



PERMANENT DELEGATION  
OF NORWAY TO THE OSCE

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NOTE VERBALE

The Permanent Delegation of Norway to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre and, in accordance with Decision 4/98 and 4/03 of the Forum for Security Co-operation, has the honour to transmit the Norwegian response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Delegation of Norway to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration. *Selro*

Vienna, 25 June 2009



To:  
All Permanent Delegations and Missions to the OSCE  
The Conflict Prevention Centre

## **INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

### **1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (Paragraph 6):**

#### **(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;**

The Norwegian Government condemns all terrorist acts, whatever the motivation, opposes any concession to terrorist demands, and is committed to ensuring that terrorists do not benefit from their acts. Norway works bilaterally with other governments and multilaterally through organisations to promote closer international co-ordination of efforts to combat terrorism. Norway is a State Party to the following international counter-terrorism conventions:

- (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 Sep 1963)
- (2) Convention for the Suppression of Unlawful Seizure of Aircraft. (The Hague, 16 Dec 1970)
- (3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 Sep 1971).
- (4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (New York, 14 Dec 1973)
- (5) European Convention on Suppression of Terrorism (Strasbourg, 27 Jan 1977)
- (6) International Convention against the Taking of Hostages (New York, 18 Dec 1979)
- (7) Convention on Physical Protection of Nuclear Material (Vienna and New York, 3 Mar 1980)
- (8) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civilian Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23 Sep 1971 (Montreal, 24 Feb 1988)
- (9) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 Mar 1988)
- (10) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 Mar 1988)
- (11) Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 Mar 1991)
- (12) International Convention for the Suppression of Terrorist Bombings (New York, 15 Dec 1997)
- (13) Suppression of the Financing of Terrorism (New York, 9 Dec 1999).

(14) The Council of Europe Convention on the Prevention of Terrorism (Warsaw 16 May 2005).

**(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;**

Norway and the African Union (AU) have agreed on a co-operation programme for supporting the implementation of United Nations Security Council resolution 1373 in the OAU member countries.

Norway is also funding a project to support strengthened co-operation between the SADC countries on fighting terrorism.

Norway has concluded agreements with the European Union and the Nordic countries on police co-operation and mutual assistance in criminal matters. In addition, agreements on police co-operation and crime prevention have been concluded between Norway and Russia.

Norway concluded bilateral extradition treaties with the US in 1977 and Australia in 1985.

Norway concluded in 2002 an agreement with the Nordic countries on health emergency preparedness and management, relevant also in the event of a terrorist attack against one or more of the Nordic countries.

**(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;**

On 5 October 2001, Norway adopted a Provisional Ordinance with the necessary provisions for implementing United Nations Security Council resolution 1373. As of the date of adoption, Norwegian domestic law satisfied the requirements of resolution 1373. At the same time, Norway implemented the provisions of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, which it signed on 1 October 2001 and ratified on 15 Jul 2002. Norway thereby joined the group of states that have ratified all of the 12 international Conventions and Protocols relating to terrorism.

In order to replace the Provisional Ordinance and establish permanent legislation a bill was passed in 2002 amending a number of acts so as to establish effective legislative measures against acts of terrorism and the financing of terrorism. Other Norwegian legislation has been reviewed to ensure that the requirements of resolution 1373 are fully met.

The new legislation makes it a serious criminal offence to commit or to directly or indirectly finance terrorist acts, and requires that the Norwegian authorities immediately freeze any assets or funds belonging to any person or entity suspected of such acts, as set out in resolution 1373. It also fulfils the relevant requirements of the 1999 Convention for the Suppression of the Financing of Terrorism.

- (d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);**

Substantial efforts have been made in order to prevent and combat terrorism after the attacks of September 2001. In 2001 and 2002, 499 million Norwegian kroner were allocated to the budgets of the Norwegian police and the civil defence for these purposes. See also 1 (c).

- (e) Roles and missions of armed and security forces in preventing and combating terrorism;**

Preventing and combating terrorist acts in Norway which do not constitute armed attacks under the UN Charter article 51, is the responsibility of the Norwegian police. In the event of a major terrorist attack being carried out or a highly credible threat thereof, the Norwegian armed forces may be called upon to assist the police. Norway has no security forces. Engagement of renegade threats is a responsibility of the Norwegian Armed Forces.

## **2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of**

- (a) The military posture;**

According to Article 25 of the Norwegian Constitution, the control of the armed forces is among the King's prerogatives, in principle meaning that the Parliament (Stortinget) may not give directions as to how this authority shall be exercised. This power is in practice exercised by the Government, and within the Government by the Minister of Defence. However, since the introduction of the so-called principle of parliamentarism in 1884 (implying that the Government is depending on the continuing support of the Parliament), the Defence Minister is constitutionally and politically responsible to the Parliament for all activity carried out by the Ministry, by the armed forces as a whole and by other subordinate departments. Furthermore, the Government needs the authorisation from the Parliament for any new laws regarding the armed forces, as well as for the Defence Budget.

The Ministry of Defence serves as the political secretariat of the Minister, and is responsible for giving military advice to the Government, formulating new policy and providing overall management directives on a strategic level to the Chief of Defence. The Chief of Defence exercises the overall military strategic and operational responsibility, based on directives from the Ministry of Defence.

- (b) Defence expenditures (Paragraphs 13, 22);**

The Parliament adopts the State budget, which also includes the Defence budget. The Parliament also audits the State accounts, including the Defence expenditures. In accordance with the Constitution, the Parliament appoints 5 general auditors, who examine the State accounts annually, and then present a report to the Parliament.

### 3. Description of

(a) **Constitutionally established *procedures* ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;**

As described above, the Defence Minister is constitutionally and politically responsible to the Parliament for all activity carried out by the Ministry, by the armed forces as a whole and by other subordinate departments. This implies an obligation for the Minister to supervise the activities of the armed forces and the other subordinate departments, by exercising a superior control function towards these entities.

The Parliament's democratic control is ensured i.a. through established procedures of different forms of questions and interpellations to the ministers in the Parliament. Thus, the Members of Parliament may pose concrete questions to each Minister – i.a. in the so-called “Question Hours”, which take place weekly in the Parliament. The Members of Parliament may also submit written questions to the Ministers.

The intelligence service is in general subject to political and democratic control along the same lines of command as the Armed Forces. The Minister of Defence has the constitutional and political responsibility for the intelligence service and is accountable to the Government and the Parliament.

In addition, the democratic control of the intelligence service (as well as the Surveillance and Security Services) is ensured by the annual reporting to a committee established within the Parliament, namely the Committee for Monitoring the Intelligence, Surveillance and Security Services (see below).

Police: The civilian control of the Norwegian police is ensured by the fact that the police are under the jurisdiction of the Ministry of Justice. Their activities are regulated by the Constitution and current legislation

Norway has no paramilitary or internal security forces.

(b) **Constitutionally established *authorities/institutions* responsible for the democratic control of military, paramilitary and security forces;**

As mentioned above under a), the Norwegian Armed Forces are subject to the direct political and democratic control of the Parliament.

In addition to this, several parliamentary committees, including the Committee for Monitoring the Intelligence, Surveillance and Security Services and the Defence Committee have been established by the Parliament, as an additional apparatus for ensuring the full implementation of political and democratic control. These committees are subject to the instructions of the Parliament.

Furthermore, the Parliamentary Ombudsman is elected by the Parliament to seek to prevent injustice being done by the Government, the Ministries or the other parts of the Public administration towards the citizens. The Ombudsman may look into cases ex officio or on the basis of complaints from the citizens. The Ombudsman's decisions are not legally binding, however, he may give his reasoned opinion, and if necessary criticize the entity that has made the decision. The Parliament elects the Ombudsman for 4 years at a time. He is, however, otherwise meant to be independent.

**(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;**

Military:

The three branches of the Norwegian Armed Forces, the Army, the Navy and the Air Force, and the Home Guard for local defence, were established to defend Norwegian territory. Norway is also a member of the North Atlantic Treaty Organization. Norway has made limited troop contributions to UN peace operations.

According to Article 25 of the Norwegian Constitution, the King is head of the Norwegian Armed Forces. In practice, this competence now lies with the Norwegian Government. As described above under question 2 a), the Government is under the political control of the Parliament, and the Armed Forces are thus under parliamentary control.

The Parliament has the competence for allocating funds for all military activities each year. The Armed Forces report annually to the Parliament about military activity. This serves not only as a basis for allocating funds, but also functions as a means of control.

According to Articles 25 and 26 of the Norwegian Constitution, the competence of the Government is limited in certain areas in which the Government needs the approval of the Parliament.

Paramilitary/Security forces:

Norway has no paramilitary or security forces.

**(d) Public access to information related to the armed forces;**

Norway has a Freedom of Information Act, which gives the public wide access to information concerning central and local government administration, including the Armed Forces. The Ministry of Defence attaches great importance to providing information to the public. Both the Ministry of Defence as well as the Defence Staff include Press and Information Offices, providing information to the public on the activities of the Armed Forces. Regional and local branches of the Press and Information Office are involved in public information related to regional and local exercises and other activities. Important decisions and events are covered by press releases and press conferences. According to the Freedom of Information Act, the press is, with few exceptions, entitled to information through all available channels.

The public can also obtain information on the Armed Forces in the following ways:

- By attending relevant debates in the Parliament,
- On the Internet, on the Norwegian Defence website, which has links to other Norwegian military websites,
- Through the mass media,
- At the Armed Forces Media Centre
- Through the Press and Information service in the Ministry of Defence

#### **4. Stationing of armed forces on the territory of another participating States in accordance with their freely negotiated agreements as well as in accordance with international law (Paragraph 14);**

Norway is a signatory to the 1951 London agreement between the member States of the North Atlantic Treaty Organization regarding the Status of their Forces. Norway has ratified the agreement between the States Parties to the North Atlantic Treaty and other States participating in the Partnership for Peace regarding the Status of their Forces, signed in Brussels on 19 June 1995. Ad hoc agreements for other possible deployments are signed in each individual case in accordance with international law

#### **5. Description of**

##### **(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;**

###### Military:

Recruitment and call-up to the Norwegian Armed Forces is based on the principle of general military conscription, and is governed by the Conscription Act of 17 July 1953. Every Norwegian male is in principle a conscript from 1 January of the year of his 19th birthday until the end of the year of his 44th birthday. In times of tension or war, this duty to serve *may*, however, be extended to apply from *the day* a man reaches the age of 18 until the end of the year of his 55th birthday. Officers have a general duty to serve until they are 55 years old.

###### Paramilitary/security forces:

Norway has no paramilitary or security forces.

##### **(b) Exemptions or alternatives to compulsory military service, if applicable;**

The Conscription Act of 17 July 1953 regulates the compulsory military service for Norwegian men. According to this Act, all conscripts have to undergo a general medical and physical examination to establish whether they should be assigned to combatant or non-combatant service.

The Act relating to alternative service on grounds of personal conviction of 19 March 1965, on the other hand, implies certain exemptions from the general military conscription requirement. The person concerned is, however, liable for alternative (civil) service.

##### **(c) Legal and administrative procedures protecting the rights of all forces personnel;**

Norway has an ombudsman system for protecting the rights of all forces personnel. The main Ombudsman – known as the Parliamentary Ombudsman – deals with all appeals. In addition to the main Ombudsman, there is one Ombudsman with whom soldiers and servicemen, regardless of ranks, may lodge their appeals. Decisions made by this Ombudsman are given as advice to the chain of command and is thus not legally binding. In most cases however, such advice results in a change to the decision and establishes a precedent for future decisions.

Norway has established an industrial tribunal before which major unions may bring policy disputes connected to agreements between labour unions and the government. Disputes between the individual employee and the Armed Forces on employment matters must be brought before a civil court.

Infringements of agreements may be forwarded to the tribunal both informally and formally through the chain of command. Formal complaint boards where both military and civil experts are present exist in various areas. Infringements may, as mentioned above, also be brought before a civil court.

The rights of personnel serving their compulsory service are safeguarded by an organization established for this purpose. This organization is consulted by the military on issues regarding drafted personnel. The paragraph above concerning appeals through the chain of command also applies to drafted personnel and their representatives.

As for disciplinary decisions, military personnel have the right to appeal through the chain of command. Before the complaint is considered, advice from a judge advocate is mandatory. If the complaint is denied the case may be brought before an appeals board made up of military representatives and chaired by a civilian judge. If the result still is negative for the serviceman, he has the option of instituting proceedings against the government through the civil courts.

#### **6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations (Paragraphs 29, 30);**

The Ministry of Defence attaches great importance to this area. All military personnel and civilians in the Armed Forces receive instruction on Norway's obligations under international humanitarian law etc. Instruction on humanitarian law, conventions and obligations in connection with armed conflicts is included in all military education, particularly in the light of Norwegian participation in international peace operations. Emphasis is placed on the responsibility of all personnel in this area, and on the fact that this responsibility increases with rank. Conscripts/servicemen are given instruction on the Geneva Conventions and a basic introduction to other relevant areas of international humanitarian law. NCOs and junior officers are given instruction in case studies and are required to carry out practical exercises.

At the Military Academies and the Staff College, officers are given a general introduction to the international humanitarian aspects of war. In addition, since 2004, students at the Norwegian Military Academies have the opportunity to study International Humanitarian Law at the University of Oslo as a part of their programme. Conduct of international operations is also an important part of Staff College education.



All personnel are also encouraged to improve its general knowledge of International Humanitarian Law by participation in international seminars and workshops.

**7. Any other information.**

Gender / UN Security Council Resolution 1325:

A number of measures are being undertaken to implement UNSCR 1325 on women, peace and security in the Norwegian armed forces, in line with the commitments set down in the Norwegian action plan on UNSCR 1325 (2006). In general terms, this amounts to applying a gender perspective in operational planning, mandates, predeployment training, education, as well as during operations and in the ensuing evaluation process. More specifically, a gender adviser is being deployed in the Norwegian provincial reconstruction team (PRT) in Afghanistan. Work is being done to establish a gender capacity in our PRT that can operate with a gender perspective in the area of operations. Furthermore, the Norwegian Defence University College is cooperating with Nordic colleagues to establish a gender centre of competence to educate the armed forces in applying a gender perspective. Increasing the number of women soldiers and officers in the armed forces is also part of the effort to implement UNSCR 1325, and several measures are being undertaken. Finally, Norway has made an effort to include UNSCR 1325 in the long-term strategy for Norwegian involvement in the Afghan Faryab province.