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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 UN, OSCE and other International Organizations in Vienna presents its compliments to all OSCE Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and has the honour to submit herewith the replay of Montenegro to the OSCE Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the OSCE Missions and Delegations of the Participating States and the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 20 July 2018

**To: All Permanent Missions/Delegations to the OSCE
Conflict Prevention Centre
V i e n n a**



MONTENEGRO

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

SECTION I: INTER-STATE ELEMENTS

1. ACCOUNT OF MEASURE 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?

The List of agreements and arrangements enclosed in the Annex 1 of this document.

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

The national security system of Montenegro is a complex system in which, in addition to the National Security Agency, Ministry of the Interior (Police Directorate), DMISA, the Armed Forces, and other government bodies also participate, some with major and some with smaller roles: Administration for Prevention of Money Laundering and Terrorist Financing, Ministry of Justice, Directorate for the Protection of Classified Information (National Security Authority), Customs Administration, Tax Administration, etc.

The national laws which regulate prevention and combating terrorism are:

- Criminal Code
- Criminal Procedure Code
- Law on Public Prosecution Office Law on Courts
- Law on Internal Affairs
- Law on Defence
- Law on the Armed Forces of Montenegro
- Law on the Basic Principles of Intelligence and Security Sector
- Law on Prevention of Money Laundering and Terrorist Financing
- Law on the National Security Agency
- Law on Asylum
- Law on Border Control
- Law on Foreigners
- Law on Travel Documents
- Law on Personal Data Protection
- Law on Classified Information

Other legislative and policy developments in this area are:

- Law Ratifying the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism,
- Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism

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

New national plans and strategies relating to terrorism include:

- Strategy for prevention and suppression of terrorism, money laundering and terrorism financing 2015-2018,
- Countering-violent Extremism Strategy,
- National Security Strategy,
- Strategic Defence Review.

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. The Special Forces Company and Military Police Company have been declared for the realization of the second mission of the Armed Forces in the field of supporting civilian structures in countering terrorism

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

The Ministry of Defence proposes and executes the defined defence policy; produces the Defence Plan of Montenegro and harmonizes defence plans other holders of defence preparations; assess the war and other hazards; realizes multilateral and bilateral cooperation in the field of defence; performs organization, equipping, arming, development and use of the Armed Forces and other activities in accordance with the Constitution.

The Armed Forces of Montenegro in accordance with the Defence Strategy of Montenegro and the Law on Defence, among others, executes tasks related to: assist the Police in the fight against terrorism, as well as support to civilian institutions during natural and man-made disasters and other crisis situations.

Department for Military Intelligence and Security Affairs (DMISA) is, among other things, responsible for the implementation of preventative measures against the persons who perpetrate criminal acts of terrorism, directed towards the Ministry of Defence and the Armed Forces. Representatives of DMISA and General Staff are members of the Task Force 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. Task Force reports directly to the Bureau for cooperation and harmonization of the intelligence and security sector. Head of DMISA is a member of the Bureau.

The National Security Agency, as a part of an integrated security system, according to the Constitution and Law, among others, performs tasks of collecting and analysing data important for national security, including information on potential terrorist threats, while Special Prosecutor is in charge of processing criminal acts of terrorism.

Task Force, chaired by National Security Council, continuously monitors the implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing, which refers for a period of four years that monitors the realization of the Action Plan for the implementation of the mentioned Strategy.

The Operational Team was formed by the decision of the Bureau for the operational coordination of the activities of the intelligence and security sector authorities and based on the conclusions of the Government of Montenegro in which the Information was adopted on future monitoring of the implementation of the Strategy for the prevention and suppression of

terrorism, money laundering and terrorism financing 2015-2018 and the Action Plan 2015-2016.

Among other things, the tasks of the Operational Team are to manage, coordinate and monitor activities at the operational level of state administration bodies, state authorities, and other competent institutions for the implementation of the Strategy for the prevention and suppression of terrorism, money laundering and terrorist financing, in the implementation of obligations from the Strategy and Action plan.

Based on the above, the Operational Team determined the proposal of the Action Plan 2017 - 2018, as a platform for further improvement of the cooperation of the involved state authorities, which was adopted at the beginning of 2017 at the session of the Bureau for the operational coordination of the activities of the intelligence and security sector authorities.

The operational team consists of representatives of the Special State Prosecutor's Office, the High Court in Podgorica, the Ministry of Justice, the Ministry of the Interior and the Police Directorate, the Ministry of Defence and the Chief of Staff, the National Security Agency, the Administration for the Prevention of Money Laundering and Terrorism Financing, the National Security Authority, the Tax Administration and the Customs Administration.



BUREAU FOR COOPERATION AND HARMONIZATION OF THE INTELLIGENCE AND SECURITY SECTOR



- Member of the National Security Council (nominated by the Defense and Security Council, according to the National Security Council suggestion) coordinates a work of the Bureau for operational cooperation and harmonization
- The Government nominates a members of the Bureau for operational coordination and harmonization

In July 2017, the Government adopted the XII report on the implementation of the Strategy for the prevention and suppression of terrorism, money laundering and terrorism financing 2015-2018 and the Action Plan 2017-2018, for the period January - June 2017.

http://www.gov.me/ResourceManager/FileDownload.aspx?rid=291825&rType=2&file=15_36_27_07_2017.pdf

In February 2018, the Government adopted the XIII Report on the Implementation of the Strategy for the prevention and suppression of terrorism, money laundering and terrorism financing 2015-2018. and the Action Plan 2017-2018, for the period July - December 2017.

<http://www.gov.me/ResourceManager/FileDownload.aspx?rId=301241&rType=2>

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

The areas of activity of the competent authority

To protect citizens from the terrorist threats Montenegro has recognized the need to access, which includes a wide range of partnership cooperation at the national, regional and international level with the focus on the following areas of action (Strategy for the prevention and suppression of terrorism, money laundering and terrorism financing 2015-2018)

- Development of the National Strategy, in line with the real situation and the international documents, primarily with the EU Counter-Terrorism Strategy, the Strategy for the prevention of radicalization and recruitment of terrorists and the Global anti-terrorist strategy of the UN, establishing appropriate institutional framework of security services, law enforcement bodies, experts in this area, in order to plan more easily measures for the successful prevention of violent extremism and terrorism;
- Training of officials who are working with individuals and groups at risk, not only for employees who work in law enforcement bodies, but also for social, educational and health care workers, so that they can understand better the process of radicalization and the response to it;
- Acceptance of knowledge, experience and best practices in order to design preventive measures and develop programs to support members of extremist groups to abandon those groups and de-radicalization, which is best achieved by cooperation between multiple entities from various sectors, especially the families and members of the community close to the violent extremists;
- Cooperation with the civil society and the private sector to solve problems encountered on the Internet. Efforts must not be limited to the prohibition of the material, but should include messages with the opposite content, in order to reverse the extremists' arguments;
- Support the critical thinking among young people in respect of the extremist messages. Education, by which young people can be supported in critical thinking about extremist views and messages, and to reveal flaws of such propaganda;
- Intensification of research on trends of radicalization - how and why people become more radical or less radical, and on the role which in this respect ideology, recruitment techniques using the Internet or role models have.

Montenegro will develop measures aimed at preventing terrorist radicalization and recruitment, divided into three key areas:

- Prevent the activities of individuals and networks that lead people to terrorism,
- Ensure that the moderate views are heard louder than the extremist,
- Promote more intensively security, justice, democracy and opportunity for all.

Challenges in the prevention of radicalization and recruitment of terrorists

Montenegro has recognized the current needs in the area of prevention of radicalization, recruitment of terrorists and extremist violence. In this regard, independently and through programs of support it has nominated projects for expert assistance with the following main

objectives (Strategy for prevention and suppression of terrorism, money laundering and terrorism financing 2015-2018):

Support the further strengthening of national capacities in the fight against terrorism. Possibilities especially those focused on the emergence of new threats such as violent radicalization and canvassing for terrorism, and in accordance with international legal provisions and best practices. Special attention should be focused on further implementation of the UN Security Council Resolution 2178.

The new amendments to the Criminal Code of Montenegro, among other things, provides for prison sentences for Montenegrin citizens involved in conflicts on battlefields abroad. According to this Proposal, which was accepted by the Government, people who encourage and engage Montenegrin citizens to participate in conflicts outside of the country shall be punished by imprisonment for five to ten years.

The new Criminal Code provides for a prison sentence of two to 10 years for those who, contrary to the law, other regulations and international law canvass, prepare, recruit and train individuals for participation in foreign battlefields and organize their departure. All those who directly or through a third party offer, give, provide and seek money and equipment for departure of Montenegrin citizens to foreign battlefields shall be punished by imprisonment.

The Parliament has adopted on 17 March 2015 the Law on Amendments to the Criminal Code, which is aligned with the UN Resolution on Foreign Fighters 2178.

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 Tenth and Eleventh Report, adopted by the Government of Montenegro

The degree of involvement of our party in the activities undertaken in the framework of the WBCTI initiative and the Integrative PA

The WBCTI includes all initiatives in the field of the fight against terrorism, and Montenegro is involved in the following activities:

- ✓ Implementing the Integrated PA for the Western Balkan countries on a complementary approach in the fight against terrorism,
- ✓ This Plan of Action was approved by the Ministers of Justice and Home Affairs of all WB countries in December 2015 in Sarajevo last year,
- ✓ Support for the implementation of this Plan of Action is provided by PCC SEE, which in this respect has established its PCCSEE CTN network (two members in that network are from Montenegro),
- ✓ The EU approved this plan of action with a framework decision,
- ✓ First Line Project,

- ✓ The CTI Initiative, which also includes the WBCTI, which is at the operational level, it refers to security services (as a rule, to the police) of the countries of the Western Balkans, and this initiative has its own Plan for Action for the countries of the WB, which is in line with the Integrated Plan of Action.

Following the Integrated Plan of Action, the following activities were carried out within the WBCTi:

- Establishing a regional SEE platform to combat radicalization and violent extremism leading to terrorism and foreign terrorist fighters, funded by the RCC,
- Establishing a PCC SEE CT platform as a policy level network, a formal working body under the PCC SEE Convention (Network of CT points of Contact),
- Participation in PCCSEE CTN meetings

Implementation of the **Countering-violent Extremism Strategy** (the Government of Montenegro adopted the CVE Strategy on December 10, 2015) for the period **2016-2018**, strengthening the capacity of the law enforcement bodies and intelligence community to deal with the phenomenon of foreign fighters and radical extremism:

In order to fulfil the vision and mission defined by the CVE Strategy the following strategic goals were defined:

- ✓ Adequate understanding of drivers of radicalization in order to prevent radicalization;
- ✓ Establishing effective coordination mechanisms among responsible institutions at national and international level;
- ✓ Carrying out activities as a response to drivers of radicalization- suppression of radicalism and violent extremism;
- ✓ Carrying out monitoring and evaluation in order to eliminate the consequences of violent extremism and terrorism and planning future activities.

Through the conclusion No. 08-2906 of December 17, 2015, the Government of Montenegro tasked the Ministry of Justice with preparing and submitting an Action Plan for the implementation of the CVE Strategy for the period 2016-2018 by the end of March 2016.

Pursuant to the above, the Minister of Justice established the Interdepartmental Working Group in order to develop an Action Plan for the implementation of the CVE Strategy for the period 2016-2018, consisting of representatives of the Ministry of Justice, the Ministry of the Interior, the Police Directorate, the National Security Agency, the Ministry of Defense, the Ministry of Labor and Social Welfare and the Community of the Municipalities of Montenegro.

The Action Plan for the implementation of the CVE Strategy for the period 2016-2018 elaborated in detail the strategic goals through prescribing concrete activities, the competent authorities for their implementation, deadlines, then the necessary budgetary resources and result indicators.

Information on measures and activities undertaken in order to prevent radicalization and violent extremism:

The First Line project, which is a measure in the Integrated Plan of Action in the prevention pillar (current situation analysis in Montenegro, could for start, based on the experiences of Slovenia include the following activities:

- ✓ Signing of RAN (Radicalization Awareness Network) platform for cooperation of responsible institutions,
- ✓ Establishing a National RAN
- ✓ Train the trainers, which in the upcoming period would carry out trainings at national level for all officers in first contact with radicalization).

An efficient cooperation was established with international organizations dealing with prevention of terrorism and violent extremism, through efficient use of INTERPOL and EUROPOL resources in preventing and suppressing violent extremism.

Continuously receiving EUROPOL notifications of the use of social networks and Internet applications in order to carry out radicalization and spread propaganda of ISIL and of other terrorist organizations (Check the WEB - Europol Analytical Work File).

At the operational level, continuous exchange of information regarding foreign fighters is carried out.

2. STATIONING OF ARMED FORCES ON FOREIGN TERRITORY

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

*The Constitution*¹ of Montenegro stipulates that the Armed Forces of Montenegro is under democratic and civilian control. Based on that, the Parliament of Montenegro supervises the Armed Forces of Montenegro (Constitution - articles 11, 55, 129, 82).

The Constitution prohibits the process of establishing secret – subversive organizations and irregular armies organized by military members. The involvement of the Armed Forces of Montenegro in foreign territories is possible through combined engagement of international forces, participation in international military exercises and training abroad². The Parliament of Montenegro makes the decision on the use of the Armed Forces of Montenegro as a part of the international forces in foreign territories (which is then executed by the Ministry of Defence).

The participation of members of the Armed Forces of Montenegro in Peace Support Operations during 2017 is indicated by the following:

¹*The Constitution of Montenegro stipulates the supervision of the Armed Forces of Montenegro by the Parliament (Articles 11,55,129,82 and paragraphs 2,3,8,10 of Constitution)*

²*The Law on Deployment of the Armed Forces of Montenegro Units to the International Forces and Participations of Members of Civil Defence, Police and Public Administration Employees in the International Misiions and other activities abroad defines stationing of members and units of Armed Forces on foreign territory ("Official Gazette of Montenegro", No. 61/08, 31/17, 34/17).*

- *The international mission in Afghanistan - "RESOLUTE SUPPORT"- Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 60/14) - during 2017 we had 54 persons deployed;*
- *"EU Peacekeeping Training Mission" in Mali - Based on the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 21/14) - during 2017 we had 2 persons deployed;*
- *The UN mission in Western Sahara - "United Nations Mission for the Referendum in WS - MINURSO"- Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 38/16) - during 2017we had 4 persons deployed;*
- *EU peace enforcement operations -"EU NAVFOR - ATALANTA"- Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 45/16) - during 2017 we had12 persons deployed.*

3. IMPLEMENTATION OF OTHER INTERNATIONAL COMMITMENTS RELATED TO THE CODE OF CONDUCT

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

After gaining its independence, Montenegro has established Verification Centre in 2007. This agency is subordinated to the Ministry of Defence of Montenegro and it has a central role in implementation of all national and international commitments in the field of disarmament policy and arms control.

With mutual support and close coordination with other state bodies and ministries, the Arms Control Agency conducts a set of activities to improve security environment, preventing proliferation of SALW, WMD, continuing reduction of CA³ surpluses and improvement of stockpiling capacities.

Since gaining NATO membership (5 June 2017) Montenegro has undertaken additional measures to insure interoperability, capacity and capability building in enhancing all state elements in modification and improvement of national legislations, strategy, doctrine and other legislation.

National practice and SDR⁴ have been updated according to the NATO capability targets in order of developing and shaping formation and structure of Armed Forces and Departments in Ministry of Defence.

³CA – Conventional Arms

⁴SDR – *Strategic Defence Review*

Montenegro is a state party and signatory of the following agreements and documents related to arms control:

- Vienna Document;
- Dayton peace agreement (Article IV);
- Ottawa Conventions;
- CCW (The Convention on Certain Conventional Weapons) and Protocols I,II,III and IV (amended II);
- CCM (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;
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Firearms Protocol;
- United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action, or PoA);
- Arms Trade Treaty (ATT) 2013;
- EU Code of Conduct on Arms Exports 1998;
- EU Common Position on arms exports 2008/944/CFSP;
- International Tracing Instrument (ITI) International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;
- **South East Europe Regional Implementation Plan** Combating the Proliferation and Impact of Small Arms and Light Weapons.

SALW related issues are being 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 and Military Equipment, Law on Flammable Liquids and Gases, Criminal Code and Criminal Procedure Code.

Within NATO, as allied country, Montenegro joins ACDC (The Arms Control, Disarmament and WMD Non-Proliferation Centre) and VCC (Verification Coordinating Committee) where actively participates in experts meetings and sessions to coordinate “Vienna document 2011” working projects, inspections and evaluations visits of non-NATO countries.

Montenegro had previously signed bilateral agreements with Greece and Denmark. Currently, we have signed bilateral agreements with the Federal Republic of Germany and Hungary. In any case, with the aforementioned countries, we had a bilateral presence in the field of arms control and joint activities.

After NATO membership, due to the national policy and NATO practice interchanged inspections between Hungary and Montenegro were cancelled but the cooperation with Federal Republic of Germany went continuously. Further cooperation with NATO countries will continue in direction of mixed team inspections, designations of Guest Inspectors, training missions and common effort in disarmament and arms control through on-going Programs.

All previously mentioned activities don't pertain to the prescribed international obligations and they are all being accomplished in good faith.

In all activities related to disarmament policy and arms control Montenegro extends extraordinary cooperation, openness and good will for contributing to the process of strengthening security and confidence.

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

2017			
Montenegro	Specified Area Inspection received		VD 11
	←	Russian Federation	
	←	Former Yugoslav Republic of Macedonia	
2017			
Montenegro	Visit to AB/MF		VD 11
	→	Republic of Slovenia	

According to the Article IV (DAYTON Peace Accord - DPA) MNE received and conducted following:

2017			
Montenegro	Inspection received		Article IV
	←	Bosnia and Herzegovina	
2017			
Montenegro	Conducted Inspection		Article IV
	→	Bosnia and Herzegovina	
	→	Republic of Serbia	

Seminar on the OSCE Code of Conduct on politico-military aspects of security for participating states and partners for co-operation was held in Budva in May, 2017. About 50 representatives from the region and wider, who are directly involved in the process of implementation of the provisions of the Code, participated in this workshop.

Montenegro is not a signatory of Open Skies Treaty; however, during 2009 Montenegro accepted 2 training Open Skies inspections on its territory, with more than 35 participants from 9 countries.

Small Arms and Light Weapons – SALW related issues are defined by various **laws**:

- **The Law on Weapons** ("Official Gazette of Montenegro", 10/15);
- **The Law on prevention of money laundering and terrorist financing** ("Official Gazette of Montenegro", no. 33/14);
- **The Law on the control of exports of dual-use goods** ("Official Gazette of Montenegro", no. 30/12, 68/16);
- **The Law on Foreign trade in weapons and military equipment** ("Official Gazette of Montenegro", no. 40/16);
- **The Act on flammable liquids and gases** ("Official Gazette of Montenegro", no. 26/10, 31/10, 40/11 and 48/15);
- **The Law on the prohibition of the development, production, Stockpiling and use of Chemical Weapons and on Their destruction** ("Official Gazette", 44/05);
- **The Criminal Code** ("Official Gazette of Montenegro", no. 70/03, 13/04, 47/06, 40/08, 25/10, 73/10, 32/11, 64/11, 40/13, 56/13, 14/15, 42/15, 58/15 and 44/17) **and**;
- **The Criminal Procedure Code** ("Official Gazette of Montenegro", no. 57/09, 49/10, 47/14, 02/15, 35/15, 58/15 and 28/18).

Montenegro submits the reports on SALW:

- **FSC.DOC/1/00/Rev.1, III(F)1, FSC.DOC/33/14/Rev.1, Corr.1;**
- **FSC.DOC/1/00/Rev.1, IV(E)1** (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- **FSC.DEC/4/08, FSC.GAL/38/11** (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- **FSC.GAL/13/97, FSC.GAL/8/98, FSC.GAL/8/08, FSC.GAL/20/95** (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- **FSC.DEC/17/10, FSC.DEC/11/08, FSC.DEC/12/08, FSC.DOC/1/00/Rev.1, IV(E)2** (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);

The Ministry of Defense of Montenegro has started the Montenegro Demilitarization – **MONDEM**⁵ project in 2007, in cooperation with UNDP Montenegro and OSCE Mission to Montenegro. This project's goals are: the safe disposal of hazardous substances once used in the military, creation of safe and secure storage for conventional ammunition, conducting an environmentally-friendly demilitarization process, and destruction of heavy weaponry.

This program is based on the findings of the joint UNDP/SEESAC and OSCE Technical Assessment of ammunitions in Montenegro. The Chairman of the Supervisory Board is the Minister of Defence and it also consists of the Head of the OSCE Mission and UNDP Resident Representative in Montenegro. ***No activity can be implemented through the MONDEM program unless it is approved by the Supervisory Board.***

Yet it must also be emphasized that this is a cross-cutting Program in which various components have a positive impact, to varying degrees, on:

- ***Human security*** by the reduction of potential risks to the local communities presented by inappropriate ammunition and explosive storage infrastructure, combined with decaying ammunition.
- ***Counter-proliferation policy***, demonstrated by improved physical security at conventional ammunition stockpiles, combined with a significant reduction of the size of the ammunition and stockpiles.
- ***Sub-regional Confidence and Security Building Measures (CSBM)*** through already demonstrated transparency and full cooperation during the development of the MONDEM program;
- ***The National SALW Control Strategy of Montenegro***, which is designed to ensure compliance with all appropriate international agreements and mechanisms⁶ for small arms control and armed violence reduction.
- ***Sustainable Development*** by contributing to the wider process of defence reform through the clearance and conversion of surplus military property for civilian use in a safe and environmentally sound manner.

By the end of the program cycle a local capacity will remain for the maintenance, storage and future disposal of conventional munitions required by the security structures of the Government of Montenegro in accordance with NATO and EU standards, whilst following OSCE Best Practices.

⁵<http://www.mondem.me>

⁶Including the UN Program of Action on SALW (2001), the EU SALW Strategy (2005), EU Joint Action on SALW (1998), OSCE Agreements (2001 - 2005) and the Stability Pact SALW Regional Implementation Plan (Revised 2006)

Review of Destroyed ammunition up to 100 mm in 2017:

Line Number	Name of assets	Disposed (pieces) Σ
1.	Artillery round 30mm M93	384
2.	Ammunition (Portable Anti-tank missile launchers and rocket systems) M79	10
3.	Artillery grenade 30mm - AA M53/59	9,480
4.	Ammunition (Portable Anti-tank missile launchers and rocket systems) 9M31M	5
5.	Artillery round 30mm - AAG 230	18,362
6.	Artillery round 23 mm	21,276
7.	Artillery round 76,2mm AK-276	1,995

Disposal of ammunition – focus on:

- **Hazardous ammunition** (ammunition with unstable powder – propellants)-
– result due to leakage of the poor storage conditions.
- **Ammunition which is obsolete and out of use;**

MONDEM 2017	
PHASE III 7	PHASE III 8
94,65 tons	

NATO TRUST FUND

NSPA Agency⁷- **“The NATO Support and Procurement Agency”** is a customer-funded agency, operating on a **“no profit - no loss”** basis. The NSPA is the executive body of the NATO Support and Procurement Organization (NSPO), of which all 29 NATO nations are members. Those nations are represented in the NSPO Agency Supervisory Board (ASB) which directs and controls the activities of the NSPA. **The Montenegro Trust Fund** will support the demilitarization of more than 400 tons of surplus ammunition in a safe and environmentally friendly way. NSPA is the executing agency for this Trust Fund which will significantly reduce the risks of accidental explosions of ageing ammunition and to assist Montenegrin Ministry of Defence in closing old storage depots. This work will be done in close cooperation with the United Kingdom as leading nation and several international donors who are funding this project.

⁷www.nspa.nato.int

In the last quarter of 2017, NSPA Agency announced a tender in Montenegro. After collecting bids, **"POLIEX"** from Berane signed a contract with the Agency. The realization of the concluded contract started on 04th of December, 2017. Until 31st of December, 2017 quantity of **35,6 tons were destroyed⁸. The deadline for completing this contract is 30th of June, 2019.**

As we previously mentioned The Montenegro Trust Fund will support the demilitarization of the 400 tons of surplus ammunition, so the tender will be reissued for the remaining 272, 68 tons.

At the end:

Σ: 2017	130.25 tons	MONDEM + NATO TRUST FUND
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⁸ 27,53% were destroyed of the total contracted quantity which was concluded for a part of assets of 129,32 tons

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?

The highest-level document that gives jurisdiction to the state authorities for planning and decision-making on the use of the Armed Forces of Montenegro is the Constitution of Montenegro.

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;*
- *Law on deployment of the Armed Forces 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.*

According to the Constitution, within the process of national planning and decision-making on the use of the Armed Forces 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:

- *Declares a state of emergency and state of war;*
- *Adopts the budget and the final budget account;*
- *Adopts the National Security Strategy and the Defence Strategy;*
- *Decides on the use of units of the Armed Forces of Montenegro in the international forces;*
- *Supervises the Armed Forces and security services.*

The Security and Defence Council:

- *Makes decisions on commanding the Armed Forces of Montenegro;*
- *Approves the Plan on use of the Armed Forces of Montenegro;*
- *Analyses and assess the security situation in Montenegro and makes decisions for taking appropriate measures;*
- *Assigns, dismiss and improves officers in the Armed Forces of Montenegro;*
- *Proposes to the Parliament the declaration of war or emergency;*
- *Suggests the use of Armed Forces of Montenegro in international forces;*
- *Assigns and dismisses military diplomatic representatives.*

The President of Montenegro:

- *Commands the Armed Forces on the basis of decisions of the Council of Security and Defence;*
- *Orders the mobilization of the Armed Forces in accordance with the decisions of the Council for Security and Defence;*
- *Promotes to the initial ranks officers and reserve officers of the Armed Forces.*

The President of Montenegro is the President of the Security and Defence Council.

The Government of Montenegro:

- *Proposes the budget and final budget account;*
- *Proposes the National Security Strategy and Defence Strategy;*
- *Decides on the participation of civil defence staff in peacekeeping missions and other activities abroad;*
- *Adopts Defence plan of Montenegro;*
- *Adopts the Strategic Defence Review of Montenegro;*
- *Adopts the Long-term Development plan;*
- *Determines the organizational structure of the Armed Forces and the size of the AF.*

The duties of the Minister of Defense⁹:

He/She...

- *ensures execution of decisions on command of the Armed Forces of Montenegro;*
- *make decisions on the use of the Armed Forces of Montenegro in other activities in the country;*
- *decide on admission to service, termination of service and other rights and obligations of a person serving in the Armed Forces of Montenegro, in connection with service in the Armed Forces of Montenegro;*
- *improves, appoints and dismisses non-commissioned officers on the proposal of the Chief of General Staff;*
- *assigns ranks to cadets and decides on other rights and duties of cadets;*
- *propose to the Council the appointment and dismissal of the Chief of Staff;*
- *proposes to the Council the promotion, appointment and dismissal of the officer;*
- *produces in the initial ranks of NCOs and reserve NCOs;*
- *propose to the Council the appointment and dismissal of military diplomatic representatives;*
- *propose to the President of Montenegro the awarding of decorations to persons serving in the Army;*
- *appoints duty-bearers for the formation positions of an officer or non-commissioned officer;*
- *perform other tasks in accordance with the law.*

⁹ According to the Article 38 of the Law on the Armed Forces of Montenegro, Official Gazette of Montenegro No. 051/17 of 3rd August 2017

General Staff of the Armed Forces is performing tasks related to:

- *combat readiness of the Armed Forces;*
- *implementation of management plans and professional development of personnel in the Armed Forces of Montenegro the NCO chain of support;;*
- *Preparation of proposals directed towards the development, equipment and modernization of the Armed Forces;*
- *Operational planning and conduct of operations;*
- *Maintenance of weapons, military equipment and other movable and immovable property in the Armed Forces;*
- *Participation in planning, programming and budgeting in the Armed Forces;*
- *Planning, organizing and conducting military training and exercises;*
- *Participation in planning and implementation of cooperation with the Armed Forces, the Armed Forces of other countries and international organizations;*
- *Participation in the planning, organization and implementation of material and financial operations in the Armed Forces;*
- *Logistical support in the Armed Forces;*
- *Participation in the organization of healthcare in the Armed Forces;*
- *Participation in the planning, preparation, training and equipment of units and members of the Armed Forces of Montenegro participate in the international force and other activities abroad;*
- *Professional affairs for the Council for Defence and Security and the Minister, pertaining to the Armed Forces;*
- *Drafting military doctrine, the Plan of use of the Armed Forces, Armed Forces of Montenegro manning plan, training plan and training in service in the Armed Forces, plan to improve military personnel, Armed Forces of Montenegro Formations;*

The duties of The CHOD¹⁰:

- *The Chief of General Staff commands with the General Staff and units of the Armed Forces of Montenegro in accordance with the law*
- *The Chief of General Staff is responsible to the Minister for the situation in the Armed Forces of Montenegro;*
- *The Chief of General Staff is a professional officer;*
- *The Chief of General Staff is appointed and dismissed by the Council;*
- *The Chief of General Staff may, upon the prior approval of the Minister, delegate his command responsibility to the other commanders of the Armed Forces of Montenegro units;*

In carrying out tasks within his competence, the Chief of General Staff issues orders, decisions, instructions, guidelines and other acts.

¹⁰**CHOD - Chief of the General Staff of Armed Forces of Montenegro – duties are defined according to the Article 40 of the Law on the Armed Forces of Montenegro, Official Gazette of Montenegro No. 051/17 of 3rd August 2017**

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?**

In Armed Forces of Montenegro units are staffed only with professionals (active duty officers and NCO, civil servants and soldiers on contract)

The Armed Forces of Montenegro`s units in international forces, civil defence servants and employees in peacekeeping missions and other activities abroad are being engaged:

- *to achieve and maintain order;*
- *in the context of peacekeeping forces and peacekeeping missions;*
- *to the provision of humanitarian assistance;*
- *to encourage the development of democracy, legal certainty and the protection of human rights in the context of international organizations and associations;*

Montenegro contributes to international peace and security through active participation in international missions led by NATO, UN or EU.

Members of the Armed Forces of Montenegro are engaged in the “Resolute Support” mission. Previously they had contributed to the successful accomplishment of the ISAF mission. Currently, the 8th contingent of RS mission is deployed in Afghanistan, which consists of 20 members of the Armed Forces of Montenegro. This contingent is the 17th since the first Montenegro’s engagement in Afghanistan.

During declared state of emergency or war in Montenegro a decision cannot be made to employ the units of the Armed Forces of Montenegro in international forces, nor can the members of the civil defence servants and employees be employed in peacekeeping missions and other activities abroad.

In addition, members of the Armed Forces of Montenegro participate in missions led by the European Union: EU NAVFOR ATALANTA in Somalia and the European Training Mission in Mali (EUTM), as well as in the United Nations mission in Western Sahara (MINURSO). Before these, several Montenegrin military observers had participated in the UNMIL mission in Liberia.

Montenegro expressed its initiative to join KFOR mission by deploying two staff officers in this mission. Also, Montenegro has joined the Global Coalition to Counter ISIL.

Moreover, we actively support Alliance’s efforts in Projecting Stability and reinforcing security outside NATO borders. Actually, besides contribution to the international peacekeeping missions and operations, Montenegro contributes to the several NATO Trust Funds as well as to the NATO Defence and Related Security Capacity Building (DCB) Initiative.

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?

The Constitution of Montenegro states that:

- *Armed forces and security services are under democratic and civilian control (article 11 and 129);*
- *The Parliament of Montenegro makes the decision on deployment of members of armed forces in missions abroad and conducts oversight on armed forces and security services (article 82, paragraph 1, point 8 and 10);*
- *The President of Montenegro commands the Armed Forces based on decisions of the Council for Defence and Security (article 95, paragraph 1, point 2);*
- *The Council for Defence and Security makes decisions on commanding the Armed Forces, appoints and dismisses officers and proposes deployment of members of the Armed Forces (article 130).*

The Parliament's Security and Defence Committee, in accordance with a separate law, conducts parliamentary oversight over state organs and institutions in the field of security and defence.

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

According to the Law on Parliamentary Oversight in the Area of Security and Defense (Article 3 paragraph 1), the Security and Defense Committee conducts the parliamentary oversight of the work of the Ministry of Defense, the Army of Montenegro, the National Security Agency, the Ministry of Interior, the Police Administration, as well as other organs and institutions engaged in the security and defense affairs. The Committee may initiate specific matters and conduct parliamentary oversight on proposal of the Parliament, the Chair person or members of the Committee, other organs or institutions.

In the course of conducting parliamentary oversight, the Committee:

- 1) monitors the activities of organs and institutions in the area of security and defense in Montenegro, for the purpose of insight into the carrying out of the established policy in these areas and may demand information on activities and measures undertaken with regard to any issue under their responsibility;
- 2) conducts oversight of the observance of the political, ideological and interest neutrality in the work of the organs and institutions referred to in Article 3 paragraph 1 of this Law;

3) considers annual reports of the Ministry of Defense and the Army of Montenegro, the National Security Agency, the Police Administration and the Ministry of Interior, which are submitted to the Committee by the end of the first quarter of the current year for the previous;

4) considers special reports of the organs and institutions referred to in Article 3 paragraph 1 of this Law;

5) considers draft and proposal of the national security strategy and draft and proposal of the defense strategy and provide relevant opinions;

6) considers law proposals, other regulations and general acts from the area of security and defense;

7) considers reports on deployment of the members of the Army of Montenegro in international forces and participation of the members of civil protection, police and employees of state administration organs in peace missions and other international activities;

8) considers reports on undertaking secret surveillance measures by the organs and institutions referred to in Article 3 paragraph 1 of this Law, which temporarily restrict the rights and freedoms guaranteed by the Constitution;

9) considers information on execution of the budget with regard to funds allocated for work of the organs and institutions referred to in Article 3 paragraph 1 of this Law, no less than once a year;

10) considers information on engagement of the organs and institutions referred to in Article 3 paragraph 1 of this Law in providing assistance to other organs for the purpose of eliminating effects of natural disasters, technical-technological and environmental accidents and epidemics, as well as crises caused by terrorist activities;

11) considers reports of the State Audit Institution on financial operations of the organs and institutions referred to in Article 3 paragraph 1 of this Law, take positions and monitor activities of competent organs in respect of such reports;

12) provides opinions, proposals and suggestions in the preparation of the Budget Bill, with regard to the area of security and defense;

13) considers candidates nominated for managerial positions in the area of security and defense, that are prescribed by special laws to be subject to the opinion of the Parliament;

14) debates on information and initiatives related to activities and documents from the area of security and defense;

15) organizes and conducts consultative and control hearing and initiates parliamentary inquiry;

16) conducts consultative hearing of military-diplomatic representatives of Montenegro before the beginning of their term of office;

17) performs other activities as prescribed by law.

In addition to other responsibilities, the Committee may also undertake extraordinary activities of the parliamentary oversight. Extraordinary activities of the Committee may include:

1) requests to organs and institutions from the area of security and defense to provide information or reports on specific matters;

- 2) visits paid by the Committee representatives to organs and institutions from the area of security and defense in order to have insight in the documentation, discussion with persons responsible for specific matters, on prior notice of at least 24 hours, in accordance with law;
- 3) conduct of consultative and control hearing on specific matters and initiating parliamentary inquiry.

The President of Montenegro commands the Armed Forces based on the decisions of the Defence and Security Council; promulgates laws and based on the decision of the Parliament of Montenegro, and sends a request to NATO to help in the defence of Montenegro.

The Minister of Defence is a civilian institution which implements the policy of the Government of Montenegro in the field of defence, ensures execution of decisions on commanding over the Armed Forces; makes decision on usage of the Armed Forces in other activities; decides on human resources management issues (commission of personnel, termination of service and other rights and obligations of persons serving in the line of duty in the Armed Forces); promotes, appoints and dismisses the non-commissioned officers based on the proposal of the Chief of the General Staff; assigns ranks to cadets and decides on other rights and obligations of cadets; proposes to the Defence and Security Council appointment and dismissal of the Chief of the General Staff; proposes to the Defence and Security Council promotions, appointments and dismissals of the active duty officers of the Armed Forces; promotes NCOs and NCOs of the Armed Forces reserve in the initial rank; proposes to the Defence and Security Council the appointments and dismissals of military diplomatic representatives; proposes to the President of Montenegro awards and decorations to the members of the Armed Forces.

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 Armed Forces of Montenegro is to defend independence, sovereignty and state territory.

Montenegro doesn't have Private Military and Security Companies (PMSC) and Paramilitary Forces (PMF).

The Armed Forces of Montenegro missions are defence of Montenegro, support to civilian institutions in state during natural and artificial caused catastrophes, and in other crises including crises caused by terroristic activity, contribution in peace-building and peace-keeping in the region and world.

The Armed Forces of Montenegro is a professional defence force that defends the independence, sovereignty and national territory of Montenegro, in accordance with the principles of international law on the use of force and carries out assigned missions and tasks.

The Security and Defence Council:

- *Make decisions on commanding the Armed Forces of Montenegro;*
- *Appoints and dismisses military diplomatic representatives;*
- *Perform other tasks laid down by the Constitution and law.*

The President of Montenegro:

- *Ordering the preparedness measures for the military, in accordance with decisions of the Security and Defence Council;*
- *Ordering the mobilization of the army, in accordance with decisions made by the Security and Defence Council;*
- *...is the President of the Security and Defence Council.*

By Executing of the Constitution and aforementioned laws, Montenegro ensures that our defence and security forces are acting in constitutional framework. Entire process of commanding and supervising with the Armed Forces of Montenegro is under the parliamentary oversight, proclamation of a state of emergency and/or state of war, as well.

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 permanent and reserve forces of the Armed Forces of Montenegro are carrying out military and other duties in service. Military service is performed by professional military personnel in the Ministry and in the Armed Forces. Military personnel are ***Professional Military Personnel (PMP) - officers, non-commissioned officers and contract soldiers.***

Contract soldiers, who signs first contract, conclude a contract for a period of one year and the next contracts are concluded for a period of three years, if the needs of the Armed Forces of Montenegro require that. Civil servants in the Armed Forces of Montenegro are persons who perform service allocated to civilians within the Armed Forces of Montenegro formation. The Armed Forces of Montenegro is professional military forces and it is being manned with personnel based on the public advertisement, in accordance with the peace establishment structure of the human resources.

Service in the Armed Forces of Montenegro can be granted only by Montenegrin citizens, exceptionally in war with persons who do not have Montenegrin citizenship only if they sign up as volunteers with granted residence in Montenegro.

Procedures necessary for the prevention and elimination of hazards that threaten the independence, sovereignty and national territory of Montenegro are measures considered of increased combat readiness, mobilization and security control.

Mobilization of the Armed Forces of Montenegro is carried out in the state of war and/or state of emergency. Reserve ranks consist of active and inactive reserve. Active reserve of the Armed Forces is engaged on voluntary basis according to a contract of

service in the Armed Forces. The Government's decision defines the structure of the number and size of the active reserve (400 people) according to the Minister's Decision. The members of the active reserve have a right to get allowance which is determined by the decision of the Ministry of Defence.

The purpose of the active reserves is to man the vacant positions in the peace or war time establishment structure, participation in training activities, exercises and in the international forces, execution of specific tasks which require the commitment of additional forces.

Inactive reserve has not been dimensioned yet because it is estimated that there are currently no requirements for them.

Under current regulations, Montenegrin President can order mobilization of the Armed Forces, in accordance with decisions of the Security and Defence Council.

In accordance with the ***Plan***¹¹ the Armed Forces of Montenegro's General Staff proposes starting procedure for the admission of personnel into the service in the Armed Forces and in the reserve forces. The Defence Minister approves the proposal for the admission into the service in the Armed Forces of Montenegro and in the reserve forces of the Armed Forces of Montenegro upon which a public notice is published. Candidates who meet the requirements listed in the public notice are tested in order to verify their ability to join the Armed Forces in accordance with the methodology for conducting the selection process of candidates for service in the Armed Forces and reserve forces.

Any contract soldier who is admitted service in the Armed Forces of Montenegro cannot be more than 25 years old. After checking a ranking list of candidates for the admission into the service in the Armed Forces or Armed Forces of Montenegro's reserve is compiled. The Minister takes a decision on the selection of candidates within 30 days from the receipt of the ranking list. The Minister approves the list of all persons selected for admission in the Armed Forces or reserve forces.

The selection process of all persons who aspire to join the Armed Forces of Montenegro is conducted on equal terms, regardless of gender, nationality, religion, and social and economic status.

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

Citizens of Montenegro, based on their religious and other conviction, have the right to decline military duty, which includes using of weapons.

The ***Armed Forces***¹² of Montenegro is a professional service with ***Professional Military Personal (PMP)*** and there is no principle of compulsory military service in Montenegro. Furthermore, there is no other alternative for conscripts.

¹¹Plan regulates commission of personnel in the Armed Forces of Montenegro of Montenegro

¹²In accordance with Article 5 of Rules and Regulations on how the person is admitted to the service of the Armed Forces of Montenegro ("Official Gazette of Montenegro", No. 65/15), Law on Armed Forces ("Official Gazette of Montenegro", No. 88/09, 75/10, 40/11, 32/14

PMP serving in military **can, after working hours, with prior approval of the Minister**, perform another work if such work granted no interference in terms of paragraph 2 of Article 57, Law on Armed Forces of Montenegro.

Law on Armed Forces states that Montenegro citizens have a military obligation during state of war or emergency.

PMP serving in the Armed Forces of Montenegro are required to:

- *Act in the interest of Montenegro;*
- *Meet the requirement;*
- *Adhere to ethical principles;*
- *Notify a superior officer and Minister with possible or actual conflict of interest and be sure to avoid any potential or actual conflict of interest.*

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

Personnel in the Armed Forces of Montenegro have the right to form **Trade Unions** in accordance with the Law on the Armed Forces. The Trade union activities cannot be related to: composition, organization and formation of the Armed Forces training, combat readiness of the Armed Forces recruitment of the Armed Forces readiness and mobilization, use of Armed Forces of Montenegro units in international forces, command and management of the Armed Forces of Montenegro and the Defence system, as well as the decisions of the Defence and security Council, except in the parts relating to the position and rights of employees in the field of labour and labour relations.

In accordance with the Law on the Armed Forces any person which is serving in order to protect own rights, has the possibility to address to the Inspector of Defence on all matters of work and functioning of headquarters and units. Defence Minister makes decision concerning rights and obligations of members of Armed Forces in accordance with the law. Against these decisions members of Armed Forces can appeal to the state ombudsman or regular courts.

A dispute before a competent court could be initiated against the decision of the Appeals Commission or an appeal to the Ombudsman. In addition, a person serving in the Armed Forces of Montenegro in order to protect his/her rights can contact the Defence Inspector.

The Ministry of Defence adopted a strategy that Human Resources of the Ministry of Defence (HR MoD) and the Armed Forces of Montenegro defines the policy of gender equality and specific strategic objectives as follows:

- ***Increasing representation of women in the Armed Forces, in command posts and missions;***
- ***Continuously implementation of the national policy of gender equality, Resolution 1325 and other accepted and applicable regulations.***

Through the adoption of regulations, within documents and acts gender-sensitive language is in use in the Ministry of Defence and in the Armed Forces of Montenegro. All documents of Armed Forces organizational structure are being written in gender sensitive language.

The Ministry of Defence and the Armed Forces of Montenegro are constantly working to promote military sign-up through the issuance of various promotional materials (brochures, leaflets, posters), through civilian visits to military units, familiarization with equipment and weapons, TV campaigns (broadcasting of TV spots of Armed Forces of Montenegro, promotion of military profession, cadets education and training at international military academies). This would ensure that more and more young female apply in public service announcements for employment and education in Armed Forces. Those processes will increase number of women in the Armed Forces.

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?

Montenegro Armed Forces are an integral part of a democratic state and society. By fulfilling their defence and national – security functions, the armed forces play a key role in enabling a security environment that allows us to enjoy the inalienable rights and freedoms to which we all are entitled to as human beings.

As representatives of the state structure, armed forces personnel are bound to respect *human rights* and *international humanitarian law* in the exercise of their duties. But only when their rights are guaranteed within their own institution will Armed Forces personnel be likely to uphold these in the discharge of their tasks – *both when in the barracks and during operations*.

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

The Constitution of Montenegro stipulates that confirmed and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, have a primacy over domestic legislation and are directly applied when the relations are regulated differently from the domestic legislation.

In accordance with this constitutional norm, programs of educations and training of members of Armed Forces includes basics of International Humanitarian Law and Law on armed conflicts. It is the duty of all members of the Armed Forces is to know

the basics of International humanitarian law and the Law on armed conflicts, which is being inspected in the process of evaluation of Defence readiness.

International humanitarian law (IHL) - also known as the Law of Armed Conflicts or Law of War - is made up of two branches:

- ***Geneva rights or humanitarian law in the narrow sense, the four conventions intended to protect members of the Armed Forces who do not participate in the fighting, as well as the persons (especially civilians) who do not take an active part in the hostilities;***
- ***Hague Law, IHL, which establishes the rights and obligations of belligerents during military operations.***

These two branches of international humanitarian law have been promoted through the constitution of Montenegro as the greatest legal act and the through law on the use of the military in foreign missions in accordance with constitutional principle, programs of educations and training of members of Armed Forces include basics of International Humanitarian Law on arms conflicts.

It is the Duty of all members of Armed Forces is to know the basics of the International Humanitarian Law and Law on arms conflicts, which is being inspected in the process of evaluation of defence readiness, especially in the 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?

In the Armed Forces of Montenegro commanding (chain of command) is based on the principles of subordination, unity of command in respect of the use of power and resources of single and obligations execution decision, commands, orders and orders of a superior officer and the competent authorities and in accordance with respect for fundamental human rights.

The Law on Armed Forces states that member of Armed Forces has the right and an obligation to perform their duty in accordance with the Constitution and other legal acts, and to comply his/her superiors orders, except in the case that compliance to those orders present a criminal act, in which case they have to report this. In addition, all legal acts concerning this area are being published in the „Official Gazette “and also on the web site of the Ministry of Defence.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Montenegro will ensure that military forces personnel are able to enjoy and exercise their human rights and fundamental freedoms as reflected in international

law, in conformity with relevant constitutional and legal provisions and with the requirements of service.

State ensures that the Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity, by executing the Constitution and previously mentioned laws in which all procedures for usage of Armed Forces and punishment for those that violet them are stated.

Respect for the principles referred to in paragraph 1 of this Article provides the defence minister without violation of any of the principles of transparency, fairness and equal rights without discrimination on any grounds (sex, race, language, religion, political or other opinion, ethnic or social origin, property, or other status)

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?

Professional Military Personnel serving in the Armed Forces are obliged to, while on duty, shall act in accordance with the **Code of Ethics**¹³ (hereinafter: the Code). The Code is a set of principles on ethical conduct of persons serving in the Armed Forces, which is based on the norms of international and domestic law.

Regular training with the Code shall be conducted at least once a year in the Armed Forces. Any violation of code of ethics and failure to comply with the same shall be considered a **disciplinary violation**¹⁴, and according to that each disciplinary violation has appropriate **disciplinary sanction**¹⁵. Members of Armed Forces are being introduces with their constitutional rights during their military education. The Constitution and Law on Armed Forces forbids membership in political organizations.

The Constitution of Montenegro has established that a professional member of the Armed forces of Montenegro, the Police and other security services cannot be a member of a political organization, and that political organizations are banned in state bodies.

The Law on the Montenegro Armed Forces stipulates that persons applying for admission to the service in the Armed Forces is guaranteed the application of the principle of transparency, fairness and equal rights, without discrimination on any ground (gender, race, nationality, language, religion, political or other opinion, ethnic or social origin, gender identity, sexual orientation, property status or other personal status or property). A person in the service with Armed Forces performs the service in a politically neutral and impartial manner, in accordance with the public interest, refrains from publicly expressing his or her political beliefs and cannot be a member of a political organization.

¹³Pursuant to Article 55, Paragraph 3 of the Law on the Armed Forces of Montenegro of Montenegro ("Official Gazette of Montenegro", No. 88/09), Ministry of Defence, issued the CODE OF MILITARY ETHICS ("Official Gazette of Montenegro", number 60/10)

¹⁴Articles 125,126,127,128 of Law on Armed Forces

¹⁵Articles 129,130,131,132 of Law on Armed Forces

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

As mentioned in point 4.1 the Constitution of Montenegro prescribes that the confirmed and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, have a primacy over domestic legislation and are directly applied when the relations are regulated differently from the internal legislation.

Montenegro shares the attitude of democratic countries that the most effective way of achieving a favourable security environment for common action in order to prevent conflict and build stability. Special attention is focused on the development of good neighbourly relations and strengthening regional and international cooperation in order to establish trust and affirmation of peace in South-East Europe and the world.

Montenegro is providing an active contribution to the process of developing an international system of cooperative security and collective defense, which are based on multilateral cooperation and international laws.

The Defence Strategy and *Strategy of National security* are in accordance with international law and they are drafted with participants of foreign experts. Based on the National Security Strategy of Montenegro (Article 2, point 7 of the National Security Strategy of Montenegro) the interests and goals of Montenegro are the implementation of norms of International laws and the international obligations which Montenegro accepted in accordance with the constitutional provisions in full order lines in the area of national security.

The Strategic Defence Concept of Montenegro regulates the preservation of:

- *our national interests;*
- *the principle of the development of democracy;*
- *the rule of law;*
- *the market economy and its orientation towards the European Union.*

Legal acts in this area are based on these strategies and in this manner Montenegro ensured that our Defence policy is in consistent with international law.

SECTION III: PUBLIC ACCESS AND CONTACT INFORMATION

1. PUBLIC ACCESS

1.1 How is the public informed about the provisions of the Code of Conduct

Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in peace, security, justice and cooperation in Europe. Therefore, any publicly available information is essential for understanding the Code of Conduct and all that code represent in all democratic societies. So, according to that, the Questionnaire on the Code of Conduct are published on the official website of the Ministry of Foreign Affairs and they are publicly available.

The Ministry of Foreign Affairs continuously informs the public about its activities through the official website, accompanied by proper audio and video materials. The Service for Public Relations in the Ministry communicates with representatives of Montenegrin media, journalists and editors on daily basis.

All the publications, which the Ministry of Foreign Affairs provides in order to inform the public are available on the website: www.mvp.gov.me. This official web site is updated on a daily basis.

1.2 How does your State ensure public access to information related to your State's Armed Forces?

Montenegro is committed to its officials to exercise democratic political control of its Armed Forces and internal security forces, including intelligence agencies and police forces. Also, performing regular activities at all times maintain effective control of the Armed and security forces by constitutionally established body which is given democratic purpose.

Each activity which is done in the Ministry of Defence and Armed Forces of Montenegro is published on websites www.mod.gov.me and www.vojska.mod.gov.me on a daily basis. Everything is transparent on the aforementioned website in specified sections. MoD's Service for Public Relations participates in the organization and media coverage of ministers' visits, visits of official NATO military and civil representatives, as well as takes part in organizing the Minister of Defence and Armed Forces deputies' involvement in various conferences in the country and abroad. There are also numerous trainings of the Armed Forces of Montenegro's members and NATO allied countries which are attractive for making reportages.

The Ministry of Defence communicates with public through Social Media, as well as taking a very important part in the interaction between the institution and people, especially the young population. They are active and quick with replying to messages which they receive on a daily basis. On the Facebook page "**Vojska Crne Gore i mladi**" they present to the young population all the activities of the Armed Forces and the

cooperation between the Armed Forces and young people. The official Facebook account of the Ministry of Defence is especially active and updated with political messages and multimedia content.

Ministry of Defence produced a promotional video of the Armed Forces of Montenegro with an intention of presenting to the Montenegrin public the strength and professionalism of our soldiers, but also to demonstrate their ability to perform complex missions. This video was presented in May 2017 and in it showed details about all of three branches of the Armed Forces – Land Forces, Navy and Air Force. For a long period, the video was broadcasted on local and national television stations in Montenegro, on web portals and social media. This promotional video caused a lot of attention and positive reactions from the public and contributed to the Army's image.

The MoD pays special attention to the promotion of public ads and announcements that have to do with the employment of people in the service of the Armed Forces of Montenegro. Therefore, they organize appearances with broadcasting agencies, mainly in the morning hours of the working days. The Ministry of Defence and the Armed Forces of Montenegro promote gender equality through various campaigns, such as reportages about women in the Armed Forces and representing them to the public. With an intention to present the importance and role of the Armed Forces in the system of defence, they promote cooperation with non-governmental organizations. The Ministry of Defence publishes the magazine "*Partner*", which is printed in 3000 copies and is free of charge. It is also available to the public on their website www.mod.gov.me as a linked banner. MoD distributes it also to relevant addresses in Montenegro, important institutions and companies.

2. CONTACT INFORMATION

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

- Helena Vizi, e-mail: helena.vizi@mfa.gov.me; address: Stanka Dragojevića 2, 81 000 Podgorica; Ministry of Foreign Affairs, Multilateral Directorate, Section for OESC and Council of Europe
- Contact at the national mission of Montenegro to the OSCE: osce@mfa.gov.me

Agreements and arrangements related to preventing and combating terrorism**Montenegro is a party to the 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:
 - o 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.
 - o Agreement between Montenegro and the Czech Republic on Cooperation 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.
 - o Agreement between the Ministry of the Interior of Montenegro and the Ministry of the Interior of the Slovak Republic on Police Cooperation, 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 cooperation between the Parties is also extended to the fight against terrorism and terrorism financing.
- Montenegro has signed the Police Cooperation 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.

- Montenegro's police officers have also successfully participated in peacekeeping missions in Afghanistan. Furthermore, the Ministry of the Interior and the Ministry of Defense of Montenegro have signed on 19 November 2012 the Agreement on cooperation on preparation and engagement of advisory police teams within peacekeeping mission „International Security Assistance Force“ in Afghanistan.
- In addition, as of 2009, Montenegro's police officers have also participated in UN Peacekeeping Missions in Cyprus (UNFICYP).

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 which designated depository is the Secretary General of the United Nations:

1. In line with the resolution of the UN on foreign fighters (2178) the amendments to the Penal Code of Montenegro has been adopted;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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;

9. 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;

10. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

11. 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 which designated depository is the Council of Europe:

1. The ratification of the Additional Protocol with the Convention of the Council of Europe on the terrorism prevention has been signed, and will be ratified in due course.

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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;

9. Council of Europe Convention on the Prevention of Terrorism;

10. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

11. 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 which designated depository is the International Maritime Organization:

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 which 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;¹⁶

¹⁶ The depositories of these three international instruments are the United Kingdom, the Russian Federation and the United States of America. Montenegro deposited its instrument of succession with the Government of the United Kingdom, after which the Foreign Office informed the Montenegrin Ministry of Foreign Affairs that other members and depositories would be informed about the given legal transaction.

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. Republic of Greece on cooperation in the fight against organized crime, illegal trafficking in drugs and psychotropic substances, terrorism, and other severe criminal;
2. 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. 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;
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).