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**United States Mission
Organization for Security and Cooperation in Europe**

No. 2020/07

Note Verbale

The Mission of the United States of America to the Organization for Security and Cooperation in Europe presents its compliments to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre, and has the honor to submit the 2020 submission of United States of America on the Code of Conduct on Politico-Military Aspects of Security.

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 Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

U.S. Mission to the OSCE
Vienna, June 2, 2020



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 Rights and Duties of States in the Event of Civil Strife (1928);
- The Charter of the United Nations (1945);
- Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)
- 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; 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 United States is also party to the 1971 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 and the 2002 Inter-American Convention Against Terrorism.

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; 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; 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, and Iran-backed groups, racially motivated extremism, and regional terrorist organizations, including 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 conventions.

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 Islamic State of Iraq and Syria (ISIS): The United States is leading a coalition of 79 nations to defeat ISIS. As part of the Coalition's strategy and building on broader diplomatic efforts, there are multiple priorities, including to: cut off ISIS's access to financing and funds; expose ISIS's true nature; support military operations, capacity building, and training; and address associated humanitarian relief and stabilization.
 - 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. GCERF actively partners with seven beneficiary countries: Bangladesh, Kenya, Kosovo, Mali, Nigeria, the Philippines, and Tunisia. During 2019, GCERF grants directly empowered an estimated
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1.2 million people at risk of terrorist recruitment and radicalization, and indirectly engaged a further estimated 6.2 million. Since 2014, 14 countries, plus the European Union (EU), have contributed more than \$85 million to GCERF. In 2019, GCERF brought on two new donor countries.

- 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 SCN continued to expand in 2019, with members from 125 cities around the world.
 - Countering Violent Extremism (CVE) City Exchange: Launched in 2011, the U.S. Department of State and the U.S. Department of Homeland Security (DHS) have collaborated on more than a dozen city exchanges between U.S. cities and cities in Canada, Trinidad and Tobago, and Western Europe. This program enhances our foreign and domestic partners' ability to develop structures, enhance capabilities, and build resilience for communities that are vulnerable to radicalization to violence. As a direct result of a two-way exchange with the city of Columbus, Ohio, in 2014, the number of foreign terrorist fighter departures from the city of Vilvoorde (Belgium) to foreign conflict zones significantly dropped after the city made changes to its community engagement efforts.
 - 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. In 2019, Hedayah continued to organize capacity-building workshops on CVE communications, education-based approaches to CVE, and CVE National Action Plans (NAPs). For example, Hedayah trained Western Balkans government officials on developing communication strategies to complement their CVE NAPs. Hedayah developed an East Africa "How-to Guide" for CVE communications and translated it into local languages. The organization held its fourth annual research conference in Australia. A 2019 evaluation of Hedayah's 2018 prevention through education program in one country yielded positive evidence of teachers adopting good practices after their training. The United States continued to fund an Abu Dhabi-based U.S. secondee as Hedayah's Director of Dialogue and CVE Communications.
 - The Global Counterterrorism Forum (GCTF). Since its 30 members launched it 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: Countering Violent Extremism; 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. In September 2017, the United States and Jordan became co-chairs of the Foreign Terrorist Fighters Working Group for an initial two-year term. The United States and Jordan renewed their co-chairmanship in 2019 for another two-year term, through September 2021. In September 2019, Canada succeeded the Netherlands as GCTF Co-Chair. Canada and Morocco will co-chair the GCTF through September 2021.
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In September 2019, GCTF ministers formally endorsed four new framework documents, including two co-led by the United States:

- “New York Memorandum on Good Practices for Interdicting Terrorist Travel.” This initiative, co-led by Morocco and the United States, assists countries in implementing their obligations under UNSCR 2396 (2017), which calls for combatting the travel of Foreign Terrorist Fighters (FTFs) and other terrorists. The good practices contained in the New York Memorandum enable countries and organizations to build broader and more efficient watchlists and terrorist screening infrastructures. The New York Memorandum will serve as the basis of U.S.-led initiatives in 2019-2020.
- “Berlin Memorandum on Good Practices for Countering Terrorist Use of Unmanned Aerial Systems.” Co-led by Germany and the United States, this initiative highlights the threat posed by terrorist use of unmanned aerial systems (UAS) against civilian targets. The document presents the policy, legal, and technical tools required to mitigate the threat.
- “Glion Recommendations on the Use of Rule of Law-Based Administrative Measures in a Counterterrorism Context.” Nigeria and Switzerland, as co-chairs of the Criminal Justice and Rule of Law Working Group, co-led the development of this document concerning the design, implementation, and monitoring of administrative measures in a CT context.
- “Addendum to the GCTF Good Practices on Women and Countering Violent Extremism, with a Focus on Mainstreaming Gender.” This addendum, co-led by Australia and Indonesia as co-chairs of the CVE Working Group, elaborates on existing GCTF good practices on women and CVE with new insights on gender-specific motivations and pathways of radicalization to violence and CVE responses to counter women and girls’ recruitment.

Also, in September 2019, the GCTF launched new initiatives, including two co-led by the United States:

- “The Watchlisting Guidance Manual.” The United States and the United Nations are co-leading the development of a GCTF “toolkit” document that will elaborate on non-binding good practices contained in the GCTF New York Memorandum. The resulting document will serve as a “toolkit” for nations to develop their own country-specific watchlisting guidance and will pool collective knowledge of how to create and maintain a watch list of known and suspected terrorists (KSTs). This partnership with the UN is in support of the GCTF-UN commitment to strengthen cooperation.
 - “The Initiative on Maritime Security and Terrorist Travel.” The United States announced a two-year initiative to examine potential terrorist exploitation of the maritime sector for travel and how countries can take collective action to counter
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it. The initiative will produce a good practices document for endorsement in 2021 that will serve as an “addendum” to the GCTF New York Memorandum.

- “Initiative on Criminal Justice Responses to the Linkages between Terrorism, Transnational Organized Crimes, and International Crimes.” Switzerland and Nigeria, as co-chairs of the CJ-ROL Working Group, announced a two-year project to examine criminal justice responses to the links between terrorism and crime. In 2019-2020, the Working Group will hold workshops to produce a good practices document on criminal justice responses to the links between terrorism and crimes, including the financing of terrorism, corruption, trafficking in persons, illicit trafficking, and migrant smuggling.
 - “Initiative on National-Local Cooperation in Preventing and Countering Violent Extremism.” Australia and Indonesia, as co-chairs of the CVE Working Group, are co-leading the development of a good practices document to promote a whole-of-society approach as outlined in the UN Secretary-General’s Plan of Action to Prevent Violent Extremism. The resulting document will strengthen “vertical cooperation” among governments and civil society groups.
- The United Nations (UN): Sustained and strategic engagement at the UN on CT issues is a priority for the United States. Throughout 2019, the UN remained actively engaged in addressing the evolving terrorist threat. The UN Security Council (UNSC) adopted new resolutions to address the threat of terrorism to international peace and security, including UNSCR 2462 (2019) on countering terrorist financing and UNSCR 2482 (2019) on the possible linkages between terrorism and organized crime in some contexts.

Other U.S. engagements with UN actors on CT and CVE included the following:

- **The UN Security Council’s Counter-Terrorism Committee (CTC) and Counter-Terrorism Executive Directorate (CTED).** CTC and CTED continued efforts to analyze Member States’ capacity gaps to implement UNSCRs 1373 (2001), 1624 (2005), 2178 (2014), 2396 (2017), 2341 (2017), and other relevant CT resolutions, and to facilitate training and other technical assistance to UN Member States, including on soft target and critical infrastructure security and resilience.
 - **The UN Office of Counter-Terrorism (UNOCT).** The UNOCT continued to work closely with the 36 UN entities plus the International Criminal Police Organization (INTERPOL) and the World Customs Organization through the Global Counter-Terrorism Coordination Compact to strive for balanced implementation of the four pillars of the UN Global Counter-Terrorism Strategy; strengthen the delivery of UN CT capacity-building assistance to Member States; and promote and improve visibility, advocacy, and resource mobilization for UN CT efforts. In 2019, UNOCT hosted a series of regional high-level conferences in Dushanbe, Ulaanbaatar, Nairobi, Minsk, Budapest, and Abu Dhabi to enable Member States to exchange expertise and develop partnerships to address collectively a range of critical CT issues in preparation for the second UN CT High Level Week, scheduled to be held in June 2020. The United States
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participated in the meeting in Nairobi, Kenya in July 2019 to highlight the evolving threat posed by ISIS in Africa and other meetings, including as a panelist in the meeting on new and emerging technologies in Belarus in September 2019.

- During 2019, the U.S. Department of State's Bureau of Counterterrorism contributed more than \$31 million to fund a range of activities undertaken by the UN Office on Drugs and Crime (UNODC), UNOCT, the UN Mine Action Service (UNMAS), the UN Office for Project Services (UNOPS), INTERPOL, and the International Office for Migration, including:
 - Supporting global implementation of the UN's Countering Terrorist Travel Program to help Member States utilize Advance Passenger Information and Passenger Name Record (API/PNR) data to defeat terrorist travel;
 - Countering improvised explosive devices in Somalia;
 - Building criminal justice sector capacity to prosecute terrorism crimes in Mali;
 - Utilizing battlefield evidence in Niger for investigations and prosecutions of suspected terrorists;
 - Building law enforcement capacity to prevent and respond to terrorist crimes in border communities in West Africa;
 - Improving aviation security in Bangladesh;
 - Building partner nations' capacity to manage terrorist inmates;
 - Enhancing connectivity to INTERPOL's databases in priority countries;
 - Funding a series of regional and national level workshops and trainings implemented by UNODC's Terrorism Prevention Branch (UNODC/TPB) in North Africa and South and Central Asia to ensure compliance with the watchlisting, screening, and information sharing obligations of UNSCR 2396.

The UNSC 1267/1989/2253 ISIL (Da'esh) and al-Qa'ida Sanctions Committee. The United States worked closely with the UN Sanctions Committee and its monitoring team in 2019 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. In 2019, two groups and four individuals were added to the 1267 Sanctions List. 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 total figures on the list are 261 individuals and 84 entities as of December 31, 2019.

The UN Office on Drugs and Crime (UNODC). The UNODC's Terrorism Prevention Branch (UNODC/TPB) continued to assist countries seeking to ratify and implement the multilateral legal instruments addressing terrorism, and it provided assistance for countering the financing of terrorism in conjunction with the UNODC's Global Programme Against Money Laundering, Proceeds of Crime and the Financing of Terrorism. The United States supported UNODC/TPB as a CT assistance implementer, particularly for programming focused on strengthening the criminal justice system's response to terrorism by Member States. In 2019, the UN Commission on Crime Prevention and Criminal Justice adopted a biannual resolution on the UNODC's mandate to provide CT technical assistance, which preserved and expanded upon its efforts to

prioritize and provide effective capacity building for Member States. The United States continued to support UNODC/TPB programs designed to strengthen the legal regime against terrorism globally within a rule-of-law framework.

The UN Development Programme (UNDP). UNDP helps countries develop strategies to counter and prevent violent extremism (C/PVE) in many parts of the world, including Africa and the Middle East. In 2019, UNDP collaborated with UNOCT in information sharing, outreach, and support to the development and implementation of national PVE action plans to Member States that requested assistance. The United States continued to support UNDP's C/PVE work and encouraged other like-minded countries to provide voluntary funding to strengthen community-police partnerships in high-risk communities.

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 non-State 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 (UNODA) Trust Fund resources to pay for travel expenses, the GoE has also interacted with the Organization for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), the World Customs Organization (WCO), INTERPOL, UNODC, the Financial Action Task Force, and other multilateral CT bodies, as well as 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 support financially 1540 regional coordinator positions in the OAS and the Organization for Security and Co-Operation in Europe (OSCE). The United States is working with the EU to co-fund African Union 1540 Coordinators, and likewise is in discussions with northeast (NE) Asian partners to support an Association of Southeast Asian Nations (ASEAN) 1540 Coordinator position. 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 an early 2021 UNSCR 1540 Comprehensive Review.

The International Civil Aviation Organization (ICAO). In May 2019, ICAO participated in the launch of the UN's Countering Terrorist Travel Programme at UN Headquarters in New York where Secretary General Dr. Fang Liu emphasized that aviation security and the facilitation of passenger movements are important and reciprocal priorities in air transport, and outlined the advancements that ICAO has made in support of the corresponding obligations and provisions defined in UN Security Council (UNSC) resolutions 2178 (2014), 2309 (2016), 2368 (2017), and 2396 (2017) in relation to halting the travel of foreign terrorist fighters. ICAO began drafting Passenger Name Record Standards and Recommended Practices as called for in UNSC resolution 2396 (2017), which will assist UN Member States to develop capabilities to collect,

process, and analyze PNR data, and share it with all of their competent national authorities. In September 2019, ICAO convened its third annual Global Aviation Security Symposium at ICAO Headquarters in Montréal, Canada, which brought together aviation security professionals from around the world to address the threat posed by terrorists targeting civil aviation, by reinforcing, strengthening, and promoting the international framework of aviation security standards.

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 2019, the GICNT conducted 8 multilateral activities that improved the plans, policies, procedures, and inter-operability of partner nations in technical areas such as nuclear detection, nuclear forensics, national emergency response, and legal frameworks. At the 2019 GICNT Plenary meeting, the United States was endorsed as co-chair for an additional four-year term. In addition to serving as co-chair, the United States provides both financial and human resources to support the initiative's multilateral undertakings.

- Organization for Security and Co-operation in Europe (OSCE): Under the 2019 Chair-in-Office Slovakia, the OSCE approach to CT focused on security measures to prevent, interdict, and prosecute terrorists with respect for the rule of law; promoting a whole-of-society approach with close engagement with civil society and the private sector; using referral mechanisms and pre-criminal interventions to prevent violent extremism; emphasizing rehabilitation and reintegration of offenders; and ensuring the protection of human rights. Slovakia underscored this approach during the March 25-26, 2019, OSCE-wide Conference on Counterterrorism in Bratislava. At the conference, the United States sponsored a side event focused on Countering the Use of the Internet for Terrorist Purposes. This event opened with remarks on the U.S. approach of taking appropriate law enforcement action against criminal activities online and working through a whole-of-government approach to strengthen and expand ongoing voluntary collaboration with private sector technology companies to address online terrorist content. Panelists from the Swiss Government, Facebook, Google, and the UN-affiliated Tech Against Terrorism initiative discussed the need to counter the ability of terrorists to recruit and radicalize or inspire others to violence online using a broad set of tools and for a comprehensive approach to counter the hateful terrorist narratives they continue to espouse and promote. On October 31 and November 1, 2019, the OSCE conducted a seminar on the role of passenger data exchange in CT and border security, with participation by U.S. Customs and Border Protection. In 2019, the United States continued to support the OSCE's Leaders against Intolerance and Violent Extremism program to empower local networks in Southeastern Europe and strengthen home-grown civil society work on preventing violent extremism, including through sending a U.S. State Department official to open up a workshop on protecting critical infrastructure against terrorist attacks held in Skopje, North Macedonia, November 19-21, 2019. The U.S. Department of Homeland Security and the U.S. Department of State also sent experts to the December 16-17, 2019, OSCE-wide expert seminar on promoting resilience of soft targets against terrorist attacks to share good practices and lessons learned. OSCE staff members actively participated in global and regional efforts supported by the United States through the International Institute for Justice and Rule of Law (IIJ) and GCTF.
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- Council of Europe (CoE). The CoE develops and reinforces key legal standards designed to prevent and suppress 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, through criminal law and other measures, while respecting human rights and in full respect of the rule of law. The United States participates in the CoE as an observer. In July 2018, the Council adopted a new CT strategy for 2018-2022, “based on prevention, prosecution, and protection, including assistance to victims.” The strategy aims to assist national authorities to prevent and counter terrorist public provocation, propaganda, radicalization to violence, recruitment, and training, including on the internet; and to disseminate best practices on de-radicalization, disengagement, and social reintegration. The CoE’s CT priorities, as established in its 2018-2022 Strategy, include preventing terrorism through criminal law and law enforcement measures, ensuring terrorist offences are investigated in the most efficient and quickest possible manner, and protecting persons against terrorism. The CoE continued to operate its 24/7 Network of Contact Points on Foreign Terrorist Fighters, a voluntary network that connects relevant authorities to counterparts for sharing threat information; forty-five Member States and the EU use the network to exchange CT case information. In 2019, the CoE also established the Network of Contact Points for the Exchange of Information Regarding the Legal Standing of Victims of Terrorism, which helps terrorism victims access another country’s criminal justice systems.

The CoE Committee on Counter-Terrorism (CDCT), the key coordinating body for CoE activities to combat terrorism, held plenary meetings in May and November 2019. The CoE coordinates with countries and other multilateral organizations and entities such as the UN, the OSCE, and the OAS. On November 14, 2019, the CDCT held a Thematic Session on Terrorism and the Internet that brought together experts and practitioners from the Member States with representatives from internet and telecommunications firms and associations, social media platforms, and internet search engines. Participants shared information and exchanged best practices to prevent and combat terrorist-related offenses and radicalization leading to terrorism on the internet.

- 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 NATO Leaders Meeting in December 2019 marked the Alliance’s 70th anniversary and highlighted how NATO continues to enhance the Alliance’s CT efforts. NATO is a member of the Global Coalition to Defeat-ISIS and in 2019 continued its missions in Afghanistan and Iraq. In November 2019, NATO foreign ministers approved an update to NATO’s Counterterrorism Action Plan, which supports the Alliance’s efforts to address evolving terrorist threats.
 - Association of Southeast Asian Nations (ASEAN), the ASEAN Regional Forum (ARF), and the East Asia Summit (EAS). CT activities with the 10-member ASEAN and 27-member ARF countries included annual meetings on CT and transnational crime and capacity building through ASEAN-related institutions. The United States is leading a three-part ARF workshop series on aviation security, designed to raise awareness of countries’ obligations under UNSCR 2396 (2017) and explain helpful tools for implementation. The first workshop
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was held in Kuala Lumpur, Malaysia, in July 2019 and discussed aviation security measures and capacity gaps in ARF countries to use and implement API/PNR data and systems. The ARF also endorsed the U.S.-proposed statement, Aviation Partnership: Soaring Ahead Together. The EAS, which includes the 10 ASEAN members plus Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the United States, issued three statements in 2019, one of which had a CT nexus, the Australia-proposed statement on Countering Transnational Crime.

- ASEAN. ASEAN adopted the Bali Work Plan to Prevent and Counter the Rise of Radicalisation and Violent Extremism 2019-2025 on November 29, 2019. The objective of this Work Plan is to provide an implementation framework to guide relevant ASEAN Sectoral Bodies/Organs/Entities in carrying out the necessary activities and monitoring effectiveness in preventing and countering radicalization and violent extremism. The United States supported the process of developing the Work Plan through technical assistance and consulted with various stakeholders, such as ASEAN sectoral bodies and civil society organizations, to provide input on the Work Plan.
 - Asia-Pacific Economic Cooperation (APEC). APEC updated its comprehensive Consolidated Counter-Terrorism and Secure Trade Strategy in 2019. 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.
 - The African Union (AU). There are two main bodies within the African Union that lead the AU's CT efforts: (1) the AU's Peace and Security Department (PSD)'s Defense and Security Division (DSD)—located at the AU headquarters in Addis Ababa—and (2) the African Center for the Study and Research of Terrorism (CAERT) in Algiers. In 2019, the AU made CAERT 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 States' CVE action plans; and (3) enhancing international cooperation to ensure relevant regional approaches are taken fully into account. In 2019, the United States continued its engagement on shared CT priorities as part of the United States-African Union Peace and Security Technical Working Group.
 - Organization of American States' Inter-American Committee against Terrorism (OAS/CICTE). OAS/CICTE, which has 34 Member States and 70 observers, made strides in 2019 across its focus areas: cybersecurity, border management, preventing the financing of terrorism, preventing the proliferation of WMD, preventing violent extremism, and addressing the phenomenon of FTFs. On May 23-24, 2019, OAS/CICTE held its 19th Regular Session. In partnership with Canada as incoming chair, OAS/CICTE focused the meeting on critical infrastructure protection, global and regional cooperation mechanisms, human resilience, countering terrorist narratives, and increasing information sharing. At the conclusion of the Session, Member States committed to considering the creation of an informal information-sharing network to facilitate timely exchange of CT information. In
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October 2019, OAS/CICTE formally announced the launch of the Inter-American Network on Counterterrorism (Network) with funding support from the United States. The Network, the only one of its kind in the Americas, will operate on a 24/7 basis among OAS Member States. By facilitating communication among points of contact designated by each Member State, countries of the Western Hemisphere will be able to 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 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 relating to civil nuclear cooperation, pursuant to Section 123 of the Atomic Energy Act of 1954, as amended, must include a requirement for the partner country to maintain adequate physical protection with respect to any nuclear material transferred pursuant to the agreement and any special fissionable 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).
 - World Customs Organization SAFE Framework.
 - International Maritime Organization International Ship and Port Security (ISPS) Code.
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- 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 countering violent extremism 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, the U.S. Department of State, the U.S. Agency for International Development, and the U.S. Department of Homeland Security 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 U.S. Secretary of State and U.S. Secretary of Defense to ensure their personnel receive training, in accordance with the WPS Act of 2017.

L.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.

The U.S. Department of Homeland Security (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 Weapons of Mass Destruction (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,
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- and Nuclear detection efforts of Federal, State, territorial, tribal, and local governments, among others, and to ensure a coordinated response to such threats;
- U.S. Customs and Border Protections (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.
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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 the U.S. Department of Defense to support 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 1, Section 8. In peacetime, 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 U.S. Department of Defense (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 and U.S. Secretary of Defense. For more information on USNORTHCOM's role in preventing and combating terrorism, please visit: 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 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" to or 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 Treasury each have certain domestic legal authorities to designate individuals and entities under E.O. 13224, Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism. 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: <https://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 January 2020, there are four countries (Iran, Syria, North Korean, and Sudan) 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, in May 2019, the U.S. Deputy 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, and Venezuela.

The United States has also worked to implement effectively 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 terrorism screening information sharing arrangements negotiated pursuant to Homeland Security Presidential Directive 6 (HSPD-6) strengthen our screening capabilities, while 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, the U.S. Department of Homeland Security has the primary responsibility for securing the United States from criminal or terrorist exploitation. Within the DHS, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (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/jtff/>.

-- 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) is an interagency coordinating body within the U.S. Department of State that applies a data-science driven approach to countering foreign State and non-State propaganda and disinformation. 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, 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 2060.1. 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 has responsibility for the negotiation and implementation of existing and prospective arms control agreements and security arrangements concerning 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), the Treaty on Open Skies, 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 (HLTF) and the Verification Coordinating Committee; 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.

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 defence 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 September 16, 2009, DoD issued Directive 3000.05 to update and establish DoD policy and to assign responsibilities within DoD for planning, training, and preparing to conduct and support stability operations. Stabilization efforts span the conflict continuum, ranging from preventive efforts in fragile States to deliberate efforts during military operations. Stability operations are an integrated civilian and military process applied in fragile and conflict-affected areas outside the United States to establish civil security, address drivers of instability, and create conditions for sustainable stability – a condition characterized by local political systems that can peaceably manage conflict and change; effective and accountable institutions that can provide essential services; and societies that respect human rights and fundamental freedoms and the rule of law. Stabilization efforts vary from place to place, and are frequently partnered with humanitarian assistance. Stabilization efforts often address civil security; rule of law; support to governance and civil society; and economic stabilization and critical infrastructure repair.

DoD is in a supporting role in the implementation of the 2018 State-U.S. Agency for International Development (USAID)-DoD Stabilization Assistance Review (SAR) in specified conflict-affected areas. 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. This effort includes the development of a ten-year Global Fragility 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. 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 rebel 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.

Also to be considered is review by the judicial branch. 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. This does not include 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 support that the active U.S. Armed Forces may provide 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 the 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 in recruiting on grounds of race, religion, sex (including gender identity), sexual orientation, national origin, or ethnic origin is prohibited. U.S. law establishes conditions under which the U.S. President has the authority to order members of the reserve and 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 requires States Parties to raise the minimum age for voluntary recruitment into their national armed forces to an age greater than 15 years and commits 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, DC, 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 2311.01E (DoD Law of War Program) provides DoD policies and responsibilities 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. In addition to the DoD Law of War Manual, the public may also review 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 the “Resolute Support Mission” 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. This does not include 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, dated 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 policy-makers, 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: <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): <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 U.S. Department of Defense and the U.S. Armed Forces is available to the public through official government sources, including the following websites:

- U.S. Department of Defense: <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

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 UN Security Council Resolution 1325 (2000), reaffirming the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, 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. 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 deadly conflicts are 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, calling for efforts to address sexual violence and incorporate their experiences into decision-making about peace/security.

The 2017 Women, Peace, and Security (WPS) Act requires that U.S. diplomatic efforts and foreign assistance 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 National Action Plans (NAPs) on WPS as part of its call for Member States to act on women's involvement in security. 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 objectives 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 recently unveiled its strategy to Support Women and Girls at Risk from Violent Extremism and Conflict, which takes a holistic approach to address gender factors in preventing and responding to violent extremism. 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 countering violent extremism (CVE) programs to address women's disengagement, rehabilitation, and reintegration of women foreign terrorist fighters.

For additional information, please visit: <https://www.state.gov/s/gwi/programs>.
