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**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/Delegations to the OSCE and to the Conflict Prevention Centre assurances of its highest consideration.



Vienna, 01 June 2015

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



Montenegro

Ministry of Foreign Affairs and European Integration

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

(June 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, a Memorandum between the Ministry of Internal Affairs of Montenegro and the Ministry of Internal Affairs of Ukraine on the cooperation in the area of combating crime was signed in Kiev on 13 June 2013 and entered into force on the day of signature. The Memorandum is concluded for an indefinite period. It also provides for cooperation in the fight against terrorism.
- In 2012, the Ministry of the Interior has signed a few bilateral (international) agreements, some of which are related to fight against terrorism:
 - Agreement between the Government of Montenegro and the Government of Macedonia on Police Co-operation, signed in Skopje on 16 March 2012, and ratified by the Parliament of Montenegro on 4 March 2013. Article 3, Paragraph 1, Point 1, Line 1 of this Agreement provides for., co-operation between the Parties, in the 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, and ratified by the Parliament of Montenegro on 4 March 2013. In accordance with the Article 2 Paragraph 1 Line b, the co-operation between the Parties is also extended to fight against terrorism and terrorism financing..
 - 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, entered into force after 30 days from the signing date. In accordance with the Article 2 Paragraph 1 Line 2, the co-operation between the Parties is also extended to the fight against terrorism and terrorism financing.

- Montenegro has signed the Police Co-operation Convention for Southeast Europe (Official gazette of Montenegro - International Agreements, Number 01/08), in Vienna, on 5 May 2008. Along with Montenegro, the Convention has also been signed by: Albania, Bosnia and Herzegovina, , Moldova, Republic of Macedonia, Romania and Serbia. After ratification by all seven signatory States, the Convention entered into force on 10 October 2007. In addition, Bulgaria acceded to it on 25 September 2008. Austria (on 24 May 2011,), Hungary (on 6 July 2012) and Slovenia (on 14 December 2012) have also deposited their accession acts to the Convention. The Convention is also aimed at strengthening cooperation with respect to prevention, detection and police investigation of criminal offences.
- In order to successful participation of police officers in peacekeeping missions in Afghanistan, the Ministry of the Interior and the Ministry of Defence 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.

As for the 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 (and the Protocols thereto (Official Gazette of the Federal Republic of Yugoslavia 6/2001) by means of succession, entered into force on June 03, 2006;
2. UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 14/90) by means of succession, entered into force on June 03, 2006;

3. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 47/70) by means of succession, entered into force on June 03, 2006;
4. International Convention for the Suppression of the Financing of Terrorism (Official Gazette of the Federal Republic of Yugoslavia 07/02) by means of succession, entered into force on June 03, 2006;
5. 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 (Official Gazette of Serbia and Montenegro - International Treaties 11/05) by means of succession, entered into force on June 03, 2006;
6. International Convention for the Suppression of Terrorist Bombings (Official Gazette of the Federal Republic of Yugoslavia 12/02) by means of succession, entered into force on June 03, 2006;
7. United Nations Convention against Corruption (Official Gazette of Serbia and Montenegro-International Treaties 11/05) by means of succession, entered into force on June 03, 2006;
8. International Convention Against the Taking of Hostages (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 09/84) by means of succession, entered into force on June 03, 2006;
9. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
10. International Convention for the Suppression of Acts of Nuclear Terrorism (Official Gazette of Serbia and Montenegro-International Treaties 2/06), by means of succession, entered into force on June 03, 2006 (succession to the signature);

Conventions whose designated depository is the Council of Europe:

1. The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Official Gazette of the Federal Republic of Yugoslavia 01/92), by means of succession, entered into force on June 03, 2006;
2. European Convention on Extradition and its Additional Protocol (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
3. European Convention on the Transfer of Sentenced Persons and its Additional Protocol (Official Gazette of the Federal Republic of

- Yugoslavia 04/01) by means of succession, entered into force on June 03, 2006;
4. European Convention on the Suppression of Terrorism (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
 5. European Convention on the Transfer of Proceedings in Criminal Matters (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
 6. European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol (Official Gazette of the Federal Republic of Yugoslavia 10/01- and Official Gazette of Serbia and Montenegro International Treaties 2/06) by means of succession, entered into force on June 03, 2006;
 7. European Convention on the International Validity of Criminal Judgments with Amendments (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 13/02 and 02/06) by means of succession, entered into force on June 03, 2006;
 8. Council of Europe Convention on the Prevention of Terrorism;
 9. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.
 10. Criminal Law Convention on Corruption (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 02/02 and Official Gazette of the Republic of Montenegro 18/05) by means of succession, entered into force on June 03, 2006.

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 (Official Gazette of the Socialist Federal Republic of Yugoslavia - International Treaties 14/89) by means of succession, entered into force on June 03, 2006;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1970.¹

Montenegro ratified the Additional Protocol to the Criminal Law Convention on Corruption (Official Gazette of Montenegro 11/07) and the Convention on Cluster Munitions (Official Gazette of Montenegro - International Treaties 4/09).

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

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 (Confronting terrorism: global challenge in the 21st century);
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;
7. the Republic of Austria on police cooperation;

¹ The depositaries 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 depositaries would be informed about the given legal transaction.

8. Agreement on Cooperation in Prevention and Fight against Trans-border Crime (Official Gazette of Serbia and Montenegro- International Treaties 05/03) by means of succession, entered into force on June 03, 2006.

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 3 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 7 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 7 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 6 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 Russian Federation (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?

Authorities, competencies and procedures of state subjects that 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 Defence, Law on the Armed Forces of Montenegro etc.

These documents and laws define activities implying criminal offences of terrorism, the competent institution and the way of their participation in counter-terrorism, steady improvement of the capacities of Montenegro in counter-terrorism, prevention of potential terrorism financing, the means for suppressing 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?

Authorities, competences and procedures of the Government bodies involved in counter-terrorism 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, Law on Basic principles of Intelligence and Security Sector, etc.

These documents and Laws define what criminal activities represent the criminal act of terrorism, competent institutions and their participation in countering terrorism, steady improvement of the Montenegro's capacities for countering terrorism, prevention of potential terrorist financing, punishment of 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 Companies have been established.

Department for Military Intelligence and Security Affairs (DMISA) within the Ministry of Defence is, inter alia, responsible for the implementation of preventive measures with regards to the persons who perpetrate criminal acts of terrorism 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 Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing.

The National Commission, chaired by the Minister of Defence, continuously monitors the implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing (2010-2014) through monitoring the realizations of The Action Plan for the implementation of the aforementioned Strategy. The Head of DMISA is also a member of the National Commission.

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, such as: 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.

Specialised divisions of the High Court in Podgorica and Bijelo Polje have a jurisdiction for trials of cases of organised crime, corruption, terrorism and war crimes.

The Law on the Special State Prosecution Office adopted by the Parliament of Montenegro on 26 February 2015 provides for the establishment of the Special State Prosecution Office, responsible for the criminal acts of corruption, organized crime, money laundering, terrorism and war crimes. The Law also provides for the establishment of a special police department for work with the Special State Prosecutor's Office.

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 issue related to the foreign fighters/terrorists has been defined by the amendments to the Criminal Code ("Official Gazette of Montenegro", No. 14/2015 from 26.3.2015, came into force on 3.4.2015.) Article 449b

Montenegrin competent authorities are implementing a set of measures and activities in the field of terrorism prevention.

The measures and activities are implemented through the Action Plan of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing.

The results of the implementation are given in the Sixth and Seventh Report, adopted by the Government of Montenegro, and they are also available in English:

<http://www.aspn.gov.me/en/library/izvjestaji?alphabet=lat>

7TH REPORT ON IMPLEMENTATION OF THE STRATEGY

6TH REPORT ON IMPLEMENTATION OF THE STRATEGY

2. Stationing of armed forces on foreign territory

The Armed Forces of Montenegro members' participation in the Peace Support Operations (PSO) during 2014:

1. **17** troops within the **RESOLUTE SUPPORT** in Afghanistan, **NATO** led operation (Decision of the Parliament of Montenegro from 2014);
2. **1 (One)** UN Military Observers within the **UNITED NATION MISSION IN LIBERIA(UNMIL)** under UN mandate;
3. **1 (One)** Logistic Officer within the European Union Training Mission Mali (**EUTM**), under EU mandate (Decision of the Parliament of Montenegro from 2014);
4. **3(Three)** Naval Officers within the European Union Naval Forces Operation (**EU NAVFOR - ATALANTA**), under EU mandate, in the Indian Ocean (Arden Bay and Somali territorial waters) embarked (have been on board) on the ships of the Italian Navy, while third one has been appointed to the **ATALANTA NAVFOR HQ in Northwood**, United Kingdom of Great Britain and Northern Ireland.

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

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

After gaining its independence, Montenegro has established the Agency for arms control in 2007. This agency is subordinated to the Ministry of Defence of Montenegro and it has a central role in implementation of all obligations in the field of arms control.

Montenegro is a member and subscribing* state of the following agreements related to arms control:

- Dayton peace agreement (Article IV);
- Ottawa Conventions;
- CCW (The Convention on Certain Conventional Weapons) and Protocols I,II,III and IV (amended II);
- Convention on Cluster Munitions;
- HCOC (Hague Code of Conduct Against Ballistic Missile Proliferation)*;
- CTBT (Comprehensive Test Ban Treaty);
- NPT (Nuclear Non-Proliferation Treaty);
- BTWC (Biological and Toxin Weapons Convention); CWC (Chemical Weapon 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 Physical Protection of Nuclear Material;
- Safeguard Agreement with the IAEA with following the Additional Protocol and Small Quantities;
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;

Montenegro has since 2007 established bilateral cooperation in Arms Control Field and CSBM with partner countries: Germany, Hungary, Greece and Denmark (since 2010) in good faith. During this period numerous activities have been accomplished, such as additional quotas for the inspection and evaluation regime (so far 16 inspections and evaluation visits are conducted), visits to the Air Bases and Military Installations (4 activities), Education of military personnel in the field of Arms Control and CSBM, Meetings of representatives of Verification Agencies on annual basis, on experts and directors level. All previously mentioned activities are not counted in the prescribed obligations and they were all accomplished in good faith.

In all activities related to arms control, Montenegro showed maximum cooperation, openness and goodwill for contributing to the process of strengthening security and confidence and achieving disarmament.

SALW related issues are governed by: the Law on Weapons (Official Gazette of Montenegro 10/15 of March 10, 2015), Law on Control of Export of Dual Use Goods, Law on Foreign Trade in Weapons, Military Equipment and Dual Use Goods, Law on Flammable Liquids and Gases, Criminal Code and Criminal Procedure Code.

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

By means of implementation of the SALW and ammunition Strategy and 2013-2018 Action Plan.

The Strategy is based on SALW-related principles and objectives contained in the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition, the Council Joint Action on the European Union's contribution to combat spread of small arms and light weapons, 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, the principles corresponding to the ones contained in the national documents, Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist financing, and the Strategy on development and functioning of the Police of Montenegro, as well as other relevant international and national documents.

Montenegro is regularly preparing and submitting the reports on undertaken commitments by means of the Template for reporting on implementation of the OSCE Document on SALW (FSC.GAL/38/11).

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

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 bilateral agreements, related to arms control and Vienna Document 2011, with Hungary, Germany and Denmark. According to these agreements Montenegro conducts every second year one inspection or evaluation visit on the territory of each country and receives one inspection or evaluation visit from these countries on its territory. Montenegro has a bilateral meeting every year with these countries.

In line with the Dayton peace agreement, Montenegro received 1 inspection by the Republic of Bosnia and Herzegovina and conducted 3 inspections on the territories of Bosnia and Herzegovina, R. Serbia and R. Croatia.

Montenegro is not a member of Open Skies Treaty, however, during 2009, Montenegro accepted 1 training Open Skies inspection on its territory, with more than 15 participants from 6 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 decisions on the use of the Armed Forces of Montenegro are regulated by 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 defence, police and public administration employees in international missions and other activities abroad.

The highest-level document that gives jurisdiction to 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 on the use of the AF of Montenegro, as well as defence 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) Makes decisions on commanding the AF of Montenegro; 2) Approves the Plan on use of the AF of Montenegro 3) Analyses 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 AF of Montenegro in international forces, 7) Assigns and dismisses military diplomatic representatives.

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

Government of Montenegro: 1) Proposes the budget and final budget account, 2) Proposes the National Security Strategy and Defence Strategy; 3) decides on the participation of civil defence staff in peacekeeping missions and other activities abroad, 4) adopts Defence plan of Montenegro, 5) Adopts the Strategic Defence 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 the **Ministry of Defence:** 1) proposes Defence Plan of Montenegro, 2) proposes organizational structure of the AF and the size of the AF 3) executes the decisions and other documents forwarded by 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 defence and 7) organizes the security affairs in the area of defence.

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 of MNE (as an organizational unit of the Ministry of Defence) performs tasks related to:

- 1) check the combat readiness of the Armed Forces;
- 2) system of command in the Army and the NCO chain of support;
- 3) implementation of management plans and professional development of personnel in the Army;
- 4) preparation of proposals directed towards the development, equipment and modernization of the Army;
- 5) operational planning and conduct of operations;
- 6) maintenance of weapons, military equipment and other movable and immovable property in the Army;
- 7) participation in planning, programming and budgeting in the Army;
- 8) planning, organizing and conducting military training and exercises;
- 9) participation in planning and implementation of cooperation with the Army, the armed forces of other countries and international organizations;
- 10) participation in the planning, organization and implementation of material and financial operations in the Army;
- 11) logistical support in the Army;
- 12) participation in the organization of healthcare in the Army;
- 13) participation in the planning, preparation, training and equipment of units and members of the Army to participate in the international force and other activities abroad;
- 14) professional affairs for the Council for Defence and Security and the Minister, pertaining to the army;
- 15) drafting: military doctrine, the Plan of use of the Army, Army manning plan, training plan and training in service in the Army, plan to improve

military personnel, Army Formations;
16) other tasks, in accordance with the law

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 reporting 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, participation of members of civil protection, police and employees in state bodies in peacekeeping missions and other activities abroad (2008). In accordance with this Law, units can be used in the following activities: 1) to achieve and preserve peace, 2) to take part in peacekeeping and peace support missions, 3) provision of humanitarian assistance, 4) fostering development of democracy, legal security and protection of human rights within international organizations and alliances, and 5) accomplishment of obligations stemming from signed 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.

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 defence and security (article 95, paragraph 1, point 2); Council for defence 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 fulfilment 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 Defence, Law on AF of Montenegro, Law on Parliamentary Oversight in the Field of Security and Defence and Law on Deployment of the AF of Montenegro units to the international forces and participation of members of civil defence, police and public administration employees in the international missions and other activities abroad. The Law on parliamentary oversight in the field of security and defence state that democratic and civilian control of AF is being executed through the parliamentary body for security and defence. This body has authority to: discuss reports in this field, conduct inspections, organize hearing, and discuss legal acts and defence budget. Parliament makes decisions on deployment of members of AF in missions abroad, adopts laws and strategies and the budget.

In terms of control over budgetary resources of the security and defence department, in accordance with Article 7 Item 9 of the Law on Parliamentary Oversight in the field of security and defence, the Security and Defence 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 revision of the Law on Budgetary Execution for 2013, in part relating to the budget consumers: Ministry of Defence, Ministry of Interior and the Agency for National security. In addition, the Committee considered the Proposal of the Law on Budget of Montenegro for 2015 in the part which refers to the aforementioned budget consumers and in accordance with Article 137 Paragraph 4 of the Rules of Procedure of the Parliament of Montenegro, submitted the Opinion on the aforementioned Proposal of the Law to the Committee on Economy, Finance and Budget of the Parliament of Montenegro.

The president of Montenegro commands with the AF of Montenegro in accordance with the decisions made by security and defence Council. The Minister of Defence is a civilian and he or she is appointed by the Parliament. The Government of Montenegro proposes the laws, the strategies and the budget to the Parliament, the appointment of the Minister of defence and discusses the annual reports of the Ministry of defence.

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 the AF Montenegro is to defend independence, sovereignty and the state territory in the accordance with the principles of international law on the use of force. Mission of the AF of Montenegro are: to defend Montenegro, to provide support to state institutions during the natural or man-made disasters and in other crises situation, including crisis caused by terrorist activities as well as to contributing to peace-building and peacekeeping in the region and world-wide.

Coherent and full implementation of the constitutional and legal framework of Montenegro, as well as international obligations ensures that the Montenegrin defence and security forces act in accordance with the relevant national and international regulations. Executing of Constitution and above-mentioned laws, Montenegro ensures that our defence 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?

The Army of Montenegro is a professional army, where members of the AF join on a voluntary basis. The Law on AF states that Montenegro citizens have military obligations during a state of war or emergency. In peacetime, on a voluntary basis, citizens of Montenegro can be called for training purposes, no longer than 60 days per year.

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

Any citizen of Montenegro, based on his/her religious and other conviction, has the right to decline military duty, including use of weapons 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

The Minister of defence makes decisions concerning the 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 to 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 conformity with the Constitution of Montenegro and principals of international law on use of force, the Armed Forces of Montenegro defend the independence, sovereignty and state territory of Montenegro.

In accordance with this constitutional principle, programs of education and training of members of armed forces include basics of International Humanitarian Law and Law in armed conflicts

It is the duty of all members of AF to know the basics of International Humanitarian Law and Law in armed conflicts, which is being inspected in process of evaluations of defence 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?

The Law on AF states that members of AF have the right and obligation to perform their duties in accordance with the Constitution and other legal acts, and to fulfil

their superiors' orders, except in the cases if the enforcement of these orders would constitute a criminal offense when they are obliged to inform about it.

Members of the AF learn about these provisions during their training. Also, all legal acts in this area are published in the „National gazette“, with easy access to them in the Ministry of defence and at the AF.

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?

The State ensures that the 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 their national, religious, cultural, linguistic or ethnic identity, in executing the provisions of the Constitution and above mentioned laws which contain all procedures for use of AF and punishment for those that violate 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 the AF learn about their constitutional rights through their military education. The constitution and the law on AF forbid memberships in political organizations.

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

Defence strategy and Strategy of national security are in accordance with the relevant international regulations. Legal acts in this area are based on these strategies and by this way Montenegro ensured that our defence policy is 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 highlighted in statements of representatives of the Ministry of Defence. Service for public relations and protocol disperses information on the Code of Conduct, as well as about activities of the Ministry and Armed Forces of Montenegro by providing press releases and statements, organizing press conferences and publishing the magazine "Partner" which is focused on Euro-Atlantic integration issues in the armed forces area. All of those publications, which the Ministry of Defence provides in order to inform the public are available on the website: www.odbrana.gov.me. This official web site is updated on a daily basis.

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

Public access to information related to Montenegro's armed forces is available on official websites of the Ministry of Defence www.odbrana.gov.me and www.vojska.me.