly, we also observe that, while most participating States extensively list laws to combat terrorism, other core issues of the Code of Conduct are addressed only marginally, and with much less detail. It is to be reported, for example, that on the issues of how parliaments assure democratic control over the security sector, how intelligence services are effectively controlled, or also how the human rights of armed forces personnel are respected, only about half of the participating States do provide replies. We observe a constant pattern in this respect over the years and suggest that this might be one of the issues that merit discussion in today's meeting.

Mr. Chairperson,

I look forward to our discussions today, and I thank you for your attention.

## **REPORTS OF THE WORKING SESSION RAPPORTEURS**

## **OPENING SESSION**

### **Report of the Opening Session Rapporteur**

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One delegation argued there was a need for legal guarantees from NATO that the deployment of the anti ballistic-missile (ABM) system in Europe would not undermine the country's nuclear deterrence. It considered the deployment of ABMs near its borders to be very dangerous. It was unacceptable that European security should be "NATO-centric". Given all the above, the stance of the delegation was unchanged. Concerning the Code of Conduct on Politico-Military Aspects of Security, it argued that all the participating States must first strengthen the security in the OSCE area and then proceed to outreach regarding the document.

Another delegation argued that the Code of Conduct on Politico-Military Aspects of Security was a core document of the OSCE, describing the democratic control of the armed forces. It pointed out that the delegation and NATO practised transparency with regard to the intention for the ABM system to strengthen European security, including as regarded those countries that had not invested in it. The answers given by the delegation to the first part of the Questionnaire on the Code of Conduct on Politico Military Aspects of Security referred to logistical and organizational matters, while more substantive and profound answers were given in the other parts.

## **WORKING SESSION 1**

### **Report of the Working Session Rapporteur**

#### **Exchange of views on the implementation of the Code of Conduct in the context of the existing political and military situation**

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The session was introduced by the moderator, Colonel Anton Eischer, Senior Military Adviser of the Permanent Mission of Austria to the OSCE.

Colonel Eischer first recalled the main outlines of the previous year's discussions concerning the concept and relevance of security sector governance in the OSCE context. It had been suggested that the OSCE should develop a coherent approach to security sector governance and reform. He then touched upon some views that had been shared during the first working session of the previous year. He next turned to the current political and military situation and its implications for the implementation of the Code of Conduct. Lastly, he drew attention to the fact that, due to the lack of qualitative implementation of the Code of Conduct by participating States, the implementation of all its provisions in a comprehensive manner was essential.

Ambassador Peter Burian, State Secretary, Ministry of Foreign and European Affairs of the Slovak Republic, made a presentation on "The Slovak Perception of and Approach to Security Sector Reform", in which he first explained where the Code of Conduct stood, as a normative document for countries undergoing transition and reform in the field of security and defence governance. Then he described Slovakia's experience with regard to the issue of security sector reform, which had actually started in 2007 during the country's United Nations Security Council Presidency, which had marked a milestone with the UN Secretary-General's report on security sector reform in March 2008. Furthermore, he added that security sector governance and reform were also an essential component of complex transformation processes in societies building or enhancing democratic State institutions, as well as enabling and strengthening conflict prevention. He emphasized that national governments must monitor and support security sector reform, which was a long-term commitment. Additionally, he stressed that the OSCE had an important role to play in addressing all needs in respect of implementing security sector reform. Finally, he urged that a holistic approach must be adopted and various security sector reform activities must be pursued in a co-ordinated manner in order to achieve a synergistic effect.

Ms. Eva Frech, Policy Officer, Crisis Management and Planning Directorate, European External Action Service, and Ms. Katarina Motoskova, Policy Officer, Unit for Governance, Democracy, Human Rights and Gender, EuropeAid, European Commission, gave a presentation on "EU Support to Security Sector Reform under the Common Security and Defence Policy and External Assistance".

Ms. Motoskova, speaking first, stated that the EU had supported security sector reform since the establishment by the Lisbon Treaty (2009) of common principles and objectives for the EU's external action. She noted that, according to the EU policy framework on security sector reform, the core issue was a security sector reform that was nationally owned and adjusted to the country's needs and was more transparent. Also, she stressed the



need to build security sector reform with the participation of international organizations. Moreover, she described the different external action instruments to support security sector reform in different sectors, such as the strategic security sector and police reform, criminal justice, asylum, migration and anti-trafficking, border management and SALW (core military issues excluded) all over the world and in the OSCE area, especially in the EU's Eastern Neighbourhood, Central Asia, the Western Balkans and Turkey.

Ms. Frech pointed out that the EU supported security sector reform under the EU Common Security and Defence Policy, with a new comprehensive and holistic approach which was characterized by a strategic concept and a political dialogue process integrated into an overall policy, by providing sustainable solutions, with the host country's full involvement. Examples in the OSCE region were the EU Rule of Law Mission in Kosovo, the EU Police Mission in Bosnia and Herzegovina and the EU Force Althea. Finally, she presented EU lessons on security sector reform and highlighted as challenges the comprehensive approach and work on joint guidance on security sector reform by the European External Action Service/Commission, and the sustainability of security sector reform with the commitment of the host State and international actors.

Mr. Heiner Hanggi, Assistant Director and Head of Research, Geneva Centre for the Democratic Control of Armed Forces (DCAF), made a presentation on "The Role of the OSCE in Security Sector Governance and Reform. Preliminary Observations", in which he mentioned the very rich OSCE policy framework for security sector governance and reform, which provided both normative and operational guidance to the Organization. He pointed out that the Code of Conduct was directly related to security sector governance and reform and provided the basis for many principles of security sector guidance, such as the need for a comprehensive approach to security that went beyond a purely military perspective; the need to ensure the accountability of the security sector through its democratic control; and the need for a security sector that was effective and efficient, while limiting expenditures and ensuring transparency. At the operational level, he argued that, whereas the operational framework was relatively detailed in the areas of policing, border management, criminal justice and certain aspects of democratic governance, there was less clarity in regard to supporting roles in other areas of security sector governance and reform, in particular defence reform, corrections reform, intelligence oversight or private security governance. Given the fragmentation of the OSCE policy framework for security sector governance and reform, there was a need for a guideline which would bring all the norms and commitments relating to security sector governance and reform together in a common and holistic approach. Finally, he referred to the OSCE's ability to tackle security sector governance and reform from a number of different angles and to the need to identify a common vision of priorities for the OSCE's engagement in security sector governance and reform in order to feed into a more strategic approach.

## **Discussion**

The representative of Lithuania/EU stated the important role of the Code of Conduct and the need to ensure that every OSCE participating State upheld the principle of the democratic control of armed forces. Also she attached great importance to the full implementation of the Code of Conduct and at the same time welcomed the current voluntary reporting of additional information within the annual information exchange of the Code of Conduct on issues related to women, peace and security (UNSCR 1325), as well as on private and military security companies. She also particularly welcomed initiatives to strengthen the

co-operation of the OSCE with its Mediterranean Partners, and she urged better inclusion and mainstreaming of implementation of the Code in the OSCE's activities and programmes of field operations. Finally, she welcomed the outreach to key stakeholders of the Code of Conduct such as parliamentarians.

A delegation argued that the Code of Conduct should create more synergies between State and non-State actors, including private and security companies. Also, it urged that FSC Decision No. 4/03 (FSC.DEC/4/03) on a technical update of the questionnaire on the Code of Conduct should be taken into consideration. Finally, it appealed to other participating States to examine positively the food-for-thought paper (FSC.DEL/103/13) which was on the agenda of Working Group A of the FSC.

Another delegation said that, in view of existing overlapping activities between the EU and the OSCE in the Western Balkans and elsewhere, there was a need for co-ordination between them in the area of security sector reform and governance, in order to achieve synergies.

Another delegation inquired about the relationship between the Code of Conduct as an internal document of the OSCE's participating States and international missions related to security sector reform and governance.

A representative of the ODIHR pointed out that, in activities that it had recently organized, the concept of "citizens in uniform" had been emphasized. Also, he gave information about the launching of discussions on human rights and gender concerns in the armed forces and the role of ombudsman institutions in protecting the human rights of armed forces personnel. Finally, he advocated a strengthening of the general coverage of human rights and gender considerations in the Code of Conduct. The ODIHR confirmed its willingness to assist in the implementation process of the Code of Conduct.

Another delegation referred to the close link between the Code of Conduct and security sector reform and governance and argued that the Code of Conduct had an important role to play as an intra-State confidence-building measure. It described its holistic approach to security sector reform in the Western Balkans and the Caucasus. Finally, the delegation expressed its wish for complementary actions with the Geneva Centre for the Democratic Control of Armed Forces and the national authorities of the countries concerned.

Another delegation pointed out the uniqueness of the Code of Conduct, not only as an intra-State organ, but also as an inter-State one. It stressed the need to enhance awareness of the Code of Conduct and the importance of the outreach of the Code, especially to partner countries. Finally, by underlining the politico-military nature of the Code of Conduct, it called upon the other participating States to be aware of all its areas.

Another delegation argued that preparing an assessment of the implementation of the Code of Conduct would help to identify existing deficits. Also, it considered the co-operation with field missions and the exchange of cross-dimensional perspectives as extremely useful, in so far as education on human rights would prevent violations of human rights.

Another delegation pointed out the possibility of an OSCE common approach regarding security sector reform and governance on the basis of document MC.GAL/9/07, which was on the agenda of the Security Committee. It was a complete 20-page document

setting forth norms and principles for security sector reform and governance, which permitted participating States to start their approach from an advanced point including the holistic one.

**Answers and final remarks by the keynote speakers**

Ambassador Peter Burian argued that security sector reform and governance was clearly connected with the implementation of the Code of Conduct.

Ms. Motoskova and Ms. Frech concluded that the EU and the OSCE would have to engage and co-operate more closely as a result of the adoption of common principles regarding security sector reform and governance.

Mr. Hanggi argued that clearer and more complete guidance on concept policy concerning security sector reform and governance was needed for OSCE missions. At the same time, the OSCE should address a request to the partner countries for co-operation in the field of security sector reform and governance.

## **WORKING SESSION 2**

### **Report of the Working Session Rapporteur**

#### **Evaluation discussion on the implementation and effectiveness of the Code of Conduct including the 2013 annual exchange of information pursuant to the Questionnaire**

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The moderator, Lt. Colonel Detlef Hempel, FSC Co-ordinator for the OSCE Code of Conduct on Politico-Military Aspects of Security, opened working session 2 by stressing the need for evaluating the implementation and effectiveness of the Code.

He pointed out that the Code of Conduct had a key role for achieving consolidation of indivisible security through common rules and democratic control of the armed forces.

He also noted that there might be room for possible improvements in the implementation of the Code, stressing that co-operation in that respect with the OSCE Secretariat was essential.

The representative of the Conflict Prevention Centre (CPC), Mr. Fabian Grass, gave a summary of the statistical analysis relating to the 2013 Annual Information Exchange of the Code of Conduct. Among the highlights was the fact that the overall response rate was still both high and stable, with 52 participating States compliant (all of them in accordance with FSC Decision No. 2/09). Section I of the Questionnaire had had the highest completion rate, with information on counter-terrorism being particularly well reported. The scope of answers reporting participation of participating States' armed forces in peacekeeping operations had significantly increased (36 participating States had reported participation in that type of international mission). Section II had not been as comprehensively attended to. In particular, relatively low levels of information had been given concerning the implementation of political norms, principles, decisions and international humanitarian law. Finally, Section III had attracted the fewest replies, with only 43 participating States providing information on the national point of contact for the implementation of the Code of Conduct. On a voluntary basis, three participating States had provided information about private military and security companies and 33 participating States had provided information on women, peace and security issues.

The moderator opened the floor for a first round of questions:

A delegation questioned whether or not it was advisable to rationalize the Questionnaire by changing the key areas without increasing the payload. The question was whether there was a need for a more elaborated Questionnaire. Private military and security companies played an important role in actual crisis scenarios and were not included in the scope of the Questionnaire.

Another delegation referred to the structure of the Questionnaire and its relation with the report, as described by Mr. Grass. It complained about the superficial analysis made, and the failure to report about substance. In its view, regarding Section III.1 of the Questionnaire,

only 48 participating States had duly reported and only some of those had provided substance.

Another delegation asked about possible consequences for participating States that had not fulfilled the commitments embodied in the Code.

Another delegation asked about the problem of dealing with different languages for the subsequent analysis. It was difficult to reach an agreement about a more detailed analysis, but all the conditions were currently right for developing such a thoroughgoing analysis. It raised the possibility of forwarding the debate to the FSC's Working Group A.

The representative of another delegation gave an example of how questions should be raised during inspections. He suggested that the CPC should make contact with countries that were not in compliance, asking them about the issue and about possible assistance.

Another delegation suggested that full implementation of the commitments embodied in the Code of Conduct, including completion of its Questionnaire with relevant information, was in the interest of all the participating States, particularly in the context of reporting as an accountability measure.

The last delegation to intervene recalled that, if some participating States failed to comply with their obligations, the CPC had a reminder mechanism. Should the situation persist, it might be possible to bring the issue to the FSC, requesting detailed explanations.

Mr. Grass answered the questions: The CPC provided technical assistance upon request. The intention of the report had not been to exclude any item covered by the Questionnaire, but only to ensure brevity. Only a few States had provided detailed information about implementation. It was up to the participating States to decide whether or not to open the matter of the Questionnaire and to determine whether it was time to modernize it.

The next speaker was Mr. Miroslav Jovanović, Assistant Minister for Defence Policy, Ministry of Defence of the Republic of Serbia, who gave a presentation on "National Experiences: Experiences of Serbia in the Implementation of the Code of Conduct". His presentation had been previously distributed under the symbol FSC.DEL/124/13, 10 July 2013. He described the efforts that his country was making to fully implement the Code of Conduct. He highlighted the following issues: participation in peacekeeping operations and fulfilment of other commitments, the planning process, democratic oversight of the armed forces and the security sector, protection of the human rights and fundamental freedoms of armed forces personnel, implementation of international humanitarian law, information availability and implementation of UN Security Council resolution 1325. Other ideas expressed were that the Code provided stability and security to all citizens, that all members of the armed forces had rights guaranteed by the National Constitution and that there was a need for special preparation of the members of the armed forces regarding international humanitarian law.

The next speaker to intervene was Colonel James N. Stythe, Colonel Operational Law, HQ Land Warfare Centre, Warminster, United Kingdom. He presented "The Code of Conduct and International Humanitarian Law (IHL), in Contemporary Military Operations: Conceptual and Practical Challenges and Techniques in Preparing for and Deploying Soldiers

and Commanders”. His presentation had previously been distributed under the symbol FSC.DEL/120/13, 4 July 2013. He gave a very practical presentation of the application of international humanitarian law based on the most recent experiences of the UK army. He stressed the OSCE commitments regarding international humanitarian law and outlined the participating States’ obligations in that area. Training and education regarding international humanitarian law in the armed forces were the best way to prevent troops from committing violations of human rights. In that regard, he presented the United Kingdom’s educational programmes relating to international humanitarian law, offering to make available its experience for further consultations.

The moderator opened the floor for a further round of questions and statements.

One delegation stated that its country’s experience had been very similar to that of the United Kingdom. From its point of view, there was no excuse for failing to comply with the Code of Conduct and the commitments under the Code should not be confused with the responsibility and accountability of individuals and States.

Another delegation asked about the possible target audience for outreach of the Code, referring to the possible interest of the OSCE Mediterranean Partners.

Another delegation called attention to the importance of education and training as preventive actions designed to safeguard human rights. It noted the fact that none of the Mediterranean Partners was present.

The last delegation to intervene stressed the disparity between the commitments and the legislation in addressing the issues covered by the Code. The absence of the Mediterranean Partners might be explained by the meeting that was to take place on the matter in the coming week.

The last speaker of the second session was Ambassador Miroslava Beham, Senior Adviser on Gender Issues, Office of the Secretary General, OSCE. She spoke about “Issues related to Women, Peace and Security and the Annual Information Exchange on the Code of Conduct”. Her presentation was based on the report by the Gender Issues Section of the Office of the Secretary General, “Reporting on Women, Peace and Security in the Framework of the Annual Information Exchange on the Code of Conduct on Politico-Military Aspects of Security” (FSC.GAL/79/13/Corr.1, 8 July 2013). She noted that the issue of gender constituted an integral part of the Code of Conduct and needed a proactive implementation by the participating States. To date, there had been no co-ordinated initiative to enhance the implementation of UNSCR 1325 in the OSCE region, nor was there a systematic exchange of best practices and lessons learnt in that respect. In 2013, 58 per cent of all the participating States (33 out of 57) had voluntarily reported on women, peace and security. The analysis showed that the participating States would obviously rather focus on the participation aspect and implementation, and reporting on other commitments such as protection, was lagging behind. The presentation ended with an appeal to all the participating States to join efforts to make equality and non-discrimination an indispensable part of the OSCE security architecture. Both women and men mattered for creating a sustainable peace.

The moderator opened the floor for a further round of questions and statements.

One delegation complained about the gender issue, arguing that it had not been included in the FSC decision adopted for the Annual Discussion. The quality of the report raised serious doubts because not all the relevant information offered by all the participating States had been taken into account. UNSCR 1325 related only to conflict situations, and any attempt to apply it otherwise was artificial. The delegation was open, to discussing women, peace and security, but without reference to UNSCR 1325.

Another delegation welcomed the presentation. It appreciated the work done during the past year by the Gender Issues Section. It appealed for the inclusion of information on UNSCR 1325 in the Code of Conduct voluntary information exchange as an integral part of the whole Questionnaire.

Another delegation argued about the cross-dimensional approach of UNSCR 1325 that applied to the core principles of the OSCE. It also supported the idea of including information on UNSCR 1325 in the Code of Conduct voluntary information exchange as an integral part of the whole Questionnaire.

Another delegation affirmed that gender was an important element of the Code. UNSCR 1325 was relevant, although there were different interpretations among the participating States. UNSCR 1325 applied not only to conflict situations, but also to conflict prevention and resolution.

The FSC Co-ordinator on Matters Relating to UNSCR 1325 welcomed the presentation and the timely analysis. The practice must be continued in the future. Although there were different interpretations and national practices on the matter, it was important to keep working, with the aim of including the issue of gender as an integral part of the Code.

Ambassador Beham answered that there was no systematic approach to the issue. Her presentation and work were covered by her mandate. Lastly, sharing best practices and studying them showed that there were different approaches in different countries.

The session was closed by the moderator, who gave a wrap-up of the main ideas presented.

## **CLOSING SESSION**

### **Report of the Closing Session Rapporteur**

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One delegation argued that the reports needed to be better analysed, and that the presentations needed to correspond to the items of the agenda. It pointed out that the Secretariat was not an independent decision making body.

Another delegation thanked those delegations that had participated in the discussion and also those that might sponsor and support Code of Conduct initiatives in the future. It invited delegations to contribute to the food for thought paper on practical guidelines for the democratic control of the armed forces, which should serve as a useful toolbox or toolkit, developing selected topics addressed in the Code of Conduct, and should be made available not only to the OSCE participating States, but also as a courtesy to the Mediterranean and Asian Partners for Co-operation. The delegation pledged 50,000 euros for the drafting of those practical guidelines.

The FSC Co-ordinator for the OSCE Code of Conduct on Politico Military Aspects of Security, Lieutenant Colonel Detlef Hempel, announced that he was ready to receive inputs for the 2014 meeting, with the aim of improving it, just as had been the aim relating to the current year.



**CONCLUDING REMARKS BY THE CHAIRPERSON  
OF THE FORUM FOR SECURITY CO-OPERATION AT THE  
SECOND ANNUAL DISCUSSION ON THE IMPLEMENTATION OF  
THE CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

Excellencies,  
Ladies and gentlemen,

We have concluded the working sessions of the Second Annual Discussion on the Implementation of the Code of Conduct on Politico-Military Aspects of Security. In a relatively short period of time, we have managed to cover a lot of ground today. I would therefore like to take this opportunity to thank the keynote speakers for the outstanding quality of their presentations, and all the participants for their substantive contributions. I thank the moderators and rapporteurs for the exemplary management of the meeting.

During our morning session, which was led by Colonel Eischer, we shared views on the Code's implementation in the context of the existing political and military situation. The rapporteur of the session, Lieutenant Colonel Shiaelos, has prepared the following extract from its proceedings:

- With a view to reaching a synergetic effect, a holistic approach has to be applied in various activities of the security sector governance and reform. In today's meeting, Slovakia shared with all of us their significant experience in this regard.
- There is a clear role of international and regional organizations with regard to the issue in question.
- There is a need for an enhanced understanding of the role of the OSCE in security sector governance and reform to better feed into a more strategic approach and to overarching institutional framework within which to place activities in the area of security sector governance and reform.
- Overall, the supporting role of the OSCE remains important in addressing all aspects of implementing security sector governance and reform.
- Last but not least, there is a clear need of national ownership of all activities concerning security sector governance and reform.

During our afternoon session, which was led by Lieutenant Colonel Hempel, we evaluated the implementation and effectiveness of the Code. The rapporteur of this session, Major Álvarez Arribas, has proposed the following brief points:

- Code of Conduct has a key role for consolidation of indivisible security throughout common rules and democratic control of the armed forces.

- Full implementation of the Code of Conduct commitments including fulfilling its Questionnaire with relevant information, is in the interest of all participating States and mainly for the reporting as an accountability measure.
- Training and education of international humanitarian law in the armed forces have been highlighted as the best way to prevent troops from committing violations of human rights.
- The issue of gender constitutes an integral part of the Code of Conduct and needs a proactive implementation from the participating States.

Dear colleagues, ladies and gentlemen,

The consolidated report of this Second Annual Discussion will be issued in due course, and it will contain an outline of our discussions. However, let me make the following preliminary observations following today's debate.

The theme of today's meeting was ways in which we can advance our work and strengthen co-operation with regard to the Code of Conduct.

Indeed, we have learned about the strong links that exist between the Code of Conduct and both the conceptual developments and the practical activities in the field of security sector reform and governance. We should therefore seize this opportunity to facilitate focused discussions with a view to exploring further the OSCE's potential and comparative advantage in this field.

As far as the implementation of the Code is concerned, we must not stop halfway or be content with what has long been achieved, since complacency might lead to unwelcome stagnation. We therefore need to strengthen further the implementation of the Code of Conduct, including with the help of the OSCE field missions.

The participating States should also strive to improve the annual information exchange. The recent translation of the reference guide into all the OSCE languages is a very important step that will hopefully facilitate reporting under the Code.

At this Annual Discussion, again, strong calls have been voiced for a qualitative analysis. For the second consecutive year, the discussions have touched upon relevant gender aspects of our work in implementing the Code of Conduct. The importance of outreach to, and co-operation with, partners has also been duly highlighted.

I am looking forward to constructive and fruitful debates with regard to these and all the other ideas that were proposed for our reflection today.

In conclusion, I would like to remind you that the informal meeting on the Code of Conduct will be held tomorrow, 11 July, at 9 a.m., under the chairmanship of our Co-ordinator Detlef Hempel. It will provide an opportunity to exchange views on the outcomes of today's Annual Discussion, and to receive more background information on the food for thought paper prepared by the delegation of Switzerland.

Dear colleagues, ladies and gentlemen,

We have completed the business of today's meeting. I thank you for your active participation. The meeting is closed.

Before the end one delegation requested that their perceptions regarding Sections 3.1 and 3.2 of the Code of Conduct Questionnaire were included in the official report of the Second Annual Discussion.

# **SURVEY OF SUGGESTIONS** **MADE DURING THE SECOND ANNUAL DISCUSSION ON** **THE IMPLEMENTATION OF THE CODE OF CONDUCT ON** **POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 10 July 2013

Reference	Suggestions	Remarks
<b>Information Exchange</b>	Request a more conceptual report on assessment of the participating State's implementation of the Code of Conduct.	FSC.DEL/128/13 FSC.GAL/ 85/13
	Develop model answers to the questionnaire as foreseen by the FSC Decision No. 4/03.	FSC.DEL/125/13
	Encourage all participating States to provide voluntarily information on Women, Peace and Security and private military and security companies.	FSC.DEL/128/13 FSC.GAL/79/13/Corr.2
	Include information on UNSCR 1325 in the Code of Conduct information exchange as an integral part of the questionnaire.	FSC.GAL/85/13 FSC.GAL/79/13/Corr.2
<b>Outreach activities</b>	Promote the Code of Conduct also outside of the OSCE area, starting with the Partners for Co-operation.	FSC.DEL/125/13 FSC.DEL/126/13 FSC.GAL/85/13
	Enhance co-operation with the United Nations and other international organizations on issues regarding security sector reform and governance.	FSC.DEL/123/13 FSC.DEL/123/13/Rev.1 FSC.GAL/85/13
	Continue to raise awareness, share good practices and to reach out to all relevant stakeholders in the security sector.	FSC.DEL/123/13/Rev.1 FSC.DEL/125/13
	Improve training on how to implement the Code of Conduct in particular with regards to International Humanitarian Law including by training the trainers.	FSC.DEL/120/13

Reference	Suggestions	Remarks
<b>Implementation</b>	Strengthen compliance with the first part of the Code of Conduct (Inter-State elements).	FSC.GAL/85/13
	Use verification activities to raise the implementation of the Code of Conduct.	FSC.GAL/85/13
	Increase co-operation with field operations to strengthen the implementation of the Code of Conduct.	FSC.GAL/85/13
	Build on synergies in promoting security sector reform and governance within the OSCE in all three dimensions.	FSC.NGO/8/13 FSC.DEL/123/13/Rev.1 FSC.GAL/85/13
	Formulate practical guidelines for the democratic control of armed and security forces.	FSC.DEL/125/13 FSC.DEL/127/13
	Strengthen the general coverage of human rights and gender considerations in the Code of Conduct.	FSC.GAL/79/13/Corr.2 FSC.GAL/85/13
<b>Other suggestions</b>	Create more synergies between State actors as well as non-State actors within the security sector, including the Private Military and Security Companies and other stakeholders.	FSC.DEL/125/13 FSC.DEL/123/13/Rev.1 FSC.GAL/85/13
	Consider reviewing the UN Integrated Technical Guidance Notes on security sector reform and make use of them accordingly.	FSC.DEL/123/13/Rev.1
	Consider an overarching institutional framework within which to place activities in the area of security sector reform and governance.	FSC.NGO/8/13
	Make use of “Informal Group of Friends” on the Code of Conduct.	FSC.DEL/123/13/Rev.1
	Discuss security sector reform and governance issues in the Security Committee on the basis of the 2007 Chairmanship Perception Paper (MC.GAL/9/07).	FSC.GAL/85/13