

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

**No. 2016/25**

**Note Verbale**

The Mission of the United States of America to the Organization for Security and Cooperation in Europe presents its compliments to all of the other Delegations and Permanent Missions to the OSCE, the Forum for Security Cooperation, and the Conflict Prevention Center, and has the honor to submit the United States of America's completed response, valid as of April 15, 2016 to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security in accordance with Forum for Security Cooperation Decision 2/09.

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

U.S. Mission to the OSCE  
Vienna, April 15, 2016

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

Vienna



DIPLOMATIC NOTE

## **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 the following universal multilateral instruments currently in force related to states' responsibilities for preventing and combating terrorism:

- 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) (The United States deposited its instrument of ratification for the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material in 2015);
- 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);
- The Charter of the United Nations (1945);
- International Convention for the Suppression of Acts of Nuclear Terrorism (2005);
- Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation;
- Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

The United States is also party to the 1971 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:

- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010);
- 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 adopted by the General Assembly on September 8, 2006; applicable UN Security Council resolutions; the United States National Security Strategy; and the United States National Strategy to Combat Weapons of Mass Destruction.

In the aftermath of September 11, 2001, the United States collaborated with partner nations to take action against al-Qaeda and its supporters and to eliminate the threat posed by international terrorism, including deterring states from supporting, harboring, or acting in complicity with international terrorist groups.

The United States also actively participates in a number of bilateral and multilateral law-enforcement and counterterrorism agreements and arrangements for information sharing and cooperation. In connection with these efforts, coalition members 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 WMD proliferation. Some of these fora and initiatives include, inter alia:

- The Global Coalition to Counter Islamic State of Iraq and the Levant (ISIL): The United States is leading a coalition of 66 nations to degrade and defeat ISIL, including lines of effort to stop the flow of foreign terrorist fighters (FTF); cut off ISIL's access to financing and funds; expose ISIL's true nature, support military operations, capacity building, and training; and address associated humanitarian relief and stabilization.
  - White House Summit to Counter Violent Extremism (CVE): Convened in February 2015, this event provided a venue for government, private sector, and civil society leaders to join forces around the efforts to undermine extremist ideology. The CVE Summit concluded with a Leaders' Summit to Counter ISIL and Violent Extremism on the margins of the United Nations General Assembly in late September 2015.
  - The Global Counterterrorism Forum (GCTF): Since its launch in September 2011, the GCTF has contributed more than U.S. \$300 million to support national and regional efforts to strengthen civilian institutions to counter terrorism and violent extremism. This includes support for the development and implementation of GCTF framework documents at both the regional and country levels. The GCTF is working with partners around the globe to change how states – particularly those emerging from authoritarian rule – respond to the challenges of terrorism and the violent extremist ideologies that underpin it. The GCTF, with its 30 founding members, regularly convenes counterterrorism policymakers and practitioners, as well as experts from the UN and other multilateral and regional bodies, to identify urgent CT needs, devise solutions, and mobilize expertise and resources to address such needs and enhance global cooperation. With its primary focus on CVE and strengthening civilian criminal justice and other rule of law institutions that deal with terrorism, the GCTF aims to diminish terrorist recruitment and increase countries' capacity for dealing with terrorist threats within their borders and regions.
  - The United Nations (UN): Sustained and strategic engagement at the UN on counterterrorism issues is a priority for the United States. Throughout 2015, the UN remained actively seized with stemming the flow of FTFs by promoting implementation of UNSCR 2178 (2014), a resolution adopted under Chapter VII of the Charter of the United Nations that requires all states to prevent and suppress the recruiting, organization, transporting, or equipping of FTFs, as well as
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the financing of FTF travel and activities. Lithuania, Spain and the United States chaired ministerial meetings during their respective Security Council presidencies that focused specifically on measures to enhance border security; prevent the travel of FTFs, CVE, and counter ISIL financing. The United States supported several UNSC resolutions to address terrorism-related threats to international peace and security, including UNSCR 2199 to degrade ISIL, Al-Nusrah Front (ANF), and other al-Qa'ida (AQ)-associated groups' financial support networks, paying particular attention to halting oil smuggling, kidnapping for ransom, and the illicit trade of antiquities from Syria and UNSCR 2253 to further disrupt AQ's and ISIL's sources of revenue.

- Committee established pursuant to United Nations Security Council Resolution 1540 (2004): The United States and other UNSC members monitor and facilitate national implementation of, and international cooperation on, measures to prevent proliferation of WMD and their means of delivery, including controls on related materials, to non-state actors, especially terrorists. In December 2015, the 1540 Committee issued its matrix of the measures that the United States has taken to implement UNSCR 1540.
  - Organization for Security and Cooperation in Europe (OSCE): U.S. funding to the OSCE's Border Management Staff College in Dushanbe contributed to building the capabilities of border and customs officials to counter transnational threats in Central Asia. The United States also funded a border security training seminar focused on the OSCE's Mediterranean Partners (North Africa and the Middle East) in Spain. Through the OSCE's Action against Terrorism Unit, the United States also supported initiatives aimed at addressing effective criminal justice system responses to terrorism, travel document security, cyber security, and nonproliferation.
  - North Atlantic Treaty Organization (NATO): NATO's CT efforts focus on improving awareness of the threat, developing response capabilities, and enhancing engagement with partner countries and organizations. In 2015, the North Atlantic Council and working level NATO committees hosted representatives from the UN, the GCTF, and NGOs for discussions on the foreign terrorist fighter threat and lessons learned in countering violent extremist content online.
  - Asia-Pacific Economic Cooperation (APEC): In 2015, APEC continued to implement its comprehensive Consolidated Counterterrorism and Secure Trade Strategy. The Strategy, adopted in 2011, endorsed the principles of security, efficiency, and resilience, and advocated for risk-based approaches to security challenges across its four cross-cutting areas of supply chains, travel, finance, and infrastructure. The United States sponsored a workshop that highlighted the threat that FTF travel poses to the Asia-Pacific region and explained why advance passenger information systems are effective at helping mitigate that threat. The United States also sponsored a workshop on countering terrorists' use of new payment systems (NPS) that helped reinforce the capacities of APEC members to promote the legal and transparent use of NPS while effectively countering their illicit uses.
  - Organization of American States' Inter-American Committee against Terrorism (OAS/CICTE). In 2015, the CICTE Secretariat conducted 62 activities, training courses, and technical assistance missions that benefited more than 3,687 participants in five thematic areas: border control; critical infrastructure protection; counterterrorism legislative assistance and terrorist financing; strengthening strategies on emerging terrorist threats (crisis management); and international cooperation and partnerships. The United States is a major contributor to CICTE's training programs and has provided funding and expert trainers for capacity building programs focused on aviation security, travel document security and fraud prevention, cybersecurity, legislative assistance and counterterrorism financing, supply chain security, and customs and immigration.
  - The Proliferation Security Initiative ([www.state.gov/t/isn/c10390.htm](http://www.state.gov/t/isn/c10390.htm));
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- The Global Initiative to Combat Nuclear Terrorism, an international partnership of 86 nations and five official observers committed to strengthening global capacity to prevent, detect, and respond to acts of nuclear terrorism ([www.state.gov/t/isn/c18406.htm](http://www.state.gov/t/isn/c18406.htm)); The Export Control and related Border Security (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 Weapons of Mass Destruction (WMD), WMD-related items, and conventional arms;
- The 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 (<http://www.state.gov/t/pm/wra/c3670.htm>);
- G8 Action Plan to Enhance Transport Security and Control of MANPADS ([http://www.g8.fr/evian/english/navigation/2003\\_g8\\_summit/summit\\_documents/enhance\\_transport\\_security\\_and\\_control\\_of\\_man-portable\\_air\\_defence\\_systems\\_-\\_manpads\\_-\\_a\\_g8\\_action\\_plan.html](http://www.g8.fr/evian/english/navigation/2003_g8_summit/summit_documents/enhance_transport_security_and_control_of_man-portable_air_defence_systems_-_manpads_-_a_g8_action_plan.html));
- Wassenaar Arrangement initiatives to strengthen controls over MANPADS, resulting in the endorsement of such controls by more than 95 countries from four multilateral organizations (the Wassenaar Arrangement, OSCE, APEC, and OAS) ([www.wassenaar.org](http://www.wassenaar.org));
- World Customs Organization SAFE Framework;
- International Maritime Organization International Ship and Port Security (ISPS) Code;
- The U.S.-Russia Arrangement on Cooperation in Enhancing Control of MANPADS (<http://www.fas.org/asmp/campaigns/MANPADS/Statefactsheet24feb05.htm>); and
- Numerous training and capacity-building programs including countering cash couriers, breaking terrorist abuse of charities, law enforcement training, border security, cyber security, 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 the Conventions and Protocols, 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 signed 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;
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- A joint resolution on authorization for Use of United States Armed Forces against those responsible for recent attacks launched against the United States (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 passed by the Senate on June 2, 2015 and signed into law by the President on the same day. The bill contained 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.

For further information about U.S. legislation initiatives, please visit:

<http://thomas.loc.gov/home/terrorleg.htm>.

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

The 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 Department of Homeland Security (DHS) was created in January 2003 to protect the nation against threats, including terrorist attacks, to the 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 Directorate for National Protection and Programs, which works to advance the Department'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 States;
  - The Federal Law Enforcement Training Center, which provides standardized, career-long training to enforcement professionals;
  - The Domestic Nuclear Detection Office, which works to enhance the nuclear detection efforts of Federal, State, territorial, tribal, and local governments, among others, and to ensure a coordinated response to such threats;
  - United States 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;
  - United States Immigration and Customs Enforcement (ICE), which is responsible for identifying and shutting down vulnerabilities to U.S. border, economic, transportation, and information security;
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- The United States 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; and
- The United States Secret Service, which protects the President and other high-level officials and investigates counterfeiting and other financial crimes, including, inter alia, computer based attacks on U.S. financial, banking, and telecommunications infrastructure.

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

The Federal Bureau of Investigation (FBI) is the lead law enforcement agency for investigating acts of domestic and international terrorism. The FBI relies on a vast array of partnerships across the nation 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. 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 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 duty for mobilization or called into Federal service for emergencies, units of the National Guard are under the control of the appropriate Military Department Secretary. The National Guard supports homeland defense at the State and Federal level 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/homelanddefense/index.html>.

The U.S. Northern Command (USNORTHCOM) was established October 1, 2002, to provide command and control of Department of Defense (DoD) homeland defense efforts and to coordinate defense support of civil authorities within its assigned Area of Responsibility (AOR). USNORTHCOM anticipates and conducts homeland defense and civil support operations to defend, protect, and secure the United States and its interests. 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 homeland defense and civil support missions, but has few assigned forces. The command is allocated forces whenever necessary to execute missions, as ordered by the President and Secretary of Defense. For more information on USNORTHCOM's role in preventing and combating terrorism, please visit: [www.northcom.mil](http://www.northcom.mil).

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

**-- Financing of terrorism;**

The U.S. Government has used economic sanctions as a tool against international terrorist organizations since 1995. The United States implements its obligations under the UN Security Council Resolution 1267/1989 Al Qaida Regime usually through listing designees under E.O. 13224, which provides the basis for blocking the funds of terrorists (not just Al Qaida) and anyone associated with terrorist groups or

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terrorism. The Department of State and the Department of the Treasury co-lead the campaign to expose, isolate, and incapacitate the terrorists' financial networks. The Department of the Treasury, Office of Foreign Assets Control (OFAC), is responsible for administering two sanctions programs targeting international terrorists and terrorist organizations. OFAC also administers four sanctions programs targeting terrorism-supporting governments and regimes. For more information on OFAC and to review the latest "Terrorist Assets Report to the Congress on Assets in the United States of Terrorist Countries and International Terrorism Program Designees," please visit: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/terror.aspx>.

The United States also has mechanisms to take action against "state sponsors of terrorism." Designations of a country as a "state sponsor of terrorism" are carried out pursuant to three separate statutes. The legal standard for designation, which was harmonized by a 1989 law, is that the Secretary of State must determine that "the government of that country has repeatedly provided support for acts of international terrorism." Wide-ranging restrictions are imposed on states designated as state sponsors of terrorism. There are three states (Iran, Syria, and Sudan) currently designated as State Sponsors of Terrorism. For example, those countries that are designated as State Sponsors of Terrorism are prohibited under Section 40 of the Arms Export Control Act (AECA), as amended (22 U.S.C. 2781), from receiving exports of defense articles and defense services.

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 President determines and certifies to the U.S. Congress as not fully cooperating with U.S. antiterrorism efforts. Unlike State Sponsor of Terrorism designations, these determinations are made annually. Cuba, Eritrea, Iran, North Korea, Syria, and Venezuela are currently determined to be not fully cooperating with U.S. antiterrorism efforts.

The United States has also implemented the relevant recommendations and special recommendations set out by the Financial Action Task Force (FATF), which is an inter-governmental, international standard-setting body that develops and promotes national and international policies to combat money laundering and the financing of terrorism. The United States is currently focused on implementing and promoting standards pertaining to countering bulk cash smuggling, abuse of charities, and illegal alternative remittances.

**-- 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 agreements 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, State's Anti-Terrorism Assistance (ATA) program, which serves as the U.S. Government's premier counterterrorism 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. The Department of State's Regional Strategic Initiative (RSI), establishes programs to build regional cooperation for constraining terrorist activities. Because terrorist groups often utilize porous borders and/or ungoverned areas between countries, bilateral responses to terrorism are insufficient. State created the RSI in order to encourage overseas missions to think about counterterrorism regionally, versus solely bilaterally. RSI operates in key terrorist theaters of operation

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to collectively assess the threat, pool resources, and devise collaborative strategies, action plans, and policy recommendations. The Department of State has established eight RSI regions around the world.

In addition, the 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.

The DHS 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 the nation'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;
- The security of radioactive sources;
- Legal cooperation, including extradition; and
- Safe havens and shelter to terrorists and terrorist organizations.

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

***-- 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, and a National Strategy for Trusted Identities in Cyberspace. Work on other national strategies addressing specific aspects of cyber security is ongoing, including through a new White House-led Interagency Working Group to Counter Online Radicalization to Violence, established in 2012. An International Cyber Security Strategy 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 illegal activity on the Internet while protecting civil rights and freedom of expression. The Center for Strategic Counterterrorism Communication (CSCC), established in 2010, continues to counter terrorist propaganda on the Internet through counter-messaging in Arabic, Urdu, Somali, and Punjabi.

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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.

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

***2.1: Provide information on stationing of your States 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, each freely entered into by the host 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) provides 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 defining 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 United Nations Security Council Resolution 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 Resolution 1244 to provide an interim administration for Kosovo, promulgated UNMIK Regulation 2000/47, defining 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 UN Security Council Resolution 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-Qaida, the Taliban, and associated forces. These agreements are consistent with the agreements noted above.

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 the forces, exemption from customs and taxes, provision for the use of military camps and training areas, and liability for and payment of claims.

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### **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 Department of State's Bureau of Arms Control, Verification and Compliance (AVC) leads the 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 nonproliferation regimes such as the Nuclear Suppliers Group (NSG), the Bureau of International Security and Nonproliferation (ISN) is the Department of State lead. These two bureaus share responsibilities which 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 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 Congress, such as the President's annual report to 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 these to Congress as required.

Department of Defense (DoD) commitments to arms control are 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. The Under Secretary of Defense for Acquisition, Technology, and Logistics oversees implementation of, and provides guidance through appropriate chains of command for, planning and execution throughout the 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 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 Department of Justice formally established the National Security Division (NSD) in 2006 under the USA Patriot Act to foster improved coordination between prosecutors, law enforcement agencies, the intelligence community, and to strengthen the effectiveness of the government's counter-terror 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.

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AVC has responsibility for the negotiation and implementation of existing and prospective arms control agreements and security arrangements concerning conventional arms control agreements in the OSCE area, in particular: the Treaty on Conventional Armed Forces in Europe (CFE), the Vienna Document 2011 Confidence-and Security-Building Measures (CSBMs), the Treaty on Open Skies, and arms control elements of the Dayton Peace Accords. The Bureau 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 beyond Europe, in connection with OSCE efforts at wider sharing of OSCE norms, principles, and commitments with Mediterranean and Asian partners.

Additionally, the Department of State's Bureau of Political-Military Affairs (PM) contributes to implementation of a variety of arms control, disarmament, and confidence- and security-building measures 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 government. The President signs the National Security Strategy (NSS), which expresses the President's vision and outlines goals that seek to enhance the security of the United States. The Secretary of Defense then uses the NSS to write the 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 Armed Services.

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

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

Once defense authorization and appropriations bills are passed by Congress, the President may sign them, allow them to become law without his signature, or veto them. A Presidential veto can be

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overridden only by a two-thirds majority in each house of Congress. Once the defense authorization and appropriations bills become law, the 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 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 are able to address many security concerns through the negotiation of arms control agreements. 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 new weapons systems proposed for development to ensure that they are in accordance with current arms control agreements. 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.

On September 16, 2009, DoD issued DoD Directive 3000.05 (Stability Operations) to update and establish DoD policy and to assign responsibilities within DoD for planning, training, and preparing to conduct and support stability operations. Stability operations include various military missions, tasks, and activities outside the United States to maintain or reestablish a safe and secure environment and to provide essential government services, emergency infrastructure reconstruction, and humanitarian relief. Integrated civilian and military efforts are important to successful stability operations. Whether conducting or supporting stability operations, DoD is prepared to work closely with relevant U.S. departments and agencies, foreign governments and security forces, and global and regional international organizations. DoD supports the development, implementation, and operation of military-civilian teams. Their functions include rebuilding basic infrastructure, developing local governance structures, and building indigenous capacity for such tasks.

DoD coordinates relations with the Department of State's Bureau of Conflict and Stabilization Operations, created on November 22, 2011, to enhance U.S. institutional capacity to focus on conflict prevention, crisis response, and stabilization activities. The core mission of this Bureau is to advance U.S. national security by driving integrated, civilian-led efforts to prevent, respond to, and stabilize crises in priority states, setting conditions for long-term peace.

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, Haiti, Democratic Republic of the Congo, Liberia, and South Sudan. The United States also supports UN peacekeeping operations through capacity-building programs with partner nations that contribute to peacekeeping missions.

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In cooperation with the military forces of other nations, the U.S. Armed Forces assist nations to build their defense capacity against threats to stability, including transnational threats such as terrorism and the narcotics trade. Current operations in Afghanistan and Iraq are examples of how 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 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 President's authority as Commander in Chief extends to all the military forces of the nation, including the Air Force, the Marine Corps, and the 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 Congress are the powers to lay and collect taxes, to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the union, to suppress insurrections and repel invasions, and to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States.

Although the 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 Senate.

Also to be considered is review by the judicial branch. Under Article III, section 2, of the 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. Lawsuits can 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?***

Congress has enacted the Uniform Code of Military Justice (UCMJ), which empowers the President and the military chain of command to exercise effective discipline over the armed forces. The President has implemented this legislation in 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

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disciplinary power is also subject to independent judicial review by a civilian court, subject to the overall supervision of the U.S. Supreme Court.

Of special importance is the Posse Comitatus Act (18 U.S.C. 1385), as implemented by the Secretary of Defense, which provides criminal penalties for anyone who uses the Armed Forces of the United States (active or the reserve components when acting under Federal authority) to enforce civil law unless otherwise authorized by law to do so. This means that the U.S. Armed Forces ordinarily cannot be used as police to enforce civil laws in the United States. This does not include military police duties. The numbers of military police available are limited, and they are trained for military rather than civil police functions.

The basis and rules for the collection of intelligence and conduct of intelligence operations are clearly defined 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?*

U.S. Armed Forces are at all times subject to the civilian control and authority of the President and the Secretary of Defense. Congress also exercises its legislative authority to regulate the Armed Forces. The exact division of authority between the President and the Congress is a matter of frequent debate, but it is clear that the 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 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 Armed Forces, for all practical purposes. Members of the reserve forces are subject to the same conditions of service as members of the regular Armed Forces when they are called to active duty. The importance of the reserves and the National Guard has greatly increased, as they are regularly called up for duty for military installation security, peacekeeping, and other combined operations. This is particularly significant in specialized areas such as civil affairs and military policing 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. Marshal Service within the Department of Justice; the Secret Service, ICE, and the Coast Guard within the DHS (except when the latter is operating as a specialized service under the Navy in time of war or when directed by the President: by statute, the Coast Guard is a military service and branch of the Armed Forces). Each of these agencies is under the authority of the

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President and cabinet officers appointed by the President with the advice and consent of the Senate. Relevant committees of the Congress exercise oversight of these Federal agencies. In cases where these agencies work in concert with active Armed Forces, it is normal to draw up a memorandum of understanding to provide for respective responsibilities and financial arrangements. In some cases the civilian agencies may request support that the active Armed Forces may provide on a reimbursable basis.

The intelligence services of the United States operate under the direction and oversight of the President and senior officials appointed by the 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 United States Code, which describes the functions of DoD, its powers, and its key officials. It establishes the Military Departments, the Chairman of the Joint Chiefs of Staff, combatant commands, the reserve components and their inter-relationships. Special rules provide for military support to civilian law enforcement agencies (chapter 18), 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 are part of the discussions during such exchanges. 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?***

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Procedures for recruitment for the regular 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 Armed Forces is 18 years, or at age 17 with parental consent. Discrimination in recruiting on grounds of race, religion, gender, sexual orientation, or ethnic origin is prohibited. Statutes passed by Congress establish conditions under which the President has the authority to order members of the reserve and National Guard to active duty.

On May 25, 2000, the United Nations General Assembly adopted an Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that 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 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 Armed Forces was 17. 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. They 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.

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***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 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 in Washington, D.C., to prevent any inference of command influence on their performance of duty. The courts-martial system has an appellate system that allows those convicted of serious offenses to appeal their cases to the U.S. Court of Appeals for the Armed Forces, whose five civilian members are appointed by the President and provide independent civilian review of the military justice system. In accordance with Federal law, the U.S. Supreme Court may also review convictions by courts-martial 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 Congress and the 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 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 in regard to 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 the 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?***

A DoD Directive (the latest version is DoD Directive 2311.01E, incorporating change 1, November 15, 2010) establishes the "DoD Law of War Program." Among other elements, the Directive requires that each of the DoD components establish effective training and dissemination programs. 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.

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***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 and humanitarian operations, for example, units operating with KFOR in Kosovo or with ISAF in Afghanistan, special training is provided in the Law of Armed Conflict rules that are particularly applicable to them. Training standards are coordinated within NATO to ensure that all participating nations have similar rules and standards. Such training is also practiced in multinational training exercises including PfP programs. Rules of engagement and operations plans are regularly reviewed by both national and NATO attorneys to ensure compliance with the international Law of Armed Conflict. Also of note is the requirement to provide training on human rights standards 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 have vigorously applied law of war training and principles during the current war against al-Qaeda, the Taliban, and associated forces. Despite new challenges and changing circumstances, law of war principles are scrupulously applied. As noted in the January 29, 2009 Statement before the OSCE Permanent Council, steps have been taken to ensure observance of the law of war by members of the armed forces.

***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 President and the military chain of command to exercise effective discipline over the Armed Forces. The President has implemented this legislation in 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, and subject to the overall supervision of the U.S. Supreme Court.

Of special importance is the Posse Comitatus Act (18 U.S.C. 1385), as implemented by the Secretary of Defense, which provides criminal penalties for anyone who uses the military forces of the United States (active or the reserve components when acting under Federal authority) to enforce civil law unless otherwise authorized by law to do so. This means that the U.S. military ordinarily cannot be used as police to enforce civil laws in the United States. This does not include military police duties. The numbers of military police available are limited, and they are trained for military rather than civil police functions.

***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 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 Armed Forces on active duty shall not participate in fundraising or campaign activities, rallies, or conventions. The requirements of the Directive are derived from appropriate provisions of the United States Code including provisions which make certain prohibited conduct criminal offenses. Additionally, Title 10 Section 973 of the United States Code limits or prohibits active members of the Armed Forces from accepting employment and from holding or exercising the functions of a civil office in the U.S. Government.

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**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 DoD policies, programs, orders, and operations reviewed by trained civilian defense and military lawyers at every level from the DoD Office of the General Counsel to the judge advocates who serve in the field with military units. There are both civilian lawyers in each Military Department, and military lawyers serving with commands at every level. Each Military Service -- Army, Navy, Air Force, Marine Corps -- 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?*

The Department of State's Bureau of Arms Control, Verification and Compliance's website provides a link to OSCE activities in the politico-military dimension, from which the public may access information about the Code of Conduct: <http://www.state.gov/t/avc/cca/index.htm>.

The Department of State's Bureau of European and Eurasian Affairs' website also provides a link to the OSCE homepage: <http://www.state.gov/p/eur/rt/osce/index.htm>.

**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?*

The Department of State's Bureau of Arms Control, Verification and Compliance's website provides a link to U.S. responses to the Questionnaire and to OSCE activities in the politico-military dimension: <http://www.state.gov/t/avc/cca/c43834.htm>.

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

Information related to U.S. Armed Forces and defense is available to the public through the following official websites:

- Department of Defense: <http://www.defense.gov>
- Joint Chiefs of Staff: <http://www.jcs.mil>
- United States Army: <http://www.army.mil>
- United States Marines: <http://www.marines.mil>
- United States Navy: <http://www.navy.mil/index.asp>
- United States Air Force: <http://www.af.mil>
- United States Coast Guard: <http://www.uscg.mil>

### **2. Contact information**

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

The United States 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, United States Department of State. For additional information, please visit: <http://www.state.gov/t/avc/cca/index.htm>, or email [AVC-ESA-DL@state.gov](mailto:AVC-ESA-DL@state.gov)

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

The United States strongly supports implementation of UNSCR 1325 on Women, Peace, and Security. The *U.S. National Action Plan on Women, Peace, and Security* (NAP) and related Executive Order (E.O.) 13595, “Institutionalizing a National Action Plan on Women, Peace, and Security” were released on December 19, 2011. The goal of the NAP is as simple as it is profound: to empower half of the world’s population to act as equal partners in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity. The United States believes that achieving this goal is critical to U.S. national and global security.

The NAP represents a government-wide effort to leverage U.S. diplomatic, defense, and development resources to improve the participation of women in peace and conflict prevention processes, protect women and girls from sexual and gender based violence (SGBV) and help ensure that women have full and equal access to relief and recovery resources. The plan builds upon the goals for gender integration described in the U.S. National Security Strategy and the 2010 Quadrennial Diplomacy and Development Review. The NAP is targeted at meeting the following five high-level objectives:

- **National Integration and Institutionalization:** Through interagency coordination, policy development, enhanced professional training and education, and evaluation, the U.S. Government will institutionalize a gender-responsive approach to its diplomatic, development, and defense-related work in conflict-affected environments.
- **Participation in Peace Processes and Decision-making:** The U.S. Government will improve the prospects for inclusive, just, and sustainable peace by promoting and strengthening women’s rights and effective leadership and substantive participation in peace processes, conflict prevention, peacebuilding, transitional processes, and decision-making institutions in conflict-affected environments.
- **Protection from Violence:** The U.S. Government will strengthen its efforts to prevent and protect women and children from harm, exploitation, discrimination, and abuse, including SGBV and trafficking in persons, and to hold perpetrators accountable in conflict-affected environments.
- **Conflict Prevention:** The U.S. Government will promote women’s roles in conflict prevention, improve conflict early-warning and response systems through the integration of gender perspectives, and invest in women and girls’ health, education, and economic opportunity to create conditions for stable societies and lasting peace.
- **Access to Relief and Recovery:** The U.S. Government will respond to the distinct needs of women and children in conflict-affected disasters and crises, including by providing safe, equitable access to humanitarian assistance.

Above all, the NAP expresses the United States’ unqualified commitment to integrating women and girls fully into our diplomatic, security, and development efforts – not simply as beneficiaries, but as agents of peace, reconciliation, development, growth, and stability. For additional information, please visit: <http://www.state.gov/s/gwi/programs/policy/peace/index.htm>.

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