

**UNITED STATES MISSION  
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE**

**No. 2022/22**

**Note Verbale**

**The Mission of the United States of America to the Organization for Security and Cooperation in Europe presents its compliments to all of the other Delegations and Permanent Missions to the Organization for Security and Cooperation in Europe, the Forum for Security Cooperation, and the Conflict Prevention Center, and in accordance with Decision 2/09 of the Forum for Security Cooperation has the honor to submit the 2022 responses of the United States of America's reply to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for year 2022.**

**The Mission of the United States of America to the Organization for Security and Cooperation in Europe avails itself of this opportunity to renew to all Delegations and Permanent Missions to the OSCE, the Forum for Security Cooperation, and the Conflict Prevention Center the assurances of its highest consideration.**

**U.S. Mission to the OSCE  
Vienna, August 12, 2022**

**To all Permanent Delegations and Missions to the OSCE  
The Conflict Prevention Center**

**Vienna**



## **Section I: Inter-state Elements**

### **1. Account of measures to prevent and combat terrorism**

***1.1: To which agreements and arrangements (universal, regional, sub-regional, and bilateral) related to preventing and combating terrorism is your State a party?***

The United States is a party to a number of multilateral instruments currently in force that are related to States' responsibilities for preventing and combating terrorism, including the following:

- Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo Convention, 1963)
- Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention, 1970)
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal Convention, 1971)
- Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)
- Convention on the Physical Protection of Nuclear Material (1979) and its Amendment (2005) (once the 2005 Amendment entered into force on May 8, 2016, the Convention, as amended, was renamed the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities)
- International Convention Against the Taking of Hostages (1979)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988)
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
- Convention on the Marking of Plastic Explosives for the Purpose of Identification (1991)
- International Convention for the Suppression of Terrorist Bombings (1997)
- International Convention for the Suppression of the Financing of Terrorism (1999)
- International Convention for the Suppression of Acts of Nuclear Terrorism (2005)
- Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
- Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

The United States is also party to:

- The Organization of American States (OAS) Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance (1971)
- The Inter-American Convention Against Terrorism (2002).

The United States has signed, but not yet ratified, two other multilateral instruments related to counterterrorism (CT):

- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010); and
- Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010).

In addition, the United States supports a broad range of international and national efforts to prevent and combat terrorist activities. These efforts are guided by, *inter alia*, the United Nations Global Counter Terrorism Strategy, first adopted by the General Assembly on September 8, 2006, and its subsequent reviews; applicable United Nations Security Council Resolutions (UNSCRs); the U.S. National Strategy for Counterterrorism; the U.S. Strategy to Support Women and Girls at Risk from Violent Extremism and Conflict; the U.S. Women, Peace, and Security Strategy; and the U.S. National Strategy for Countering Weapons of Mass Destruction Terrorism.

The United States' CT strategy emphasizes the need to counter the full spectrum of terrorist threats we face, including ISIS, al-Qa'ida, Iran-backed groups, racially or ethnically motivated violent extremism, and regional terrorist organizations, including ISIS and al-Qa'ida affiliates. It also highlights the need for a whole-of-government approach. Our strategy places a premium on dismantling terrorist organizations using a wide range of diplomatic, law enforcement, military, intelligence, financial, and other tools. The United States plays a major role in building our partners' capabilities to detect, disrupt, and dismantle terrorist networks and prevent and disrupt terrorist travel.

The United States also actively participates in a number of bilateral and multilateral law-enforcement and CT agreements and arrangements for information sharing and cooperation. In connection with these efforts, our partners are also reviewing and improving domestic legislation in support of international information sharing and cooperation.

The United States has engaged in extensive bilateral and multilateral diplomatic and partnership activity to support U.S. efforts to counter terrorism and weapons of mass destruction (WMD) proliferation. Some of these fora and initiatives include:

- The Global Coalition to Defeat ISIS: The United States is leading a coalition of 80 nations and 5 international organizations to defeat ISIS. As part of the Coalition's strategy and building on broader diplomatic efforts, there are five lines of effort and working groups dedicated to these efforts: the Counter-ISIS Finance Group that works to disrupt ISIS's ability to raise revenue and transfer funds globally; the Foreign Terrorist Fighter Working Group dedicated to addressing the threat posed by the fighters travelling abroad in support of ISIS and those currently in detention in Iraq and Syria; the Communications Working Group that counters the ISIS narrative and supports credible local voices; the Stabilization Working Group that assists local partner efforts and mobilizes hundreds of millions of dollars to stabilize liberated areas; and, finally, Political-Military Consultations which coordinate the Coalition's military line of effort. In 2021 the Coalition launched the Africa Focus Group, designed to bolster the civilian-led CT capabilities of African Coalition members.

- **Global Community Engagement and Resilience Fund (GCERF)**: The GCERF is a public-private partnership that supports community-level initiatives to strengthen resilience against terrorist radicalization and recruitment. Based in Geneva, Switzerland, the GCERF focuses on preventing and countering violent extremism (CVE) by building the capacity of small, local, community-based organizations. Since its inception, GCERF has raised more than \$120M from: the United States, Switzerland, the European Union, Japan, Qatar, Canada, Norway, Germany, Italy, the Netherlands, Australia, the United Kingdom, France, New Zealand, Sweden, Liechtenstein, Morocco, and Niger (a recipient and donor country). GCERF supports 37 grants in 19 partner countries: Albania, Bangladesh, Bosnia and Herzegovina, Burkina Faso, Kenya, Kosovo, Mali, Niger, Nigeria, North Macedonia, Philippines, Somalia, Sri Lanka, and Tunisia. Estimated conservatively, GCERF projects have reached 2.2 million direct beneficiaries and 13.2 million indirect beneficiaries. The Bureau of Counterterrorism represents the United States on the GCERF Board and is the largest donor to GCERF.
- **Strong Cities Network (SCN)**: The SCN is the first global network of municipal officials and community groups focused on building resilience to, and preventing, terrorist radicalization and recruitment. The London-based Institute for Strategic Dialogue serves as the SCN secretariat and conducts in-depth capacity building training and mentorship to members in Central Asia, East and West Africa, the Middle East and North Africa, South and Southeast Asia, and the Western Balkans. With support from the United States, SCN members in Bangladesh, Kenya, and North Macedonia have developed local action plans.
- **Hedayah**: On December 14, 2012, senior officials from key Global Counterterrorism Forum (GCTF) member countries inaugurated Hedayah, the first international center of excellence for CVE, headquartered in Abu Dhabi, United Arab Emirates. Hedayah focuses on capacity-building, dialogue and CVE communications, and research and analysis. Hedayah continues to organize capacity building workshops on CVE communications, education-based approaches to CVE, and CVE National Action Plans (NAPs). In 2021, the United States supported Hedayah in Tunisia and Tajikistan to improve government awareness of P/CVE strategic communication approaches and tools through a new CVE communication strategy. In 2021, Hedayah raised almost \$13 million for programs and operating expenses from donors including Australia, Japan, Spain, UAE, the United Kingdom, the United States, and EU.
- **The Global Counterterrorism Forum (GCTF)**. Since 30 members launched the Forum in September 2011, the GCTF has developed and promoted civilian, rule of law-based CT and CVE doctrine. With its primary focus on strengthening civilian criminal justice capacities for countering terrorism, the GCTF aims to diminish terrorist recruitment and increase countries' capacity for dealing with terrorist threats within their borders and regions. The GCTF has three thematic and two regional working groups: CVE; Criminal Justice and the Rule of Law; Foreign Terrorist Fighters; Capacity Building in the East Africa Region; and Capacity Building in the West Africa Region. The United States and Jordan continue as co-chairs of the Foreign Terrorist Fighters Working Group. Canada and Morocco co-chair the GCTF through September 2022.
- In September 2021, GCTF ministers formally endorsed four non-binding GCTF documents:
  - (1) The Memorandum on Criminal Justice Approaches to the Linkages between Terrorism and Core International Crimes, Sexual and Gender-based Violence Crimes, Human Trafficking, Migrant Smuggling, Slavery and Crimes Against Children;

- (2) *The Good Practice Memorandum for the Implementation of Countering the Financing of Terrorism Measures While Safeguarding Civic Space;*
- (3) *Addendum to the GCTF New York Memorandum on Good Practices for Interdicting Terrorist Travel;* and
- (4) *The GCTF Counterterrorism Watchlisting Toolkit.* The Toolkit offers guidance on the development of country-specific watchlisting procedures and practices related to developing national level watchlists for preventing Known or Suspected Terrorist (KST) travel.

In 2021 the United States also launched the GCTF's work in addressing Racially/Ethnically Motivated Violent Extremists (REMVE) -related challenges. In April, the United States led two GCTF Exploratory Dialogues – among the first multilateral events focused exclusively on international REMVE threats and challenges. Speakers examined existing GCTF resources pertaining to the REMVE threat, current gaps in available resources, and how the GCTF could best address REMVE-related challenges. As a result of these dialogues, the United States partnered with Norway (a non-GCTF Member) in October 2021 to initiate the development of a GCTF REMVE Toolkit that will outline good practices in addressing the REMVE radicalization lifecycle, drawing on and complementing the International Institute for Justice and the Rule of Law (IIJ) Criminal Justice Practitioner's Guide to Addressing REMVE.

The United Nations (UN): Sustained and strategic engagement at the UN on counterterrorism issues is a priority for the United States. Throughout 2021, the United Nations remained actively engaged in addressing the evolving threat of terrorism to international peace and security, including through the biannual review of the UN Global Counterterrorism Strategy, the renewal of the UN Counterterrorism Executive Directorate mandate that updated the international counterterrorism framework to address evolving threats including racially or ethnically motivated violent extremism, and the renewal of the mandate for the Analytical Support and Sanctions Monitoring Team overseeing the implementation of the UNSC's 1267/1989/2253 ISIL (Da'esh) and Al-Qaida sanctions regime.

Other U.S. engagement with UN actors on counterterrorism included the following:

- **The UN Security Council's Counter-Terrorism Committee (CTC) and Counter-Terrorism Executive Directorate (CTED).** The United States led the successful negotiation of UN Security Council resolution (UNSCR) 2617 (2021) that was adopted unanimously on December 27 to renew the UN CTED mandate for another four years. It focuses on the protection of human rights, inclusion of civil society, and importance of rule of law-based counterterrorism approaches, and addresses new and evolving threats for the first time in an UNSCR, including: condemning terrorism "on the basis of xenophobia, racism and other forms of intolerance"; recognizing the need to improve the collection, handling, preservation and sharing of battlefield evidence; recognizing the increasing global misuse of unmanned aerial systems (UAS) by terrorists to conduct terrorist attacks; and calling for a global report within one year to assess Member States' implementation of the provisions in Security Council resolutions 2178 (2014) and 2396 (2017) to counter terrorist travel and address the evolving threat of foreign terrorist fighters and their accompanying families. The United States also supported the

negotiation of several other terrorism-related resolutions and Presidential Statements, including one to commemorate the 20th anniversary of resolution 1373 (2001) that was adopted in the wake of the September 11th attacks.

- **UN Security Council Sanctions Regimes.** In 2021, the United States led or supported the listing of four individuals by the Security Council's 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee and three individuals by the 751 Somalia Sanctions Committee. In addition, the 1267 Sanctions Committee listed ISIS-Tunisia (aka JAK-T), bringing the total number of ISIS affiliates listed at the UN since 2019 to seven. The United States also worked closely with the 1267 Sanctions Committee by proposing listings, providing amendments, engaging the committee's ombudsperson regarding petitions for de-listings, and providing input to the Committee to enhance its procedures and implementation of sanctions measures. The United States also assisted the Monitoring Team with information for its research and reports. Three individuals were de-listed, and 163 entries were amended during the year, supporting the UN 1267 Committee's priority to ensure due process and accurate listings. The total figures on the list are 264 individuals and 89 entities, as of December 31. The Committee also worked to ensure the integrity of the list by conducting regular reviews and by endeavoring to remove those individuals and entities that no longer meet the criteria for listing. The United States also led the negotiation of several other counterterrorism sanctions-related UNSCRs this year, including UNSCR 2615 that provided a humanitarian exemption for the 1988 (Taliban) sanctions regime; and UNSCR 2611 that renewed the mandate for the Monitoring Team that oversees the implementation of the 1988 (Taliban) sanctions regime.
- **The UN Office of Counter-Terrorism (UNOCT).** The UNOCT continued to work closely with the 40 UN entities as well as INTERPOL, the World Customs Organization, and the Inter-Parliamentary Union through the Global Counter-Terrorism Coordination Compact to ensure balanced implementation of the four pillars of the UN Global Counter-Terrorism Strategy: 1) strengthen the delivery of UN counterterrorism capacity building assistance to member states; 2) promote and improve visibility; 3) advocacy; and, 4) resource mobilization for UN counterterrorism efforts. The United States supported the biennial review of the UN Global CT Strategy in 2021 and negotiated a General Assembly resolution that updated the global counterterrorism framework to address threats and challenges associated with racially or ethnically motivated violent extremism (REMVE), repatriation of foreign terrorist fighters (FTF) and their families, battlefield evidence, terrorist use of drones, terrorist sentencing commensurate with the seriousness of the crime, and soft targets protection and security. The United States also participated in the UN's Counterterrorism High-Level Week 2021 organized by UNOCT by providing high-level speakers in several of the side events, focusing on FTF repatriation; countering terrorist misuse of unmanned aerial systems; terrorist watchlisting; REMVE, and terrorist use of new and emerging technologies.
- **The UN Office on Drugs and Crime (UNODC).** The UNODC's Terrorism Prevention Branch (TPB) continued to assist countries seeking to ratify and implement the universal legal instruments against terrorism, and it provided assistance for countering the financing of terrorism in conjunction with the UNODC's Global Program Against Money Laundering, Proceeds of Crime and the Financing of Terrorism. In 2021 the United States continued to support UNODC/TPB programs that concluded a series of training workshops in

North Africa and South and Central Asia on countering terrorist travel and border-related terrorism prosecutions. This workshop series, beginning in 2019 and funded in part by CT, highlighted best practices in watchlisting, information sharing, screening, and evidence collection in accordance with obligations established under United Nations Security Council resolution 2396 (2017). The United States also participated in the UNODC Expert Group on the Prevention of, and Responses to Terrorist Attacks on the Basis of Xenophobia, Racism and other forms of Intolerance, or in the Name of Religion or Belief (XRIRB) and coordinated U.S. government input that will be included in the UNODC training manual

- **The UN Security Council (UNSC) 1540 Committee.** The 1540 Committee monitors and facilitates efforts to implement UNSCR 1540 (2004) requirements, which address the nexus of proliferation concerns surrounding chemical, biological, and nuclear weapons and their means of delivery on the one hand, and activities by nonstate actors, who wittingly or unwittingly provide WMD-related assistance to terrorist organizations on the other. The Committee's Group of Experts (GoE) participates in a wide range of multilateral and regional activities designed to facilitate technical assistance to member states when they request it. Using Office for Disarmament Affairs Trust Fund resources to cover travel expenses, the GoE has also interacted with the OPCW, the IAEA, the Biological and Toxin Weapons Convention, World Customs Organization, INTERPOL, UNODC, the FATF, and other multilateral counterterrorism bodies, as well with individual countries to this end. The United States is one of eight countries, plus the EU, that have contributed to the 1540 Trust Fund, which is used to support these activities as well as to financially support 1540 regional coordinator positions in the OAS, OSCE, the AU, and ASEAN. U.S. funds also continued to be used to conduct projects that assist African, Middle Eastern, and Asian countries in strengthening national 1540 implementation by developing voluntary national implementation plans (NAPs). Given the key role played by current 1540 Coordinators in GoE-supported peer-to-peer reviews, the United States will continue to promote the idea of establishing additional 1540 Regional Coordinators so as to increase the number and quality of NAPs in the lead-up to a UNSCR 1540 Comprehensive Review, which is ongoing and will conclude by November 30, 2022.
- **The International Civil Aviation Organization (ICAO).** ICAO's AVSEC2021 event, which concluded on the eve of the anniversary 9/11 attacks of twenty years ago, featured substantive and compelling discussion on aviation security, including contributions from current and former colleagues in government and industry as well. ICAO's involvement during the crisis in Afghanistan situation progressed from issuing guidance to avoid Afghanistan's airspace to tackling the technical issues that culminate in the safety and security of civil aviation. The 2020 Council of ICAO approval of amendments to Annex 9 of the Chicago Convention establishing new Standards and Recommended Practices (SARPs) regarding states' development and use of Passenger Name Record (PNR) systems took effect in February 2021. These SARPs are a direct response to UNSCR 2396 of 2017, which requires states to develop the capability to collect, process, and analyze PNR data, in furtherance of ICAO SARPs. UNSCR 2396 also requires states to ensure PNR data are used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting, and investigating terrorist offenses and related travel. The United

States continues to seek a raise in the profile of aviation security within the ICAO Secretariat, with the objective of parity between safety and security in the ICAO.

Financial Action Task Force (FATF). The FATF is an intergovernmental body that sets standards and promotes effective implementation of legal, regulatory, and operational measures to combat money laundering, terrorism financing, and proliferation financing. The FATF's efforts to improve understanding and compliance with global FATF standards are supported by FATF-style regional bodies around the world. In 2021, the FATF continued to address terrorist financing through ongoing work. This included regular, nonpublic updates to the FATF global network on the financing of ISIS and AQ and their affiliates, and the completion of a nonpublic best practices paper on investigating and prosecuting terrorist financing and an update to previously issued terrorist financing risk indicators. The FATF also published a report on REMVE terrorism financing in July 2021.

The Global Initiative to Combat Nuclear Terrorism (GICNT). The United States serves as co-chair of GICNT, a voluntary partnership of 89 nations and 6 international observer organizations committed to strengthening national and global capacity to prevent, detect, and respond to the shared threat of nuclear terrorism. In 2021, the GICNT held three virtual multilateral engagements. The virtual workshops provided an interactive forum to share and discuss best practices around plans, policies, and procedures to detect and respond to terrorism incidents. The United States also continued to support many other global efforts to combat nuclear terrorism outside of official GICNT channels.

The Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (Global Partnership or GP). The United States is a member of the Global Partnership, a multilateral security working group led by the G7 (but with broader membership) aimed at preventing the proliferation of chemical, biological, radiological, and nuclear (CBRN) weapons and related materials. Established in 2002 at the then-G8 Summit in Kananaskis, Canada, the forum brings members (30 countries and the EU) together to coordinate and fund CBRN threat reduction projects around the world. In 2021, under the UK Presidency, the GP met virtually several times in plenary sessions and in the four constituent Sub-Working Groups (SWG) sessions of the Biosecurity SWG (BSWG), the Chemical Security SWG (CSWG), the Nuclear and Radiological Security SWG (NRSWG), and the CBRN SWG (CBRNWG). Germany is the G7 President for 2022 and, as such, is the sitting President for the Global Partnership. In addition to being an active member of the GP, the United States developed and maintains a secure-access GP Member web portal, which seeks to enhance coordination among donors on CBRN threat reduction programming.

OSCE. Under Sweden as the 2021 Chair in Office, the OSCE approach to counterterrorism focused on working to address the use of the internet for terrorist purposes, mainstreaming a gender-responsive approach to counterterrorism, and protecting human rights and fundamental freedoms. Under the Swedish chairmanship, the OSCE held its annual OSCE-wide Counterterrorism Conference as a virtual/in-person hybrid in April 2021. With a focus on using a whole-of-society approach to preventing and countering violent extremism and terrorism, common themes highlighted by the participating states included addressing terrorism, violent extremism, and other "harmful" online content, including through strengthening public-private

partnerships and enhancing law enforcement cooperation, while respecting human rights such as freedom of expression. The United States co-hosted a side event at the conference with Canada, Finland and EdVenture Partners, “A Holistic Approach to Addressing Domestic Violent Extremism/REMVE Challenges.” The United States also participated in the fifth OSCE-wide Seminar on Passenger Data Exchange in October, urging OSCE participating states to establish Passenger Name Record systems based on International Civil Aviation Organization standards and practices. OSCE staff actively participated in global and regional efforts supported by the United States through the GCTF, the IJJ, and NATO.

Council of Europe (CoE). The CoE develops and reinforces standards to prevent and counter acts of terrorism. It works to help member states fight terrorism more effectively by strengthening and improving their national legislation, as well as facilitating international cooperation while respecting human rights and in full respect of the rule of law. An observer to the CoE, the United States actively participated in a number of CoE counterterrorism initiatives in 2021. During the CoE Committee on Counterterrorism (CDCT) plenary, the United States worked with CoE member states to advance critical support on battlefield evidence, radicalization to violence, information sharing, and emerging terrorist threats including REMVE. In December, the United States underscored the need to sustain support for returning women and children of FTFs during the CoE’s conference on the Roles of Women and Children in Terrorism. The United States also worked with CoE member states on several initiatives to advance counterterrorism best practices, including deradicalization and emerging terrorist threats. CT also developed recommendations on risk assessment of individuals indicted and convicted of terrorist offenses, which will enhance criminal justice efforts to address the threat terrorists pose during and after incarceration.

North Atlantic Treaty Organization (NATO). NATO’s role in the fight against terrorism is an integral part of the Alliance’s comprehensive approach to deterrence and defense and projecting stability and includes awareness and analysis, preparedness and responsiveness, capabilities, capacity-building, partnerships, and operations. The United States worked closely with NATO allies on an implementation plan for the NATO battlefield evidence policy. The NATO Counterterrorism Action Plan was formally updated in 2021 with a continued focus on awareness and analysis, preparedness and responsiveness, capabilities and partnerships, and operations. In November, NATO released the results of an Afghanistan Lessons Learned process. NATO is a member of the Global Coalition to Defeat-ISIS.

Association of Southeast Asian Nations (ASEAN), the ASEAN Regional Forum (ARF), and the East Asia Summit (EAS). Counterterrorism activities with the 10-member ASEAN and 27-member ARF countries included annual meetings on counterterrorism and transnational crime and capacity building through ASEAN-related institutions in 2021. The United States is leading a three-part ARF workshop series on aviation security, designed to raise awareness of countries’ obligations under UNSCR 2396 and explain helpful tools for implementation. The first workshop was held in Kuala Lumpur, Malaysia, in July of 2019, the second occurred in February 2021 and the final workshop will take place in spring 2022. The EAS, which includes the 10 ASEAN members plus Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the United States, issued several statements in 2021 including one on Women, Peace, and Security, noting the importance of women’s roles addressing the root causes of terrorism.

Asia-Pacific Economic Cooperation (APEC). APEC updated its comprehensive Consolidated Counter-Terrorism and Secure Trade Strategy in 2020. The Strategy, adopted in 2011, endorses the principles of security, efficiency, and resilience, and it advocates for risk-based approaches to security challenges across supply chains, travel, finance, and infrastructure. Members also focused on furthering the APEC Counter-Terrorism Working Group Strategic Plan 2018-2022, which set priorities in areas such as the evolving threat of FTFs, terrorist financing, border and critical infrastructure security, and information sharing. In 2021, the United States hosted a workshop on soft target protection in an aviation ecosystem. The CTWG Terms of Reference expired in 2021 and member economies did not reach consensus to endorse a new Terms of Reference and Senior Officials did not renew the mandate of the group by the end of year. Despite the CTWG being sun-setted, APEC's counter-terrorism efforts will continue through relevant existing sub-fora.

The African Union (AU). There are two main bodies within the AU which lead its counterterrorism efforts – the Political Affairs, Peace and Security Department's Conflict Management Division, located at the AU headquarters in Addis Ababa, and the African Center for the Study and Research of Terrorism (CAERT) in Algiers. CAERT is the lead for all the AU's CVE activity. CAERT priorities include: 1) building capacity of member states on CT/CVE; 2) developing and/or implementing member state CVE national action plans; and 3) enhancing international cooperation to ensure relevant regional approaches are taken fully into account. In October 2020, the AU's Peace and Security Council (PSC) established the Special Unit on Counter-Terrorism within the framework of the African Standby Force (ASF), which has yet to be operationalized. Once in operation, the Special Unit aims to: strengthen cooperation and coordination between the PSC and the Regional Economic Communities; share experiences and best practices, as well as lessons arising from continental and regional mechanisms deployed against terrorism and violent extremism, such as the African Union Mission in Somalia (AMISOM), the Multinational Joint Task Force (MNJTF) in the Lake Chad Basin, and the G5 Sahel, as well as the Nouakchott and Djibouti Processes. The effects of the COVID-19 pandemic have slowed AU implementation.

Organization of American States' Inter-American Committee against Terrorism (OAS/CICTE). OAS/CICTE, which has 34 member states and 70 observers, focused activities in 2021 on cybersecurity, border security, preventing the financing of terrorism, preventing the proliferation of WMD, preventing violent extremism, the security of mass gatherings, including tourist destinations and mass gatherings, and addressing the FTF phenomenon. OAS/CICTE led the commemoration of June 3 as Inter-American Day Against Terrorism, encouraging member states to counter terrorism in the hemisphere and around the world. OAS/CICTE held its 21st regular session in a virtual format October 7-8. In 2021, 17 member states including the United States participated in the Inter-American Network on Counterterrorism. The network operates on a 24/7 basis to facilitate communication among points of contact designated by each member state, so they can respond more effectively to terrorist threats.

The Proliferation Security Initiative (PSI). Since the PSI was launched in 2003, 107 States have endorsed the PSI Statement of Interdiction Principles, expressing their commitment to stop trafficking of WMD, their delivery systems, and related materials to and from States and non-State actors of proliferation concern. Participants work to establish a more coordinated and

effective basis through which to impede and stop shipments of WMD, their delivery systems, and related items. PSI-endorsing States commit (1) to undertake effective measures to interdict transfers to and from States and non-State actors of proliferation concern; (2) to develop procedures to facilitate the exchange of information concerning suspected proliferation activity with other countries; (3) to review and work to strengthen national legal authorities to facilitate their PSI commitments; and (4) to take specific actions in support of interdiction efforts to the extent permitted by national legal authorities and consistent with relevant international obligations and frameworks. (<https://www.state.gov/proliferation-security-initiative/>).

The U.S. Export Control and related Border Security (EXBS) Program. The EXBS Program provides training, donates equipment, and facilitates exchange of best practices to help other governments establish sustainable national capabilities to detect, interdict, investigate, and prosecute illicit transfers of WMD, WMD-related items, and conventional arms.

- Agreements for civil nuclear cooperation, pursuant to Section 123 of the Atomic Energy Act of 1954, as amended, must include a guarantee by the partner that adequate physical protection will be maintained with respect to any nuclear material transferred pursuant to the agreement and any special nuclear material used in or produced through the use of material or equipment so transferred.
- The U.S. Conventional Weapons Destruction (CWD) Program assists governments with reducing their stockpiles of excess or at-risk conventional weapons and munitions and securing retained stocks, combating illicit proliferation to terrorists. (<https://www.state.gov/bureaus-offices/under-secretary-for-arms-control-and-international-security-affairs/bureau-of-political-military-affairs/office-of-weapons-removal-and-abatement/>).
- G8 Action Plan to Enhance Transport Security and Control of Man-Portable Air-Defense Systems (MANPADS). (<https://2001-2009.state.gov/t/pm/rls/othr/misc/82050.htm>).
- Wassenaar Arrangement initiatives to strengthen controls over MANPADS, resulting in the endorsement of such controls by more than 95 countries from 4 multilateral organizations (the Wassenaar Arrangement, OSCE, APEC, and OAS). ([www.wassenaar.org](http://www.wassenaar.org)).
- World Customs Organization SAFE Framework.
- International Maritime Organization International Ship and Port Security (ISPS) Code.
- The U.S.-Russia Arrangement on Cooperation in Enhancing Control of MANPADS. (<http://www.fas.org/asmp/campaigns/MANPADS/Statefactsheet24feb05.htm>).
- Numerous training and capacity-building programs including countering cash couriers, breaking terrorist abuse of charities, law enforcement training, border security, cyber security, and critical infrastructure protection, as well as supporting civil society initiatives to empower women's roles in CVE and radicalization that lead to terrorism - via regional multilateral bodies such as the OSCE, OAS, APEC, ARF, and NATO.

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

The United States has enacted domestic legislation to criminalize acts covered by CT-related treaties, to assert U.S. jurisdiction over such acts, and to impose appropriate penalties for the commission of such acts.

Twenty-four bills and Joint Resolutions related to the attack of September 11, 2001, have been enacted into law, including:

- USA PATRIOT Act of 2001 (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) as extended and amended by the USA Patriot Improvement and Reauthorization Act of 2005, and three additional provisions approved May 26, 2011;
- Air Transportation Safety and System Stabilization Act;
- Terrorist Bombings Convention Implementation Act of 2002;
- Suppression of the Financing of Terrorism Convention Implementation Act of 2002;
- Bioterrorism Response Act of 2001;
- Agricultural Bioterrorism Protection Act of 2002;
- Enhanced Border Security and Visa Entry Reform Act of 2002;
- Intelligence Reform and Terrorism Prevention Act of 2004; and
- Authorization for the Use of Military Force (2001).

In addition, the “Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015,” or the “USA FREEDOM Act of 2015,” was signed into law June 2, 2015. The law contains implementing legislation for the:

- 2005 Amendment to the Convention on the Physical Protection of Nuclear Material;
- International Convention for the Suppression of Acts of Nuclear Terrorism (2005);
- Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation; and
- Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

The Women, Peace, and Security Act (WPS Act of 2017) was signed into law in October 2017, establishing the United States as the first country in the world with a comprehensive law on women, peace, and security. The law requires: The U.S. President to submit to the U.S. Congress, and make publicly available, a government-wide strategy that provides a detailed description on how the United States intends to fulfill the policy objectives listed in the Women, Peace, and Security Act. The U.S. Strategy on Women, Peace, and Security (WPS Strategy) was submitted to the U.S. Congress and made publicly available by the White House in June 2019. The WPS Strategy reinforces the U.S. commitment to protecting and supporting women in efforts to prevent conflict, promote peace, and counter violent extremism.

- The U.S. Department of Defense (DoD), the U.S. Department of State, the U.S. Agency for International Development, and the Department of Homeland Security (DHS) each develop a specific implementation plan for the WPS Strategy, including the anticipated contributions of each department to implement the WPS Strategy and the efforts of each department or agency to ensure the policies and initiatives carried out pursuant to the WPS Strategy are designed to achieve maximum impact and long-term sustainability. The four implementation plans were publicly released in June 2020.

- The U.S. Departments of State, Defense, and Homeland Security and the U.S. Agency for International Development ensure personnel in their departments receive training in accordance with the WPS Act of 2017.
- The U.S. Departments of State, Defense, and Homeland Security and the U.S. Agency for International Development submitted their first reports on the implementation of the WPS strategy to the U.S. Congress on June 2021. The second release of the WPS Congressional Report will occur in June 2022 and annually thereafter.

*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 U.S. National Counterterrorism Center (NCTC) was established by Presidential Executive Order (E.O.) 13354 in August 2004 and is responsible for leading U.S. efforts to combat terrorism at home and abroad by analyzing the threat, sharing information with partners, and integrating all instruments of national power to ensure unity of effort.

DHS was created in January 2003 to protect the United States against threats, including terrorist attacks, to the U.S. homeland. DHS analyzes threats, guards U.S. borders and airports, protects critical infrastructure, and coordinates the national response in emergencies. DHS includes, *inter alia*, the following major components:

- The Cybersecurity and Infrastructure Security Agency, which works to advance DHS's risk reduction mission;
- The Office of Intelligence and Analysis, which is responsible for assessing current and future threats to the United States through the use of multi-source intelligence;
- The Office of Operations Coordination, which is responsible for monitoring the security of the United States on a daily basis and for coordinating activities within DHS and with Governors, Homeland Security Advisors, law enforcement partners, and critical infrastructure operators in all 50 U.S. States;
- The Federal Law Enforcement Training Center, which provides standardized, career-long training to law enforcement professionals;
- The Countering WMD Office, which works to prevent WMD use against the U.S. homeland, promote readiness for chemical, biological, nuclear, and health security threats, and enhance the chemical, biological, radiological, and nuclear detection efforts of federal, state, territorial, tribal, and local governments, among others, and to ensure a coordinated response to such threats;
- CBP, which is responsible for protecting U.S. borders from the infiltration of terrorists and terrorist weapons while facilitating the flow of legitimate trade and travel;
- The Transportation Security Administration (TSA), which protects the United States' transportation systems to ensure freedom of movement for people and commerce;
- U.S. Immigration and Customs Enforcement (ICE), which is responsible for identifying and shutting down vulnerabilities in U.S. border, economic, transportation, and information security;
- The U.S. Coast Guard, which protects the public, environment, and U.S. interests in U.S. ports and waterways, along the coast and on international waters;

- The Federal Emergency Management Agency (FEMA), which prepares the United States for hazards and manages response and recovery efforts following any national incident;
- The U.S. Secret Service, which protects the U.S. President and other high-level officials and investigates counterfeiting and other financial crimes, including computer-based attacks on U.S. financial, banking, and telecommunications infrastructure; and
- The Science and Technology Directorate, which is the primary research and development arm of DHS. It provides federal, state, and local officials with the technology and capabilities to protect the U.S. homeland.

For further information on DHS, please review <http://www.dhs.gov>.

The Federal Bureau of Investigation (FBI) is the lead U.S. law enforcement agency for investigating acts of domestic and international terrorism. The FBI relies on a vast array of partnerships across the United States and around the world to disrupt and defeat terrorists. For example, Joint Terrorism Task Forces (JTTFs) are teams of State and local law enforcement officers, FBI agents, and other federal agents and personnel who work shoulder-to-shoulder to investigate and prevent acts of terrorism. The U.S. Secretary of Defense may authorize DoD support to the Attorney General (usually through the FBI) during an emergency situation involving WMD, including situations involving terrorism. Information on FBI activities can be found at <http://www.fbi.gov/about-us/investigate/terrorism>.

The National Guard, along with the Naval Militia, is part of the organized militia reserved to the 50 U.S. States by the Constitution of the United States under Article I, Section 8. On a steady-state basis, the National Guard is commanded by the Governor of each respective State or territory. When ordered to active federal duty or called into federal service for emergencies, units of the National Guard are under the control of the appropriate DoD component. The National Guard supports U.S. homeland security and defense at the State and federal levels through a variety of critical roles. For specific functions and roles of the National Guard in preventing and combating terrorism, please visit <http://www.nationalguard.mil/Features/2011/Homeland-Defense>.

U.S. Northern Command (USNORTHCOM) was established on October 1, 2002, to provide command and control for U.S. homeland defense efforts and to coordinate defense support of civil authorities within its assigned Area of Responsibility (AOR). USNORTHCOM anticipates and conducts U.S. homeland defense to defend, protect, and secure the United States and its interests and conducts operations at the request of and in support of civil authorities when approved by appropriate DoD officials. USNORTHCOM's geographic AOR for the conduct of normal operations includes the air, land, and sea approaches to North America; the surrounding water out to approximately 500 nautical miles; the Gulf of Mexico; the Straits of Florida; and the Caribbean region inclusive of the U.S. Virgin Islands, British Virgin Islands, Puerto Rico, the Bahamas, and Turks and Caicos Islands. USNORTHCOM plans, organizes, and executes U.S. homeland defense and civil support missions, but has few assigned forces. USNORTHCOM is allocated forces whenever necessary to execute missions, as ordered by the U.S. President or U.S. Secretary of Defense. For more information on USNORTHCOM's role in preventing and combating terrorism, please visit [www.northcom.mil](http://www.northcom.mil).

*1.4: Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining, inter alia, to:*

**-- Countering the financing of terrorism;**

The U.S. Government has multiple domestic legal authorities to counter the financing of terrorism. Under Section 219 of the Immigration and Nationality Act (INA), the U.S. Secretary of State has authority to designate an organization meeting certain statutory criteria as a Foreign Terrorist Organization (FTO). Any U.S. financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report the existence of the funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury, and it is unlawful for a person in the United States or subject to the jurisdiction of the United States knowingly to provide "material support or resources" -- including to receive military-type training --- from or on behalf of a designated FTO. Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances, removable from the United States. To review the list of currently designated FTOs, please visit <https://www.state.gov/foreign-terrorist-organizations/>.

The U.S. Department of State and the U.S. Department of the Treasury each have certain authorities with respect to the designation of individuals and entities under E.O. 13224, Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, as amended. As a result of a designation under E.O. 13224, all property and interests in property of the designated individual or entity subject to U.S. jurisdiction are blocked, and U.S. persons are generally prohibited from engaging in any transactions with the designated individual or entity. The United States implements its obligations under the UNSC 1267/1989/2253 ISIL (Da'esh) and al-Qa'ida Sanctions Regime primarily through making designations under E.O. 13224. To review the consolidated list of all U.S. Department of State and U.S. Department of Treasury designations, please visit <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>.

To review the latest "Terrorist Assets Report to the Congress on Assets in the United States of Terrorist Countries and International Terrorism Program Designees," please, visit <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/terror.aspx>.

Additionally, a country may be designated as a "State Sponsor of Terrorism" (SST) if the U.S. Secretary of State determines that "the government of that country has repeatedly provided support for acts of international terrorism." SST designations are provided for by three U.S. laws: Section 1754(c) of the National Defense Reauthorization Act of 2018; Section 40 of the Arms Export Control Act (AECA); and Section 620A of the Foreign Assistance Act of 1961. As of May 2022, there are four countries (Iran, Syria, North Korean, and Cuba) currently designated as SSTs. A number of restrictions and sanctions result from an SST designation, including restrictions on U.S. foreign assistance, a ban on defense exports and sales, certain controls over exports of dual-use items, and miscellaneous financial and other restrictions.

In addition, Section 40A of the ACEA also prohibits the sale or license for export of defense articles and defense services to countries that the U.S. President determines and certifies to the U.S. Congress as not fully cooperating with U.S. antiterrorism efforts. Unlike SST designations, these determinations are made annually. Using delegated authority under Executive Order 13637, on May 11, 2022, the U.S. Secretary of State certified to the U.S. Congress that the following countries were not fully cooperating with U.S. antiterrorism efforts: Iran, North Korea, Syria, Cuba, and Venezuela.

The United States has also worked to effectively implement the recommendations set out by the Financial Action Task Force (FATF), which is an inter-governmental, international policy-making body that sets standards and promotes the effective implementation of legal, regulatory, and operational measures for combating money laundering, terrorist financing, and other related threats to the integrity of the international financial system. To review the United States' 2016 FATF Mutual Evaluation, please visit <http://www.fatf-gafi.org/countries/uz/unitedstates/documents/mer-united-states-2016.html>.

***-- Border controls:***

The U.S. Department of State works to disrupt terrorist networks through a variety of initiatives that enhance U.S. and our foreign partners' ability to detect terrorists and secure borders. Bilateral arrangements to share terrorist screening information, negotiated on the U.S. side pursuant to Homeland Security Presidential Directive 6 (HSPD-6), "Directive on Integration and Use of Screening Information to Protect Against Terrorism," September 16, 2003, strengthen our ability to share information on known or suspected terrorists with foreign partners and enhance global terrorism screening capabilities. The United States through the Terrorist Interdiction Program (TIP)/Personal Identification Secure Comparison and Evaluation System (PISCES) provides partner countries border security assistance to limit terrorist mobility. In addition, the U.S. Department of State's Watchlisting Assistance and Support Program (WASP) assists select foreign partners in developing national level watchlists and processes through direct mentoring and collaboration with Watchlist Advisers. Furthermore, the U.S. Department of State's Anti-Terrorism Assistance (ATA) program, which serves as the U.S. Government's premier CT capacity-building program for foreign law enforcement agencies in a wide range of areas, helps partner nations to detect and deter terrorist operations across borders and regions. ATA currently has active partnerships with more than 50 countries.

In addition, the U.S. Department of State's Export Control and Related Border Security (EXBS) Program provides assistance to more than 60 countries in developing their export control and border security capabilities designed to prevent WMD proliferation and destabilizing accumulations of conventional weapons. The EXBS program is active in countries that possess, produce, or supply sensitive items and materials, as well as countries through which such items are likely to transit. Drawing on the expertise of U.S. Government agencies, foreign government experts, the private sector, and academic community, EXBS provides training on detection, inspection, interdiction, and disposal of export-controlled items and donates state-of-the-art detection and inspection equipment to partner governments.

As noted above, DHS has the primary responsibility for securing the United States border from criminal or terrorist exploitation. DHS works with other national security and law enforcement agencies to support this mission. Within the DHS, CBP and ICE are central to this mission.

CBP is the single, unified border enforcement agency of the United States charged with securing U.S. borders while simultaneously facilitating the flow of legitimate trade and travel. CBP has developed numerous initiatives to meet these twin goals, including the Western Hemisphere Travel Initiative, the Global Entry program, the Immigration Advisory Program, the Carrier Liaison Group, the Container Security Initiative/Secure Freight Initiative, and the Customs-Trade Partnership Against Terrorism. A summary of CBP actions and programs can be found at <http://www.cbp.gov/newsroom/fact-sheets>.

ICE is responsible for identifying, investigating, and dismantling vulnerabilities regarding U.S. border, economic, transportation, and infrastructure security. As such, ICE is charged with the investigation and enforcement of more than 400 federal statutes within the United States, in the interest of protecting the United States and upholding public safety by targeting the people, money, and materials that support terrorist and criminal activity. Examples include:

- Travel document security (*i.e.*, passports);
- Container and supply chain security;
- Security of radioactive sources;
- Legal cooperation, including extradition; and
- Eliminating safe havens and shelter for terrorists and terrorist organizations.

For more information on ICE programs, please visit <http://www.ice.gov/jttf/>.

**-- Use of the Internet and other information networks for terrorist purposes:**

The United States has approved a Comprehensive National Cyber Initiative, a National Strategy for Cyber Security (2018), and a National Strategy for Trusted Identities in Cyberspace. Work on other national strategies addressing specific aspects of cyber security, including the use of the Internet for terrorist purposes or CVE online, is ongoing, including through the 2018 National Strategy for Counterterrorism. The 2011 "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States" (updated in 2016) established a White House-led Interagency Working Group to Counter Online Radicalization to Violence in 2012 that has been superseded by other interagency efforts to counter ISIS and other terrorist groups. An International Strategy for Cyberspace was released in May 2011, and the United States has been engaging international partners in both bilateral and multilateral fora on the issues involved in addressing criminal activity on the Internet while protecting human rights such as freedom of expression, as well as the free flow of information, and an open, secure, reliable, and interoperable Internet.

Under 18 U.S.C. 842(p), Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction, the United States can prosecute individuals who distribute bomb-making information (via the Internet or other method) knowing or intending that the information would be used for a federal crime of violence, such as a terrorist attack. U.S. law enforcement does not seek to compel the removal of online content unless it clearly violates U.S.

law (for example, child pornography), and content that promotes an ideology or belief alone does not typically constitute a violation of U.S. law. The removal of content that does not violate U.S. law is at the discretion of technology companies, including social media platforms. U.S. efforts to counter terrorist propaganda online focus on voluntary partnerships with key stakeholders such as civil society and communities, as well as the private sector, including efforts to build resilience to terrorist narratives by enhancing the capacity of those who may be vulnerable to think critically and by challenging terrorist ideologies. Private companies may choose voluntarily to remove terrorist websites or accounts with content that violates their user service agreements, and companies have been increasingly proactively and aggressively addressing terrorist-related content on their platforms. In June 2017, Facebook, YouTube/Google, Twitter, and Microsoft established the industry-led Global Internet Forum to Counter Terrorism (GIFCT) to prevent and counter terrorist exploitation of their platforms, including through sharing technological and other information with smaller companies, such as a hash-sharing database, in partnership with the UN-affiliated Tech Against Terrorism initiative. The GIFCT and Tech Against Terrorism have through their collective efforts conducted outreach to smaller companies through workshops to build regional networks around the world. Tech Against Terrorism launched an online Knowledge Sharing Platform focused on resources for smaller and startup companies in November 2017 and conducted webinars and provided technological assistance. The United States, through a whole-of-government approach, has continued to work to improve information sharing with technology companies, including information on U.S.-designated terrorists and on terrorist trends and tactics. In line with our views that in general alternative viewpoints are often a more effective response to objectionable speech (that does not violate U.S. law) than suppression of that speech, we also counter violent extremists' online propaganda by undermining terrorist narratives and through alternative messages.

The Global Engagement Center (GEC) within the U.S. Department of State has the statutory authority to coordinate U.S. federal government efforts to counter foreign-origin state and non-state disinformation and propaganda and applies a data-science driven approach to that objective. The GEC, in coordination with U.S. departments and agencies, also identifies and cultivates a network of partners whose voices resonate with at-risk populations. The GEC conducts on-the-ground training sessions to enable these partners to develop their own content and disseminate it through their distribution networks. The GEC and its partners produce and disseminate factual content about terrorist organizations to counter terrorist radicalization and recruitment. The U.S. Department of State established the GEC in 2016, replacing the Center for Strategic Counterterrorism Communications (CSCC), which was established in 2011.

## **2. Stationing of armed forces on foreign territory**

*2.1: Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.*

The United States continues to deploy forces in many locations throughout the world, both bilaterally and within an alliance context. The United States is a party to multilateral and bilateral status of forces agreements (SOFAs) with more than 100 nations.

The United States has continued to play a key role in the Partnership for Peace (PfP) program. The Agreement Among the States Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace regarding the Status of their Forces (the PfP SOFA opened for signature in Brussels June 19, 1995) recognizes status protections and authorizations that enable the forces of countries participating in the PfP program to be stationed on the territories of other participating States, and to join in combined exercises and training. Other agreements to be specially noted include the SOFAs under the Dayton Peace Accords between NATO and Bosnia and Herzegovina, which contain provisions prescribing the status of NATO personnel who are supporting the ongoing peacekeeping missions in Bosnia and Herzegovina. In regard to Kosovo, the NATO-led Kosovo Force (KFOR) was established by UNSCR 1244 to provide, *inter alia*, for the establishment of a safe and secure environment in Kosovo. The United Nations Mission in Kosovo (UNMIK), created pursuant to UNSCR 1244 to provide an interim administration for Kosovo, promulgated UNMIK Regulation 2000/47, prescribing the status and privileges and immunities of KFOR and its personnel.

Kosovo declared independence on February 17, 2008. In its Declaration of Independence, Kosovo reaffirmed "that NATO retains the full capabilities of KFOR in Kosovo." Kosovo has also committed to respect the responsibilities and authorities of the international military presence pursuant to UNSCR 1244 and the Ahtisaari Plan, including the status, privileges, and immunities currently provided to KFOR under UNMIK Regulation 2000/47.

The United States has entered into a number of additional SOFAs to enable the presence of U.S. forces in many locations and to facilitate their activities in the continuing armed conflict against al-Qa'ida, the Taliban, and associated forces, including against ISIS.

SOFAs are critical to the success of all manner of combined activities, including training, peacekeeping, and humanitarian assistance. They commonly address such issues as the right to wear uniforms and bear arms, legal jurisdiction over visiting forces, exemption from customs and taxes, provision for the use of military camps and training areas, and liability for and payment of claims.

### **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 indivisible security are implemented in good faith.***

Robust verification, compliance, and implementation are essential to maintaining and strengthening the integrity of arms control, nonproliferation, and disarmament regimes. In this regard, the U.S. Department of State's Bureau of Arms Control, Verification and Compliance (AVC) leads the U.S. Department of State in many matters related to the implementation of certain international arms control, nonproliferation, and disarmament agreements and commitments. For nonproliferation treaties such as the Nuclear Non-Proliferation Treaty (NPT) and nuclear weapon free zone (NWFZ) treaties and their protocols, and for export control regimes such as the Nuclear Suppliers Group, the Missile Technology Control Regime (MTCR), the Australia Group, and the Wassenaar Arrangement on Export Controls for Conventional Arms

and Dual-Use Goods and Technologies, the Bureau of International Security and Nonproliferation (ISN) is the U.S. Department of State's lead. These two bureaus (*i.e.*, AVC and ISN) share responsibilities that include staffing and managing treaty implementation commissions and review conferences, creating negotiation and implementation policy for agreements and commitments, and developing policy for future arms control, nonproliferation, and disarmament agreements and arrangements.

AVC also ensures that appropriate verification requirements and capabilities are fully considered and properly integrated throughout the development, negotiation, and implementation of most arms control, nonproliferation, and disarmament agreements and commitments and ensures that other countries' compliance is carefully watched, rigorously assessed, appropriately reported, and resolutely enforced. ISN has similar responsibilities for the NPT, for which much of the compliance is undertaken via our work with the International Atomic Energy Agency (IAEA), and nonproliferation regimes. AVC and ISN are also responsible for preparing and vetting multiple reports to the U.S. Congress, such as the U.S. President's annual report to the U.S. Congress on "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments." AVC is further required to prepare verifiability assessments on proposals and agreements, and to report about these assessments to the U.S. Congress as required.

DoD policy on arms control is outlined in DoD Directive 2060.01, "Implementation of, and Compliance with, Arms Control Agreements," June 23, 2020. It is DoD policy that all DoD activities shall be fully compliant with arms control agreements to which the United States is a party. DoD oversees implementation of, and provides guidance through appropriate chains of command for, planning and execution throughout DoD to ensure that all DoD activities fully comply with arms control agreements. The Under Secretary of Defense for Policy develops and coordinates DoD policies and positions on arms control implementation and/or compliance issues and represents the U.S. Secretary of Defense with coordinated DoD views in discussions, negotiations, meetings, and other interactions with representatives of foreign governments on issues concerning DoD implementation of, and compliance with, arms control agreements.

The U.S. Department of Justice formally established the National Security Division (NSD) in 2006 under the USA Patriot Act to foster improved coordination among prosecutors, law enforcement agencies, and the intelligence community, and to strengthen the effectiveness of the U.S. Government's CT efforts.

*3.2: 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.*

AVC, in coordination with the State Department's Bureau of European and Eurasian Affairs (EUR), has responsibility for the negotiation and implementation of existing and prospective conventional arms control agreements and arrangements in the OSCE area, in particular: the Treaty on Conventional Armed Forces in Europe (CFE), the Vienna Document 2011 on Confidence- and Security-Building Measures (CSBMs), and arms control elements associated with the Dayton Peace Accords. AVC also provides policy direction and administrative support

to the Chief Arms Control Delegate in the U.S. Mission to the OSCE; support and personnel to NATO committees, including the NATO High-Level Task Force on Arms Control (HLTF) and the Verification Coordinating Committee, in coordination with EUR; and for the promotion of CSBMs in regions of the world outside Europe in connection with OSCE efforts to advance wider sharing of OSCE norms, principles, and commitments with Mediterranean and Asian partner States.

ISN has responsibility for the UN Register of Conventional Arms, which serves as the foundation of multilateral efforts to identify excessive and destabilizing accumulations of conventional arms, and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Additionally, the U.S. Department of State's Bureau of Political-Military Affairs (PM) contributes to implementation of a variety of arms control, disarmament, and CSBMs in the OSCE area through assistance programs designed to demilitarize surplus, destabilizing, and excess conventional arms and ammunition at the request of OSCE participating States.

DoD makes certain that negotiations take place on the basis of accurate information about U.S. military forces to ensure that agreements are equitable and contain practical measures for enhancing military security in the OSCE area.

## **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 defense expenditures in your State?*

National planning and decision-making in determining military posture begin at the highest level of the U.S. Government. The U.S. President signs the U.S. National Security Strategy (NSS), which expresses the U.S. President's vision and outlines goals that seek to enhance the security of the United States. The U.S. Secretary of Defense then uses the NSS to write the U.S. National Defense Strategy (NDS), which provides guidance on the DoD's goals and strategies for achieving the objectives in the NSS. The National Military Strategy (NMS), signed by the Chairman of the Joint Chiefs of Staff, supports the NSS, implements the NDS, and provides strategic guidance and military objectives for the U.S. Armed Services.

The U.S. Congress has authority over the military budget, and it also may pass legislation imposing substantive restrictions on the size and composition of U.S. military forces, consistent with the U.S. President's constitutional authorities.

Appropriations for U.S. military forces are determined through the legislative process and by Executive Branch implementation of U.S. laws. Early each year, the U.S. President submits a budget proposal that recommends the amounts of funds to be spent for particular military purposes. The U.S. Congress then develops legislation that may or may not be consistent with the U.S. President's recommendations.

Once defense authorization and appropriations bills are passed by the U.S. Congress, the U.S. President may sign them, allow them to become law without his signature, or veto them. A Presidential veto can be overridden only by a two-thirds majority in each house of the U.S. Congress. Once the defense authorization and appropriations bills become law, the U.S. President generally implements them through DoD.

All phases of this process are conducted publicly, except for a very limited class of information related to particular programs that are classified in order to protect national security.

*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 U.S. Department of State seeks to build and sustain a more democratic, secure, and prosperous world composed of well-governed States that respond to the needs of their people, reduce widespread poverty, and act responsibly within the international system. The United States and other States can address many security concerns through the negotiation of arms control agreements and other security arrangements. The United States also promotes regional stability by building partnership capacity and strengthening partners and allies through security assistance programs.

DoD takes into account the security concerns of other States through the implementation of arms control agreements and other arrangements that reflect the concerns of their States Parties. In addition, DoD reviews the acquisition of new weapons systems to ensure that their acquisition is consistent with U.S. obligations, including under applicable arms control agreements and the law of war. DoD actively manages its military activities and procurements to make sure that the United States is in full compliance with arms control agreements to which it is a Party and the law of war.

On December 13, 2018, DoD issued Directive 3000.05, "Stabilization," to update and establish DoD policy and to assign responsibilities within DoD for planning, training, and preparing to conduct and support stabilization efforts. As defined by the Stabilization Assistance Review (SAR) in 2018, the U.S. Government defines stabilization as a political endeavor involving an integrated civilian-military process to create conditions where locally legitimate authorities and systems can peaceably manage conflict and prevent a resurgence of violence. Transitional in nature, stabilization may include efforts to establish civil security, provide access to dispute resolution, and deliver targeted basic services, and establish a foundation for the return of displaced people and longer-term development.

The SAR defines and clarifies agency roles and responsibilities for stabilization to improve performance. The Department of State is the overall lead federal agency for U.S. stabilization efforts, the U.S. Agency for International Development (USAID) is the lead implementing agency for non-security assistance, and DoD is a supporting element, including providing requisite security and reinforcing civilian efforts. DoD is also in a supporting role in the implementation of the Global Fragility Act of 2019 – which aims to address the long-term causes

of fragility and violence globally. Consistent with the Global Fragility Act, the U.S. Strategy to Prevent Conflict and Promote Stability submitted to Congress in December 2020 establishes a comprehensive, 10-year strategy to: 1) stabilize conflict-affected areas; 2) address global fragility; and 3) increase U.S. capacity to be a leader in international efforts to prevent extremism and violent conflict. State developed a Gender Analysis and Gender Analysis of Conflict tool (and associated trainings) to inform the design, implementation, and monitoring of conflict prevention and stabilization strategies and programs. DoD is working with the U.S. Department of State and USAID to develop a gender analysis of conflict tool, as well as other specific ways to integrate the roles, needs, and perspectives of women and girls in efforts to address fragility globally.

The United States actively contributes to international security through its participation in international peacekeeping operations. Recent U.S. involvement in peacekeeping has included missions in: Mali, Central African Republic, Democratic Republic of the Congo, Liberia, Tunisia, Israel, and South Sudan. The United States also supports UN peacekeeping operations through capacity-building programs with partner nations that contribute to peacekeeping missions.

In cooperation with the military forces of other nations, the U.S. Armed Forces assist other nations to build their defense capacity against threats to stability, including transnational threats such as terrorism and the narcotics trade. Current military operations in Afghanistan and Iraq are examples of how the U.S. Armed Forces engage in activities across the spectrum from peace to conflict.

## **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?*

Article II, section 1, of the Constitution of the United States provides that “the executive power” is vested in the U.S. President. Article II, section 2, further provides, “the President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.” This provision has been interpreted to mean that the U.S. President’s authority as Commander in Chief extends to all federal military forces of the United States, including the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps, the U.S. Space Force, and the U.S. Coast Guard.

Article I, section 1, provides that “all legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.” Article I, section 8, provides that among the powers of the U.S. Congress are the powers to lay and collect taxes; to provide for the common defense; to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the union; to suppress insurrections and repel invasions; and to provide for organizing, arming, and disciplining the

militia, and for governing such part of them as may be employed in the service of the United States.

Although the U.S. President appoints senior civilian and military officials (including the promotion of senior military officers), such appointments are generally subject to the advice and consent of the U.S. Senate. For example, Section 113 of Title 10, U.S. Code, requires the U.S. Secretary of Defense to be “appointed from civilian life” and requires the U.S. President’s appointment to be by and with the advice and consent of the U.S. Senate.

The judicial branch also plays a role in the review of various actions. Under Article III, section 2, of the U.S. Constitution, “the judicial Power shall extend to all Cases... arising under this Constitution, the Laws of the United States, and...to Controversies to which the United States shall be a party.” In this regard, the Supreme Court of the United States may hear appeals from the U.S. Court of Appeals for the Armed Forces in criminal cases under the Uniform Code of Military Justice (UCMJ). Lawsuits may be brought against the U.S. Government and the U.S. military in federal district courts, subject to certain limitations (*e.g.*, sovereign immunity). Courts may interpret the U.S. Constitution and duly enacted laws, resolve certain controversies over separation of powers, award money damages, and issue injunctions and writs of habeas corpus.

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

The U.S. Congress has enacted the UCMJ, which empowers the U.S. President and the military chain of command to exercise effective discipline over the U.S. Armed Forces. The U.S. President has implemented this legislation through the Manual for Courts-Martial, which provides detailed rules on the conduct of judicial and non-judicial proceedings for all of the Military Departments. The exercise of this disciplinary power is also subject to independent judicial review by a civilian court, subject to ultimate review by the U.S. Supreme Court.

In addition, the Posse Comitatus Act (18 U.S.C. 1385) provides criminal penalties for anyone who “except in cases and circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws.” As implemented under DoD policy, the U.S. Armed Forces (including active or reserve components when acting under federal authority) do not participate directly in civilian law enforcement activities unless otherwise authorized by law to do so. These restrictions do not apply to military law enforcement functions related to military personnel and DoD installations.

The basis and rules for the collection of intelligence and conduct of intelligence operations are clearly prescribed publicly by statute and executive orders. The statutory framework for U.S. intelligence is found in the National Security Act of 1947 (50 U.S.C. 401-504), as amended, including significant amendments establishing a new Director of National Intelligence, found in the Intelligence Reform and Terrorism Prevention Act of 2004. The National Security Act of 1947 established the National Security Council and the Central Intelligence Agency, authorizes DoD to conduct certain intelligence activities, and establishes funding rules, accountability to civilian leadership, and congressional oversight. Among other things, the National Security Act

requires that certain congressional committees be kept fully and currently informed of U.S. intelligence activities. The key Executive Order in this regard is E.O. 12333, dated December 4, 1981, as amended by E.O. 13355, dated August 27, 2004; and E.O. 13470, dated July 30, 2008. There are also numerous legislative provisions that protect privacy and access to information.

*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 U.S. Armed Forces are, at all times, subject to the control and authority of the U.S. President, who is an elected official, and the U.S. Secretary of Defense, who is appointed from civilian life. The U.S. Congress also exercises, through legislation, its constitutional authority to regulate the U.S. Armed Forces. The exact division of authority between the U.S. President and the U.S. Congress is a matter of frequent debate, but it is clear that the U.S. Armed Forces are at all times subject to the collective authority of the elected and appointed officials of the Executive Branch and the elected officials of the Legislative Branch of the U.S. Government.

The members of the National Guard are under the authority of the Governors of their States when not in federal service. When in federal service under U.S. law, the members of the National Guard have the same status as members of the regular U.S. Armed Forces, for all practical purposes. When called to active duty, members of the reserve forces are subject to the same conditions of service as members of the regular U.S. Armed Forces. The importance of the reserves and the National Guard has greatly increased, as they have been regularly called up for duty for military installation security, peacekeeping, and other military operations. This is particularly significant in specialized areas such as civil affairs and military police functions where the military personnel with these needed skills are concentrated primarily in reserve and National Guard units.

The federal government agencies involved in protection of the internal security of the United States include, *inter alia*, the FBI and the U.S. Marshals Service within the U.S. Department of Justice, and the Secret Service, ICE, and the U.S. Coast Guard within DHS (except when the latter is operating as a specialized service under the U.S. Navy in time of war or when directed by the U.S. President; by statute, the U.S. Coast Guard is a military service and branch of the U.S. Armed Forces). Each of these agencies is under the authority of the U.S. President and a cabinet officer appointed by the U.S. President with the advice and consent of the U.S. Senate. Relevant committees of the U.S. Congress exercise oversight over the activities of these federal agencies. In cases where these agencies work in concert with active U.S. Armed Forces, it is normal to draw up a memorandum of understanding to provide for respective responsibilities and financial arrangements. In some cases, non-DoD U.S. departments and agencies may request DoD support that the Secretary of Defense, under various statutory authorities, may elect to provide using DoD's active U.S. Armed Forces personnel, typically on a reimbursable basis.

The intelligence services of the United States operate under the direction and oversight of the U.S. President and senior officials appointed by the U.S. President. They are also subject to congressional intelligence oversight.

State and local police forces are subject to the control of elected executive officials and legislative officials of elected state and local governments, and to the judicial review of the courts.

Many of the specific statutes that apply to DoD are contained in Title 10 of the U.S. Code, which prescribes the functions of DoD, its powers, and its key officials. It prescribes the organization and functions of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the reserve components, and their inter-relationships. Special authorities provide for military support to civilian law enforcement agencies (Chapter 15), security cooperation (Chapter 16), humanitarian and other assistance to foreign countries (Chapter 20), DoD intelligence matters (Chapter 21), and the UCMJ (Chapter 47). Title 10 also includes provisions pertaining to training, pay, procurement, and financial accountability. There are statutory positions such as the General Counsel of DoD, and the General Counsel of the Departments of the Army, Navy, and Air Force, and the Judge Advocates General of the Departments of the Army, Navy, and Air Force, who ensure provision of proper legal advice, reviews of programs and operations, and oversight. Also of particular importance is DoD Directive 5500.07, "Standards of Conduct," dated November 29, 2007, and the Joint Ethics Regulation (JER) that implements it. These directives apply to all DoD personnel and establish rules to implement the principle of public service as a public trust, and to ensure that U.S. citizens can have complete confidence in the integrity of DoD and its employees. These directives cover the areas of conflicts of interest, political activities, use of benefits, outside employment, financial disclosure, and training. Federal law also has established the Offices of Inspectors General. DoD and the separate Military Departments have independent Inspectors General who conduct inquiries into allegations of fraud, waste, and abuse. Further, the Inspectors General review current organizational matters and provide advice to the civilian and military leadership on whether there are better or more efficient ways to obtain the same or better results.

With regard to Standards of Conduct, the United States participates in exchanges with many countries regarding military legal matters. Standards of conduct can be part of the discussions during such exchanges. For example, U.S. military personnel continue to meet with military and civilian officials in other countries to discuss military personnel issues and standards of conduct for military and civilian defense personnel. Uniformed legal personnel have visited countries in Eastern Europe, South America, Africa, and Asia to provide lectures and instruction on discrete legal topics.

### **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 internal security forces does your State have?***

Authority for the recruitment of the regular U.S. Armed Forces and their reserve and National Guard components are established by statute. Although authority for compulsory recruitment ("the draft") still exists, it has not been exercised since 1973. Since that time, all recruitment into the U.S. Armed Forces has been on a voluntary basis. The minimum age for enlistment in the U.S. Armed Forces is 18 years, or at age 17 with parental consent. Discrimination on the basis

of race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation is prohibited. U.S. law establishes conditions under which the U.S. President has the authority to order members of the Reserve Components, including the National Guard, to active duty.

On May 25, 2000, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was adopted through a resolution at the United Nations General Assembly. The Optional Protocol, among other things, requires States Parties to raise the minimum age for voluntary recruitment into their national armed forces to an age greater than 15 years and requires States Parties to take all feasible measures to ensure that members of their armed forces under age 18 do not take a direct part in hostilities. The Optional Protocol also bars compulsory recruitment below age 18. The United States signed the Optional Protocol on July 5, 2000 and became a party to the Optional Protocol on December 23, 2002. The United States declared at that time that the minimum age for voluntary recruitment into the U.S. Armed Forces was 17 years of age. The United States also provided the following understanding:

...with respect to Article 1 of the Protocol

(A) the term “feasible measures” means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase “direct part in hostilities”

- (i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and
- (ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person’s assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

***3.2: What kind of exemptions or alternatives to military service does your State have?***

As indicated above, no individual has been compelled to enter military service since 1973. Existing statutes authorizing compulsory service provide an exemption from service for persons who have conscientious objections to any military service. These statutes also provide for assignment to noncombatant duties for those who do not object to all military service, but who have conscientious objections to performing combatant duties. Individuals whose conscientious

objections crystallize after they have entered military service may be honorably discharged administratively.

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

The UCMJ provides procedural guarantees for courts-martial that are similar to the rights enjoyed by defendants in the civilian criminal courts, and in some respects exceed civilian standards (e.g., counsel is provided without cost and without any means testing for both trial and appellate proceedings). Both military judges and defense counsel are assigned to separate commands reporting to the Office of their respective Military Department Judge Advocates General (or for Marine Corps defense counsel to the Staff Judge Advocate to the Commandant of the Marine Corps) in Washington, D.C., to prevent any inference of command influence on their performance of duty. The court-martial system has an appellate system that generally allows those convicted of serious offenses to seek review of their cases by the U.S. Court of Appeals for the Armed Forces. Each judge of the Court is appointed from civilian life by the U.S. President with the advice and consent of the U.S. Senate. In accordance with federal law, the U.S. Supreme Court may also review those convictions by courts-martial that have been reviewed by the Court of Appeals for the Armed Forces to ensure that defendants were not denied any constitutional rights and that the proceedings were not contrary to law.

Administrative proceedings are conducted in accordance with procedures and standards established by the U.S. Congress and the U.S. President, and federal courts are available to review claims of unfairness or illegality in such proceedings. Federal statutes guarantee the right of military personnel to file complaints with the Inspector General of their Military Department and with the Inspector General of DoD, and to communicate freely with Members of the U.S. Congress. DoD policies permit military personnel to exercise their religion freely, to participate in certain political activities during non-duty time and in their personal capacity, and to vote in elections on the same basis as other citizens.

Also available to military personnel and their families is an extensive legal assistance program that provides legal advice and services regarding wills and powers of attorney, matrimonial matters, debt issues, and taxes. This support is especially important to military personnel deploying on overseas missions and to members of their families who remain behind. Military personnel being deployed on overseas missions receive as part of their deployment processing a review of the documents and legal issues that would be important to them while away from their families. There is also a program to ensure that military personnel are aware of their right to vote, and that assistance is given in applying for and mailing absentee ballots.

#### **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 programmes and regulations?*

DoD Directive 2311.01, "DoD Law of War Program," July 2, 2020, provides DoD policies and responsibilities for ensuring DoD compliance with the Law of War obligations of the United States. The Law of War is also often referred to as the Law of Armed Conflict or International Humanitarian Law (IHL). Among other elements, the Directive requires the heads of the DoD components to institute and implement effective programs to prevent violations of the Law of War, including through Law of War training and dissemination. The DoD components have established training and dissemination programs under which: (1) all persons entering the U.S. Armed Services receive general training on the Law of War; (2) individuals receive specialized Law of War training commensurate with their duties and responsibilities (e.g., ground combatants, aircrew, naval personnel, military police, religious personnel, and medical personnel); (3) refresher training is provided as appropriate; and (4) Law of War topics are included in exercises and inspections.

Although all the Military Departments have previously published many respected works on the Law of War, which have served as valuable resources for their personnel, DoD published the DoD Law of War Manual in 2015 and updated it in 2016. The purpose of the manual is to provide information on the Law of War to DoD personnel responsible for implementing the Law of War and executing military operations. The manual was the result of a multi-year effort by military and civilian lawyers from across DoD to develop a department-wide resource on the Law of War for military commanders, legal practitioners, and other military and civilian personnel. The manual has been updated twice since 2015 and will continue to be updated periodically. The manual is publicly available at [https://ogc.osd.mil/images/law\\_war\\_manual\\_december\\_16.pdf](https://ogc.osd.mil/images/law_war_manual_december_16.pdf). In addition to the DoD Law of War Manual, the public may also review law of war treaties and other official documents related to U.S. military practice in the law of war on the same website at <https://ogc.osd.mil>.

*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 actions?*

For military personnel and units assigned to participate in peacekeeping, humanitarian, or other operations, for example, units operating with KFOR in Kosovo or with Operation Resolute Support in Afghanistan, special training is provided in the Law of War rules that are particularly applicable to them. Such training is also practiced in multinational training exercises, including PfP programs. In multinational operations, rules of engagement and operations plans are regularly reviewed by both national attorneys and attorneys belonging to multinational forces or international organizations, such as NATO, to ensure compliance with contributing States' international legal obligations. Also of note is the requirement to provide training on human rights to all personnel deploying to countries in South and Central America. In addition, rigorous training programs continue for U.S. forces both in and outside the United States. The U.S. Armed Forces comply with the Law of War during all armed conflicts, however characterized, including during the on-going armed conflict against al-Qa'ida, the Taliban, and associated forces, including against ISIS. Despite new challenges and changing circumstances, applicable Law of War principles and rules are scrupulously applied.

*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?*

Congress has enacted the UCMJ, which empowers the U.S. President and the military chain of command to exercise effective discipline over the U.S. Armed Forces. The U.S. President has implemented this legislation through the Manual for Courts-Martial, which provides detailed rules on the conduct of judicial and non-judicial proceedings for all the Military Departments. The exercise of this disciplinary power is also subject to independent judicial review by a civilian court, and subject to the overall supervision of the U.S. Supreme Court.

The Posse Comitatus Act (18 U.S.C. 1385) provides criminal penalties for anyone who, "except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute laws." As implemented under DoD policy, the U.S. Armed Forces (active or reserve components when acting under federal authority) do not participate directly in civilian law enforcement activities unless authorized by law to do so. These restrictions do not apply to military law enforcement functions related to military personnel and DoD installations.

*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?*

DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," February 19, 2008, provides that members of the U.S. Armed Forces on active duty should not engage in partisan political activity. They are encouraged to vote but may not be candidates for political positions. Members of the U.S. Armed Forces on active duty shall not participate in political fundraising or campaign activities, rallies, or conventions. The requirements of the Directive are derived from appropriate provisions of the U.S. Code, including provisions that make certain prohibited conduct criminal offenses. Additionally, Title 10, Section 973, of the U.S. Code limits or prohibits active members of the U.S. Armed Forces from accepting employment and from holding or exercising the functions of a civil office in the U.S. Government.

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

The United States ensures that its defense policy and doctrine are consistent with international law by having draft DoD policies and other issuances reviewed by lawyers prior to their issuance. More generally, trained civilian and military lawyers at every level within DoD, from the DoD Office of General Counsel to the judge advocates who serve in the field with military units, advise policymakers, commanders, and other decision-makers on military operations and other activities. There are both civilian lawyers in each Military Department and military lawyers serving with commands at every level. Each Military Service – the U.S. Army, the U.S. Navy, the U.S. Air Force, the U.S. Marine Corps, the U.S. Space Force, and the U.S. Coast Guard -- has senior military lawyers responsible for ensuring that service lawyers are trained and qualified to advise commanders and their staffs.

### **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?***

Information on the Code of Conduct on Politico-Military Aspects of Security is available through the U.S. Mission to the OSCE at <https://osce.usmission.gov/>.

***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?***

Additional information on the Code of Conduct is available through the U.S. Commission on Security and Cooperation in Europe (the U.S. Helsinki Commission) at <https://csce.gov/>.

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

Information related to the DoD and the U.S. Armed Forces is available to the public through official government sources, including the following websites:

- DoD: <https://www.defense.gov/>;
- U.S. Joint Chiefs of Staff: <https://www.jcs.mil/>;
- U.S. Army: <https://www.army.mil/>;
- U.S. Marine Corps: <https://www.marines.mil/>;
- U.S. Navy: <https://www.navy.mil/>;
- U.S. Air Force: <http://www.af.mil/>;
- U.S. Space Force: <https://www.spaceforce.mil/>;
- U.S. Coast Guard: <https://www.uscg.mil/>.

#### **2. Contact information**

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

The U.S. point of contact for implementation of the Code of Conduct is the Office of Euro-Atlantic Security Affairs, Bureau of Arms Control, Verification and Compliance, U.S. Department of State. For additional information, please email [AVC-ESA-DL@state.gov](mailto:AVC-ESA-DL@state.gov)

## **Annex I: Implementation of UNSCR 1325 on Women, Peace, and Security**

The United States has long been one of the strongest advocates for the Women, Peace, and Security (WPS) agenda, which was first set forth in UNSCR 1325 (2000), reaffirming the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and post-conflict reconstruction and stressing the importance of their participation and full involvement in all efforts for the maintenance and promotion of peace and security; as well as the safety of women and girls in conflict and crises and their equal access to relief and recovery assistance. Supporting women's participation, voice, and empowerment in decision-making about security issues is key to achieving U.S. foreign policy goals. U.S. policy recognizes that violent conflicts are more effectively mitigated and resolved, and peace sustained over time, when women are fully involved and consulted in efforts to build peace and security. The WPS agenda seeks to close the gap in women's participation and leadership in preventing conflict, promoting security, and addressing terrorism. It also recognizes the differential impact of conflict on women and girls, calling for efforts to prevent and respond to gender-based violence, including sexual violence in conflict, and incorporate the needs and perspectives of women and girls into decision-making about peace/security.

The Women, Peace, and Security (WPS) Act of 2017 calls for U.S. diplomatic efforts and programs that encourage other governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions. To this end, the U.S. Department of State is investing in efforts to help other governments develop national WPS policies, which is a key example of U.S. leadership and promoting burden sharing on WPS. In 2004, the UNSC encouraged governments to develop NAPs on WPS as part of its call for Member States to act on women's involvement in security, and the safety of women and girls in conflict and crises. As of March 2019, more than 85 governments have NAPs or similar policies on WPS (see a real-time updated list at <https://www.peacewomen.org>). To spur more governments to enact national-level action and implementation, a Global Focal Point Network composed of 80+ governments was launched in 2016.

Through peacekeeping assistance and bilateral military engagements, the United States has several outlets to promote reform and women's participation in the security sector with partner militaries. By promoting gender integration in security sector reform (SSR), we help develop effective security institutions that are more legitimate, effective, and accountable to their populations. When women are present in peacekeeping forces, police, and militaries, a clear message sounds out to societies that women have a central role in establishing policy and ensuring security. Research shows that women in uniform can broaden reach, helping identify threats and establish relationships within the community. They can better understand what security means to women and help to bridge the gap between cultures and ways of thinking. Countries undergoing SSR present opportunities to build police and military institutions that reflect their populations, promote human rights, and uphold the rule of law.

The United States also released a strategy in 2018 to Support Women and Girls at Risk from Violent Extremism and Conflict, which takes a holistic approach to address how gender norms affect a population's propensity to participate in, or prevent and respond to, violent extremism -

including online. The strategy will accelerate the incorporation of influential actors, such as women, into broader CT initiatives, such as community-engagement efforts. It will close gaps in women's safety and empowerment to unlock their capacity in addressing the effects of violent extremism and identify ways to ensure women have the opportunities and resources to mitigate this threat. Further, this strategy will also explore and respond to the role women and girls play as terrorist actors, recognizing the importance of targeted CVE programs to address women's disengagement and rehabilitation, and the reintegration of women foreign terrorist fighters. For additional information, please visit <https://www.state.gov/s/gwi/programs>.