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Conference Services

At the request of the OSCE Delegation of the former Yugoslav Republic of Macedonia the attached response to the Questionnaire on the Code of Conduct on Politico Military Aspects of Security for 2011, is being distributed to all delegations.

ПОСТОЈАНА МИСИЈА НА
РЕПУБЛИКА МАКЕДОНИЈА
ПРИ ОБСЕ, ОН И ДРУГИТЕ
МЕГУНАРОДНИ
ОРГАНИЗАЦИИ ВО ВИЕНА



PERMANENT MISSION OF THE
REPUBLIC OF MACEDONIA
TO THE OSCE, UN AND OTHER
INTERNATIONAL
ORGANISATIONS
IN VIENNA

No.: 15-01-274/7

NOTE VERBALE

The Permanent Mission of the Republic of Macedonia to the OSCE, UN and other International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Secretariat/Conflict Prevention Center and in reference to the decision No. 2/09 of 1 April 2009 of the Forum of Security Cooperation has the honor to provide the Macedonian response to the Questionnaire on the Code of Conduct on Politico Military Aspects of Security for 2011.

The Permanent Mission of the Republic of Macedonia to the OSCE, UN and other International Organizations in Vienna avails itself of this opportunity to renew to the Permanent Delegations and Missions to the OSCE and to the Secretariat/Conflict Prevention Center the assurances of its highest consideration. *G. A.*

Vienna, 02 June 2011



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

Republic of Macedonia

Information Exchange on the Code of Conduct on Politico-Military Aspects of Security

June 2011

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which our country is a party;

The Republic of Macedonia is a party to the following UN conventions and protocols related to terrorism: the Convention on Offences and Certain Other Acts Committed on Board Aircraft; Convention for the Suppression of Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; International Convention against the Taking of Hostages; Convention on the Physical Protection of Nuclear Material; Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; Convention on the Marking of Plastic Explosives for the Purpose of Detection; the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism; the International Convention for the Suppression of Acts of Nuclear Terrorism; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, the Protocol Additional to the Safeguard Agreement with the IAEA and the revised Small Quantities Protocol.

The Republic of Macedonia is a party to the following European Council Conventions: European Convention on the Suppression of Terrorism (ETS 90), Amending Protocol (ETS 190), European Convention on Extradition (ETS 24), First Addition Protocol (ETS 86), Second Additional Protocol (ETS 98), European Convention on Mutual Assistance in Criminal Matters (ETS 30), First Additional Protocol (ETS 99), Second Additional Protocol (ETS 182), European Convention on the Transfer of proceedings in criminal matters (ETS 73), European Convention on the Compensation of Victims of Violent Crimes (ETS 116), Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141), Convention on Cybercrime (ETS 185), Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189), Council of Europe Convention on the Prevention of Terrorism, Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198).

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

1. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia for Cooperation in the Fight Against Terrorism, Drug Trafficking and Organized Crime
2. Agreement for Cooperation Between the Government of the Republic of Macedonia and the Government of the Republic of Croatia on Fight Against International Drug and Psychotropic Substances Trafficking, International Terrorism and Organized Crime
3. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria for cooperation in the fight against terrorism, organized crime, drugs, psychotropic substances and precursor trafficking, illegal migration and other criminal acts.
4. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro for cooperation in the fight against terrorism, organized crime, drugs, psychotropic substances and precursor trafficking, illegal migration and other criminal acts.

5. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Serbia for cooperation in the fight against terrorism, organized crime, drugs, psychotropic substances and precursor trafficking, illegal migration and other criminal acts.
6. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Romania for cooperation in the fight against terrorism, organized crime, drugs, psychotropic substances and precursor trafficking, illegal migration and other criminal acts.
7. Agreement between the Government of the Republic of Macedonia and the Ministers' Council of the Republic of Albania for cooperation in the fight against terrorism, organized crime, drugs, psychotropic substances and precursor trafficking, illegal migration and other criminal acts.
8. Agreement between the Macedonian Government and the Egyptian Government for Cooperation in the field of Fight against Crime
9. Agreement between the Macedonian Government and the French Government for Cooperation in the field of Interior Security
10. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Cross-Border Police Cooperation
11. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on Exchange and Mutual Protection of Classified Information
12. Agreement between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania on Mutual Protection of Classified Information
13. Agreement between the Republic of Macedonia and the EU on Security Procedures for Exchange of Classified Information
14. The Ministry of Interior of the Republic of Macedonia signed Protocols for Security Cooperation with Turkey, Albania and Bulgaria.
15. The Ministry of Interior has signed Protocols/Agreements on Cooperation Ministries of Interior of Ukraine, Greece and Austria (not subject to ratification).
16. The Agreement on Cooperation in the Field of Non-Proliferation of Weapons for Mass Destruction and for Advancement of Relations in the Field of Defence and Military Forces between the Government of Macedonia and the US Government.
17. Convention on Police Cooperation in South Eastern Europe.
18. Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Poland on Cooperation in the fight against organized crime and other forms of crime
19. Agreement between the Government of the Republic of Macedonia and the Council of Ministers of Bosnia and Herzegovina on cooperation in the fight against terrorism, organized crime, illicit trade in narcotic drugs, psychotropic substances and precursors, illegal migration and other crimes

In 2010 the following agreements were ratified:

1. Agreement on Defence Cooperation between the Government of the Republic of Macedonia and the Government of the Republic of Serbia
2. Agreement on Police Cooperation between the Government of the Republic of Macedonia and Government of the Republic of Kosovo
3. Agreement between the Government of the Republic of Macedonia and the Government of the Slovak Republic on Police Cooperation in the Fight against Crime

On 19 March 2007 the Republic of Macedonia adhered to the Statement of Principles of the Global Initiative to Combat Nuclear Terrorism.

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

Pursuant to Article 118 of the Constitution of Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 52/91), the international agreements ratified in accordance with the Constitution are a part of the internal legal order and cannot be changed by law.

The Criminal Code of the Republic of Macedonia sanctions the act of international terrorism (Article 419) as well as the following acts: assassination of representatives of the highest state authorities (Article 309); abduction of representatives of the highest state authorities (Article 310); violence against representatives of the highest state authorities (Article 311); armed insurgency (Article 312); diversion (Article 314); sabotage (Article 315); agitation for the constitutional change by the use of force (Article 318); provocation of national, racial and religious hatred, discord and intolerance (Article 319); jeopardizing persons under international protection (Article 420); taking hostages (Article 421); and piracy (Article 422).

In addition to the responsibility for committing the above criminal acts, the Criminal Code stipulates criminal responsibility for accession to organizations for the purpose of execution of criminal acts of terrorism (Article 313) and acts related to terrorism (Articles 309, 310, 311, 314, 315).

The Criminal Code furthermore stipulates criminal responsibility for providing safe haven and assistance to perpetrators after committing any of the aforementioned criminal acts, as well as for their preparation.

In addition, the group of criminal acts against human rights and freedoms includes the following acts: coercion (Article 139); unlawful arrest (Article 140); abduction (141); provocation of general threat (Article 288); hijacking aircraft or ship (Article 302); jeopardizing air traffic security (Article 303).

The 2004 amendments to the Criminal Law of the Republic of Macedonia (Official Gazette of the RM No. 19/04) reflect the efforts of the Republic of Macedonia to efficiently address the issue of the fight against terrorism. These amendments refer to: stricter sanctions for terrorism as a criminal act, introduction of a new criminal act "terrorist organisation", and changes in the description of the following criminal acts "uniting for the purpose of hostile activities", "illicit use of chemical and biological weapons" and "money laundering and other illegal proceeds".

On 6 January 2008, the Assembly of the Republic of Macedonia adopted amendments to the Criminal Code, in part relating to the crimes of terrorism. The amendments introduced a new criminal offence (Article 394-v) Financing of terrorism which incriminates the actions of collection and provision of funds for terrorist and related crimes, as well as public encouragement of collection of funds for terrorist and related crimes. The amendment to Article 313 reformulates the criminal offence into "endangerment by terrorism of constitutional order and security" and prescribes a stricter sanction of up to ten years (instead of up to four years). Furthermore, the crime of terrorism is incriminated by a new Article 394 b, which defines in detail the acts of terrorism and prescribes sanctions for them (at least 10 years to life imprisonment). It also incriminates the public incitement to terrorism and foresees appropriate imprisonment (from 4 to 10 years of imprisonment). This Article also incriminates production, sale, possession and transfer of weapons and explosive materials as well as training for terrorist purposes (minimum 4 years of imprisonment).

In September 2009 further amendments to the Criminal Code articles related to the crime of terrorism were adopted by the Assembly of the Republic of Macedonia. The relevant articles of the Code relating to terrorism are given below:

Terrorist organization
Article 394-a

- (1) Any person who organizes a group, gang or other criminal enterprise to commit the criminal offences of murder, corporal injuries, abduction, destruction of public facilities, transport systems, infrastructure facilities, information systems and other facilities of general use, hijacking of airplanes or other means of public transport, production, possession or trade in nuclear weapons, biological, chemical weapons and other types of weapons and hazardous materials, dispersal of hazardous radioactive, poisonous and other dangerous substances or arson or causing explosions, destruction of plants and facilities for supply of water, energy and other fundamental natural resources, with an intention to endanger the lives and bodies of the citizens and create a feeling of insecurity and fear, shall be sentenced to imprisonment of at least eight years.
- (2) The member of the group, gang or other criminal enterprise, as well as the person, who assists in any possible manner, shall be sentenced to imprisonment of four, up to ten years.
- (3) The sentence as referred to in paragraph (2), shall be also imposed to any person who publicly calls for, instigates or supports the establishment of a terrorist organization.
- (4) The perpetrator of the crime as referred to in paragraph (1), who, by discovering the organization, or in any other manner prevents the execution of the planned crimes, shall be sentenced to imprisonment of 3 months, up to 3 years, or he or she may be acquitted.
- (5) The perpetrator of the crime as referred to in paragraph (2), who discovers the organization before committing one of the crimes referred to in paragraph (1) as its member or for its benefit, shall be acquitted.

Any real estate used, and the items and objects intended for preparation of the crimes referred to in paragraphs (1), (2) and (3) shall be seized.

Terrorism

Article 394-b

(1) Any person who commits one or more crimes of murder, corporal injuries, abduction, destruction of public facilities, transportation systems, infrastructure facilities, computer systems and other facilities of general use, hijacking of airplanes or other means of public transportation, production, possession, transportation, trade, procurement or use of nuclear weapons, biological, chemical weapons and other types of weapons and hazardous materials, as well as research in the direction of development of biological and chemical weapons, release of dangerous radioactive, poisonous and other dangerous substances or causing fire or an explosion, destruction of facilities for water supply, energy supply or other basic natural sources, with the intention to endanger human life and body and to create feeling of insecurity or fear among citizens, shall be sentenced to imprisonment of at least ten years or life imprisonment.

(2) Any person who seriously threatens to commit the crime referred to in paragraph (1) of this article directly or indirectly, by using electronic means or other ways, with the intention to endanger human life and body and to create feeling of insecurity or fear among citizens, shall be sentenced to imprisonment of at least eight years.

(1) Any person who publicly calls for, by spreading a message or making it publicly available in any other manner, with an intention to instigate some of the activities referred to in paragraph (1) of this article, when the appeal itself creates a danger of committing such a crime, shall be sentenced to imprisonment of four to ten years.

(2) The sentence referred to in paragraph (1) of this article shall be also applied for a person who forces someone to perform the crime specified in paragraph (1) of this article by force or

serious threat upon the person's life and body or upon the life and body of the person's closely related people.

(3) The sentence referred to in paragraph (2) shall also be imposed to any person who shall agree with another person to commit the crimes referred to in paragraph (1), or shall invite another person to join an enterprise or a group with an intention to commit the crime referred to in paragraph (1).

(4) Any person who organizes manufacture, prepares, produces, sells, buys, transports or holds explosives, firearms or other types of weapons or hazardous substances intended to commit the crime as referred to in paragraph (1), as well as any person who conducts training, or in any other manner prepares another person to commit the crime referred to in paragraph (1), shall be sentenced to imprisonment of at least four years.

(5) A person who performs a grand larceny in order to obtain the necessary objects to commit any of the crimes referred to in paragraph (1) of this article, shall be sentenced to imprisonment of at least four years.

(6) If the crime has been committed by a legal entity, it shall be punished with a monetary fine.

(7) Any real estate used, and the items and objects intended for preparation or committing the crimes shall be seized.

Financing of terrorism

Article 394-c

(1) Any person who provides or collects funds in any way, directly or indirectly, unlawfully and consciously, with the intention to use them, or knowingly that they will be used, fully or partially, to commit the criminal offence of hijacking an airplane or a ship (Article 302), endangerment of air traffic security (Article 303), terrorist endangerment of the constitutional order and security (Article 313), terrorist organization (Article 394-a), terrorism (Article 394-b), crimes against humanity (Article 403-a), international terrorism (Article 419), taking hostages (Article 421) and other crimes of murder or serious bodily injuries, committed with an intention to create a feeling of insecurity and fear amongst the citizens, shall be sentenced to imprisonment of at least four years.

(2) A person who publicly calls for, by disseminating, or making available to the public in any other manner, a message that instigates the perpetration of some of the actions referred to in paragraph (1) of this article, and when the call itself creates a danger for realization of such action, shall be sentenced to imprisonment of four to ten years.

(3) The sentence referred to in paragraph (2) shall also be imposed to any person who shall agree with another person to commit the crimes referred to in paragraph (1), or shall invite another person to join an enterprise or a group with an intention to commit the crime referred to in paragraph (1).

(4) Any person who organizes a group or a gang, in order to commit the crime as referred to in paragraph (1), shall be sentenced to imprisonment of at least eight years.

(5) The members of the group or the gang shall be sentenced to imprisonment of at least five years.

(6) The members of the group or the gang who discover the group i.e. the gang before committing some crime as its member or for its benefit, shall be acquitted.

(7) An official person, responsible person in a bank or other financial institution, or person performing activities of public interest, who according to the law is authorized to undertake measures and activities for prevention of terrorism financing, and consciously fails to undertake the measures determined by law and thus enables the crime referred to in paragraph (1) of this article to be committed, shall be sentenced to imprisonment of at least four years.

(8) The sentence referred to in paragraph (7) of this article shall be imposed to an official person who illegally discloses to a client or other person data that refer to the procedure for investigation of suspicious transactions or application of other measures and activities for terrorism financing.

- (9) If the crime defined in paragraphs (7) and (8) of this article has been committed out of negligence, the perpetrator shall be sentenced with a fine or imprisonment of up to three years.
- 10) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.
- (11) All means intended for the preparation, financing and committing the crimes as referred to in paragraphs (1), (2), (3) and (4) shall be seized.

(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);

In addition to the relevant Articles of the Criminal Code presented above, the Law on the Prevention of Money Laundering and other Proceeds from Crime and Financing of Terrorism was adopted in January 2008. Following its adoption, the mid-term National Strategy for Prevention of Money Laundering and Financing of Terrorism covering the 2009-2011 period was endorsed by the Government of the Republic of Macedonia in February 2009.

The Law on the Prevention of Money Laundering and other Proceeds from Crime and Financing of Terrorism has been harmonized with the Convention for the Suppression of the Financing of Terrorism, the FATF recommendations, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005 (Warsaw Convention), the EU III Directive, Moneyval recommendations, and other relevant international instruments in this area. In 2010 the Amendments to the Law were adopted by the Assembly of the Republic of Macedonia

The Law defines measures and activities for disclosure and prevention of money laundering and other proceeds from crime and financing of terrorism, to be undertaken by involved institutions, sets out the competence of the Administration against Money Laundering and Financing of Terrorism (as financial intelligence unit), monitoring modalities and misdemeanour provisions etc. All measures aimed at prevention of money laundering must be implemented by the authorized institutions on financing of terrorism as well.

The Administration against Money Laundering and Financing of terrorism is in charge of collecting, processing, analyzing, keeping and submitting data to authorized state organs with the aim of disclosing and preventing money laundering and financing of terrorism.

For the purpose of raising awareness in respect of timely and effective implementation of measures against money laundering and financing of terrorism, in 2010 the Administration against Money Laundering and Financing of Terrorism published and disseminated the Guidelines for implementation of measures and actions aimed at preventing of money laundering and financing of terrorism. In this connection, the Administration, in the framework of the Project for technical support to civil society organizations and in cooperation with the EU Delegation, organized training for NGOs entitled "Obligations of NGO's resulting from the Law on the Prevention of Money Laundering and Financing of terrorism".

Criminal Code, Article 273 (Money laundering and other proceeds from crime)

(1) One that will disseminate, receive, take, exchange or change into smaller bills money that he/she obtained through a crime or he/she knows that that money were obtained through crime, or with conversion on in other way cover that the money come from such a source, or will cover their location, movement and property, shall be sentenced with imprisonment of one to ten years.

(2) The punishment stipulated in paragraph 1 shall be also imposed to one that will sell, give or disseminate property or objects with greater value, obtained through crime or will buy, receive as bail or in other way obtain, cover or disseminate property or objects that he knows that are obtained

through crime, or using forgery of documents, not-reporting facts or in other way will cover that they originate from such a source, or will cover their location, movement and property.

(3) If the crime stipulated in paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he/she, through splitting of the transaction, avoids the obligation for reporting in the cases prescribed by the law, the perpetrator shall be sentenced with imprisonment of at least three years.

(4) One that will perform the crime stipulated in the paragraphs 1, 2 and 3, and he/she was obligated and in position to know that the money, the property and the other material gain or object were obtained through a crime, shall be sentenced with fine or imprisonment up to three years.

(5) One that will perform the crime stipulated in the paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property of material gain, or with assistance of foreign banks, financial institutions or persons, shall be sentenced with imprisonment of at least five years.

(6) Authorized person, responsible person in a bank, insurance company, company for organization of lotteries, exchange office, stock exchange or other financial institution, lawyer, except when he acts as Defense attorney, notary or other person that performs public authorities or activities of public interest, who will make possible or will not report the laundering of money, property or material gain, for which he/she became aware during performing his/her authority, shall be sentenced with imprisonment of at least five years.

(7) Authorized person, responsible person in a bank or other financial institution, or person performing activities of public interest, who according to the law is authorized organ for implementation of measures and activities for prevention of money laundering and other proceeds of crime, and who with no authorization reveals to a client or other person data that refer to the procedure for investigating suspicious transactions or to the implementation of other measures and activities for prevention of money laundering, shall be sentenced to imprisonment of three months to five years.

(8) If the crime has been performed in self-interest or for the use of data abroad, the perpetrator shall be sentenced to imprisonment for at least one year.

(9) If the crime specified in paragraph (7) of this article has been committed through negligence, the perpetrator shall be sentenced with a fine or imprisonment of up to three years.

(10) If any actual or legal obstacles exist for determination of the previous punishable act and prosecution of the perpetrator, the existence of such crime shall be determined on the basis of actual case circumstances and the existence of grounded suspicion that the property has been obtained through such a crime.

(11) The perpetrator's knowledge, that is, his/her duty and possibility to know that the assets have been acquired through a crime can be established on the basis of objective factual circumstances of the case.

(12) If the crime stipulated in this article is performed by a legal entity, it shall be sentenced with a fine.

(13) The proceeds of crime shall be confiscated, and if the confiscation is not possible, then other property of the perpetrator of equivalent value shall be confiscated.

On 21 September 2005 Parliament adopted the Law on Export Control of Dual-Use Goods and Technologies.

In 2006 Parliament adopted the Law on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons.

In 2005, Republic of Macedonia obtained the status of candidate country for EU membership. Since 2005, on yearly basis, the Government adopts the National Programme for Adoption of the Acquis Communautaire (NPAA). The area concerning the fight against terrorism is

comprised within the section Ability to Assume the Obligations Arising from Membership, Chapter 24- Justice, Freedom and Security.

The activities envisaged in this area of the NPAA are systematized in order of the following priorities: harmonization of the legislation in the area of the fight against terrorism, advancement of the cooperation and exchange of data with EUROPOL and EUROJUST regarding terrorist acts investigations and strengthening the institutional capacities for the fight against terrorism.

The Republic of Macedonia actively follows the measures and initiatives of the EU in the fight against terrorism. In order to enhance international efforts in this area, the EU Declaration on Combating Terrorism (March 2004) and the EU Strategic Objectives to Combat Terrorism contained therein, envisage, inter alia, inclusion of a counter-terrorism clause in all agreements with third countries.

Following the established practice of adhering to the instruments of the EU Common Foreign and Security Policy, the Republic of Macedonia adhered to the Common Position 2001/931/CFSP on the Application of Specific Measures to Combat Terrorism, as well as to the subsequent Common Positions on Updating the Lists of Individuals, Groups and Entities which the aforementioned Common Position refers to.

The Republic of Macedonia supports the work of, and actively cooperates with the Counter-Terrorism Committee (CTC) of the United Nations Security Council established in accordance with Resolution 1373 (2001). The Republic of Macedonia has so far submitted to the Committee 4 reports, the latest on 8 August 2005 containing a comprehensive and detailed overview the legislation, measures and activities undertaken by the Republic of Macedonia for suppression of terrorism and efficient implementation at national level of the obligations arising from Resolution 1373 (2001), especially on the "Measures aimed at Combating the Financing of Terrorism" (for more please see UNSC Document S/2005/517 of 10 August 2005).

On March 6-10, 2006, a delegation of the CTED visited Macedonia to monitor and discuss its counter-terrorism regime in the context of implementation of resolutions 1373 and 1624, especially in the spheres of national legislation, judiciary, finance and law enforcement.

In May 2009, the Government of the Republic of Macedonia submitted detailed information on the status and implementation of the CTED's recommendations.

In the framework of co-operation with the Council of Europe, the country fully supported the establishment of the Multidisciplinary Group on Terrorism (GMT) and its activities in criminal, civil and administrative matters as well as the past work of the Reflection Group on developments international co-operation in criminal matters. Participation in the work of the Committee of Experts on Terrorism (CODEXTER) should also be mentioned.

The implementation of the concept of Integrated Border Management through the adopted Strategy for Integrated Border Management (2003), establishment of the Border Police and transfer of competence from the Army to the Border Police (finalised in September 2005) also contributed to the strengthening of the capacities to fight terrorist threats.

Furthermore, the Ministry of the Interior, through use of modern technical equipment for movement surveillance and preventing illegal crossing of the border, undertakes enhanced operational measures at the border crossings to prevent terrorist threats and movement of terrorists and terrorist groups in the border zones, as well as to prevent use of forged travel and identification documents. In addition, the Ministry of the Interior is improving the cooperation and exchange of intelligence and other information with the countries of the Region.

(e) Roles and missions of the armed and security forces in preventing and combating terrorism.

The assessments of threats to the security of the Republic of Macedonia recognize terrorism as a serious and global threat. In this regard the Army of the Republic of Macedonia is transforming into a force that will be capable of dealing with terrorism, not only on the territory of the Republic

of Macedonia, but also abroad, with active support and participation in the international forces engaged in fight against global terrorism.

By developing the Partnership Action Plan on fight against terrorism (PAP-T), the Republic of Macedonia has undertaken measures and activities for active participation in the fight against terrorism.

On the territory of the Republic of Macedonia, and in accordance with the relevant legislation, the Ministry of Interior bears the responsibility for fight against terrorism, with all the support when required from the Army of the Republic of Macedonia.

In line with the missions and tasks of the Army of the Republic of Macedonia, a priority and a special attention when creating the force structure is given to the Special Operations Regiment. The regiment, along with the intelligence component, is the main actor as to the fight against terrorism. According to the adopted plan for modernization and equipping of the Army of the Republic of Macedonia, a priority is being given to the declared forces including the Special Operations Regiment and the intelligence-reconnaissance capabilities.

2. National planning - and decision - making process – including the role of the Parliament and the Ministers - for the determination / approval of:

(a) the military posture

In accordance with Article 17 of the Defense Law, the Parliament of the Republic of Macedonia has the following role in the area of Defense:

- Performs supervision on the realization of the authorities of the Government in the Defense area and follows the preparations of the Republic for Defense;
- States an immediate military threat to the Republic;
- Declares beginning and termination of the state of war;
- Decides on the extent of funds necessary for Defense;
- Approves the wartime budget of the Republic;
- Decides on joining and resigning from the collective security and Defense systems;
- Ratifies international agreements which pertain to entering, transiting through or presence of armed forces of foreign countries on the territory of the Republic of Macedonia for exercise and training activities, participation in peacekeeping and humanitarian operations, as well as participation of the units of the Armed Forces of the Republic in similar activities abroad;
- Approves a national security and Defense concept of the Republic;
- Passes resolutions regarding the Defense system, plans for Defense development, equipping and combat readiness of the Armed Forces.

The Government submits a report on the documents from the last serial of this Article, on request by the Parliament or on two-year basis.

In order to introduce herself/himself to the activities within the Armed Forces, a Parliament member may ask for a visit to units, command posts and headquarters organized by the Ministry of Defense.

According to Article 20 of the Defense Law, The Ministry of Defense has the following role in the area of Defense:

- Creates a Defense Strategy of the Republic;
- Makes assessment of possible military and other threats which threaten the sovereignty, independence and territorial integrity of the Republic as well as of threats to the territory of natural disasters and other accidents;
- Organizes and prepares the Defense system and proposes measures for its development and improvement;
- Creates the Defense Plan of the Republic;
- Organizes and supervises transfer and execution of the order for taking readiness measures;
- Organizes and carries out Defense planning;
- Plans the Defense needs and develops financial plans and programs for the Defense needs;
- Allocates funds for the Defense in accordance with the Budget of the Republic;

Based on the amendments to the Defense Law, in accordance with a ratified international agreement, the Government of the Republic of Macedonia, once the state becomes a NATO member, will make decisions for sending army units for participation in peace operations and in NATO-led operations for collective Defense outside of the territory of the Republic of Macedonia. For the time being, the decision on sending troops to operations abroad is made by the Parliament.

In a state of war, the Ministry of Defense carries out command and other activities for the needs of the President of the Republic.

(b) Defense expenditures

According to the Law for Budgets, the Ministry of Finance determines the mid-term macroeconomic policy and the mid-term fiscal strategy, referring to a period of three years. The Government of the Republic of Macedonia defines the governmental priorities for the following budget year. These activities run no later than April during the current year when the Ministry of Finance and the Government of the Republic of Macedonia define the indicative amounts/limits for the resources allocated to the Ministry of Defense for the following budget year. The Government is committed to finance defence with up to 2.00% of GDP.

The Ministry of Defense, in the period from April until 15 June, prepares a draft budget and submits it to the Ministry of Finance until 15 June the latest. The Ministry of Defense and the Ministry of Finance harmonize the draft budget until September and the Ministry of Finance submits the harmonized budget to the Government of the Republic of Macedonia at the beginning of October. The Government submits the Defense budget, after having it reviewed, to the Parliament of the Republic of Macedonia for its adoption.

The Parliament of the Republic of Macedonia, through parliamentary commissions and sessions reviews the draft budget, with members of parliament having the right to amendments, and adopts the Defense budget by the end of the current year. The adopted budget is then published in the Official Gazette.

Within the framework of a long term defence development plan, the budget program has been prepared until 2018.

3. Description of:

(a) constitutionally established procedures and authorities/institutions ensuring effective democratic control of the armed forces;

Civil democratic control of the Armed Forces is regulated by the Constitution of the Republic of Macedonia and the Defense Law. These two documents clearly define the role and responsibilities of the civilians and military officers in the national Defense structure.

Civilian control of the Armed Forces in the Republic of Macedonia is enforced through:

- The President of the Republic and Supreme Commander of the Armed Forces approves the Defense Strategy and the Defense Plan of the Republic, issues measures for readiness and orders their execution, issues the organization and formation of the Armed Forces, approves documents for use of the Armed Forces and orders their deployment, approves documents for development of the Armed Forces, determines measures for increase of the combat readiness and orders their execution, orders mobilization of the Armed Forces, issues rules for commanding in the Armed Forces, approves regulations regarding combat readiness, armed combat and mobilization. Furthermore, the President chairs the Security Council.

- The Parliament as a representative body of the citizens performs supervision on the realization of the authorities of the Government in the Defense area and follows the preparations of the Republic for Defense, states an immediate military threat to the Republic, declares beginning and termination of the state of war, decides on the extent of the funds necessary for the Defense and approves the wartime budget of the Republic.

- The Security Council of the Republic of Macedonia, chaired by the President of the Republic of Macedonia as Supreme Commander of the Armed Forces according to Article 86 of the Constitution of the Republic includes the President of the Republic, the President of Parliament, the President of Government, the Ministers of Defense, Interior and Foreign Affairs and three members appointed by the President of the Republic and who appropriately represent the composition of the population of the Republic of Macedonia. The Council considers issues related to security and Defense of the Republic and submits proposals to the Parliament and Government.

- The Minister of Defense who heads the Ministry of Defense according to Article 97 of the Constitution of the Republic of Macedonia is a civilian, who, in addition, has been a civilian for three years prior to his/her appointment to this function. In the area of civil democratic control, the Ministry of Defense headed by the Minister of Defense accomplishes the following activities: reviews the realization of funds allocated to the Army needs, plans Defense reserves in a state of war, proposes organization and formation of the Army, performs manning of the Army, organizes and executes mobilization of the Army, controls and evaluates the combat readiness of the Army, approves the annual plan for exercise activities of the Army, approves an annual plan for education and expert training and advancement of Army members and Ministry of Defense employees, as part of the training development plan, promotes military officers into initial ranks, assigns, promotes and discharges military officers to duties envisaged for military ranks from major to colonel, takes care of the composition of Army leadership personnel and other persons engaged in the Army from the aspect of their ethnicity without misbalancing the criteria of professionalism and expertise, approves regulations on recruiting and manning the active component with conscripts, education, expert training and advancement of ARM personnel and other regulations for the military service.

The civilian rule of the Armed Forces stems from the Constitution, which was adopted after a national referendum, and was amended and supplemented with the Constitutional amendments of 16 November 2001 and the Defense Law adopted in May 2001.

These two documents precisely define the responsibilities and relations among the Parliament, the President of the Republic, the Government and the Minister of Defense in the area

of security and Defense of the country in peace, crisis and a state of war. These documents furthermore, explicitly define the role of the President as Supreme Commander of the ARM.

(b) roles and missions of the armed forces as well as control measures to ensure that they act solely within the constitutional framework;

Articles 22-28 of the Defense Law clearly define the role and missions of the Armed Forces of the Republic of Macedonia:

Article 22: The Armed Forces are armed force of all citizens of the Republic. There are Active Forces and Reserve Forces.

Article 23: The Armed Forces are organized, prepared and capable of conducting armed combat and combat and other activities for the purpose of performing its constitutional function of Defense of the Republic.

Article 24: The Armed Forces structure elements are: units, commands, staffs and institutions. The organization of the units, commands, staffs and institutions as well as their size, structure, number, composition and purpose are determined by the organization and formation of the Armed Forces.

Article 25: Operational and expert activities for organizing, preparing and commanding the Armed Forces, in the Ministry of Defense, are accomplished by the General Staff being the highest expert body within the Ministry of Defense, on issues related to the Armed Forces.

For the purpose of accomplishing the activities from Paragraph 1 of this Article, the General Staff proposes to the Ministry of Defense:

- Organization and formation of the Armed Forces;
- Plan for deployment of the Armed Forces;
- Measures for increase of the combat readiness of the Armed Forces;
- Annual financial plan for the needs of the Defense;
- Annual program for equipping the Armed Forces;
- Annual plan for exercise activities of the Armed Forces;
- Appointing, promoting and discharging officers on positions for which a rank of a major or higher is planned;
- Annual plan for education and advanced training of the employees in the Armed Forces;
- List of names for education and advanced training of the employees in the Armed Forces;
- Decisions on decorating and awarding for special results of members of the Armed Forces in the area of Defense.

Article 26: For the purpose of accomplishing the activities from Article 25, Paragraph 1 of this Law, the General Staff of the Armed Forces accomplishes the following:

- Accomplishes the annual financial plan for the requirements of the Armed Forces approved by the Ministry of Defense and supervises the efficiency and the execution of the funds in accordance with the regulations approved by the Minister of Defense;
- Supervises the combat readiness of the Armed Forces and takes measures for improvement;

- Organizes and supervises taking measures for readiness of the Armed Forces and takes measures for their execution;
- Performs mobilization of the Armed Forces;
- Performs exercise and other activities for making the Armed Forces capable, in accordance with the annual plan;
- Carries out logistic support for the Armed Forces;
- Accomplishes personnel management in the Armed Forces in accordance with the personnel policy of the Ministry of Defense;
- Plans, organizes and accomplishes training activities for the Armed Forces;
- Organizes and accomplishes communications for the command and control in the Armed Forces;
- Plans and accomplishes activities for crypto-protection of the secret data of importance for the Armed Forces;
- Organizes and accomplishes activities for anti-electronic security;
- Organizes and accomplishes reconnaissance, control and security of the sovereignty of the air space of the Republic;
- Organizes and accomplishes intelligence and counter-intelligence activities in the Armed Forces;
- Organizes and accomplishes activities for protection of forces in the Armed Forces;
- Organizes and accomplishes detection and prevention of criminal activities in the Armed Forces;
- Arranges the territory for the needs of the Armed Forces;
- Accomplishes cooperation with the armed forces of foreign countries in accordance with the plan of the Ministry of Defense;
- Appoints, promotes and discharges military officers and NCOs up to a rank of a senior captain;
- Points NCOs to initial rank;
- Approves instructions and rules for use of the military units, order and relations in the service and other instructions and rules of importance for the service in the Armed Forces;
- Accomplishes other activities in accordance with this Law and Lists of Regulations for service in the Armed Forces.

Article 27: The Chief manages the General Staff of the Armed Forces, who is appointed and discharged by the President of the Republic.

The Chief of the General Staff reports to the President of the Republic and to the Minister of Defense.

Article 28: The President of the Republic is Supreme Commander of the Armed Forces.

The President of the Republic carries out command through the Minister of Defense in accordance with the Constitution and this Law.

Immediate command with the Armed Forces is carried out by the Chief of the General Staff and commanders of the military units and institutions in accordance with the regulations approved by the President of the Republic.

Command in the Armed Forces is based on the principles of unity of command, subordination and a single chain of command in the use of forces and assets.

Orders issued by a superior commander are not to be carried out if their execution represents a criminal activity.

(c) public access to information related to the armed forces

The Parliament of the Republic of Macedonia passed the Law on Free Access to Information of Public Character (Official Gazette of the Republic of Macedonia No. 13 of 1 February 2006). This law regulates the conditions, manner and procedure of realizing the right to free access to information of public character available from state institutions. (including the Ministry of Defense).

This law provides free availability and openness in the work of the information holders. For carrying out this law, a Commission for protection of the right for free access to information of public character has been formed.

The Commission for protection of the right for free access to information of public character publishes (to the media services) a list of holders of information of public character and of their responsible persons, once a year.

The Ministry of Defense of the Republic of Macedonia is on the list of holders of information of public character. For this purpose, a person has been chosen, holder of information, obligated to fulfill the obligations foreseen with the law.

The interested persons for access to information of public character contact the Ministry of Defense through regular mail, electronic mail or fax.

The security aspects of the defense matters have been continually present in the public and the non-governmental sector. It is important to note the increased involvement and interest of independent experts, scientific institutions and the academic circle. This transparent approach has resulted in numerous works and publications that affirm our security policy, and especially the strategic interests of the Republic of Macedonia for participation in the collective security systems.

The transparency and relevance of the defense policy have also been increased through the access to the internet web page of the Ministry of Defense. The defense and security institutions provide appropriate answers to defence issues of interest to parliamentarians and other security subjects, related to the evaluation and assessment of the security and political situation in the Republic of Macedonia. In the forthcoming period, the strategic goals incorporated in the Strategic Defence Review envisage an increased level of openness and involvement of the civilian sector in order to achieve the democratic goals of defense and security transparency and affirmation.

The concrete forms of public information are not just a constitutional and legal obligation, but they are subject of the Strategy of the Government of the Republic of Macedonia for transparency and public relations regarding the area of security and defense. The accessibility to information and the civilian participation in the development of defence and security policy is regulated by the Classified Information Law, and under procedure is the creation and adoption of supplemental legal acts in order to create a final distinction between the classified and non-classified information, defining thus the regime of its accessibility, utilisation and transfer. The legal framework therein is the new Law on Classified Documents adopted in March 2004. The issue of information accessibility remains to be predetermined by the fulfilment of the requirements set forth in the normative acts for information accessibility to the Parliament and the public.

The activities of the Ministry of Defense in the area of public relations are directed at the national and international public and community, as well as at the employees of the Ministry of Defense and the members of the Armed Forces. The transparency of these activities bolsters the confidence in the security and defense policy of the Republic of Macedonia and clarifies the link between the defense subjects and their defense activities and society on the basis of the need for ensuring unhampered conditions for development and protection of the free democratic values guaranteed by the Constitution. The defense preparations, thus, make public relations important and available to the public, encouraging at the same time interest for active participation of the citizens in creation, organization, accomplishment and control of the defense tasks. On the other side, public relations activities contribute to the strengthening of the motivation and professional attitude of the Ministry of Defense employees and the members of the Army of the Republic of Macedonia within their determination towards the defense tasks.

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

The participation of the Armed Forces of the Republic of Macedonia outside the national territory is regulated by Articles 41-44 of the Defense Law (Official Gazette of the RM, No 42/2001) and Articles 186-189 of the Military Service Law (Official Gazette of the Armed Forces, No. 69/2002).

ARM units or parts of units of the active and reserve component, as well as military officers and civilians engaged in the ARM and employed in the MOD, can participate in exercise activities and training and in humanitarian and peace keeping operations outside the national territory in accordance with ratified international agreements.

The Government of the Republic of Macedonia brings the decision to deploy ARM units outside the national territory for participation in exercise activities, training and humanitarian operations.

The Parliament of the Republic of Macedonia brings the decision to deploy ARM units outside the national territory for participation in peacekeeping operations.

The Minister of Defense of the Republic of Macedonia brings the decision to send employees in the Ministry of Defense outside the national territory for participation in exercise activities, training in humanitarian or peacekeeping operations.

Voluntary service soldiers cannot participate in exercise activities, training in humanitarian or peacekeeping operations outside the national territory.

Reservists can be engaged in the units of the Army of the Republic of Macedonia deployed outside the national territory provided they consent to this engagement. During their engagement outside the national territory, they have a status of professional soldiers, i.e., active military officers.

The rights and obligations of the military reservists and employees in the Ministry of Defense deployed outside the national territory are regulated by agreement concluded with the Ministry of Defense.

The participation in the international peace operation is of indeed significant importance for the Republic of Macedonia and its aiming towards interoperability and admittance in the collective Defense systems. Giving contribution in international peace operations with its own forces and capabilities and in realistic war environment is an indispensable experience. It also establishes a feedback system that influences the improvements in the future engagements.

The contribution of the Republic of Macedonia to international operations constantly increases. In 2010, the Republic of Macedonia has continued providing support to 3 international operations with engaged military personnel of about 175 in total

There are no obstacles in the legislation of the Republic of Macedonia for the participation of the Republic of Macedonia in international operations. The law amending the Defense law, covering inter alia the collective self-defense, was adopted by the Assembly of the Republic of Macedonia on 1 September 2008. The amendments removed the legal and legislative obstacles to allow NATO forces to be present on Macedonian territory in compliance with Article 5 of the North Atlantic Treaty.

5. Description of:

(a) procedures for the recruitment or call up of personnel for service in the military

With the amendments to the Defense Law in May 2006, all citizens of the Republic of Macedonia, assessed as capable for military service, may, by their own request, apply for military service after reaching the age of 18.

The citizen (applicants) will be called up for military service in accordance with the needs of the army.

The invitation for military service is submitted to the citizen no later than 30 days before the day of recruitment.

Voluntary military service runs for three months and is carried out in the Army.

(b) exemptions or alternatives to compulsory military service, if applicable;

With the adoption of the Law for amending and supplementing the Defense Law, the civilian military service was abolished from 2006.

(c) legal and administrative procedures protecting the rights of the forces personnel

For the purpose of protecting rights during military service, the persons engaged in the Army are provided with two-degree procedures of protection of service rights, i.e., and established work post rights.

Rights protection for officer, NCO, Voluntary service soldiers and civilian personnel engaged for service in the Army is regulated by the Military Service Law. They are entitled to the right of appeal to a secondary Government commission, within timelines determined by law.

Namely, a military and civilian person may appeal against a work contract decision to the secondary Government commission within 8 days after receiving such a decision (Article 34 and Article 232).

A military officer may appeal to the secondary Government commission against an order issued by the Minister of Defense, i. e. to the Minister of Defense against an order for production of a non-commissioned officer into a starting rank, reached by the Chief of the General Staff (Article 48 paragraph 2).

A military and civilian person may send an appeal against the ruling by the Minister of Defense for the appointing, promoting, releasing, sending, representing and other relations in the service of officers with the rank of major to colonel, and the appeal must be handed to the Second Degree Government Commission up to 8 days, while the short-term volunteers, the non-commissioned officers and the officers to the rank of a captain, within the same timeline can appeal to the Minister of Defense regarding the orders reached by the Chief of the General Staff of the Armed Forces (Article 87).

A military and civilian person can appeal to a decision for use of the annual leave and other leaves from service, within eight days, to the superior officer of the officer that has reached the decision. (Article 111).

A military and civilian person in the service of the Army may carry out their right in methods where responsibility is established for the compensation of damage and for harming military discipline. An appeal may be carried out against the solution to compensate damages, which is brought by the battalion commander equal to his rank and a higher military officer, for which a rank of lieutenant general or higher rank is envisaged. A military or civilian person may send an appeal to the superior officer of the officer who first carried out the ruling to compensate damages, or to the minister of Defense if the Chief of General Staff carried out the ruling (Article 118, paragraph 4).

An appeal may be sent against a ruling where disciplinary measures are taken against military and civilian persons, or an announcement of a statement recorded in a book of daily reports of the unit. The person must appeal to the superior officer of the officer who ordered the disciplinary measures or made the announcements. This appeal must be handed up to 8 days after the finding was received. An appeal against the ruling by the Chief of General Staff will be decided by the Minister of Defense, and an appeal against the ruling by the Minister of Defense will be

decided by the two-level commission in the Government of the Republic of Macedonia (Article 136).

The military and civilian persons serving in the army can appeal against the decision for release from duty or service, within eight days, to the superior officer of the officer that has reached the decision (Article 140).

Military and civilian persons may send an appeal against the ruling by the Minister of Defense regarding payment, compensation and other forms of compensation where expenses for using vehicles for personal use, migration expenses, meal expenses, funeral expenses in case of death of family member from natural disasters are used. This appeal must be handed to the two-degree commission of the Government up to 8 days after the finding is received (Article 182).

An appeal may be sent against decisions, rulings, reached by the Minister of Defense, i. e. the Chief of the General Staff of the Armed Forces, which refer to the right of the military person regarding the health ability for service in the Armed Forces, in accordance with Article 87 of this Law (Article 193).

An appeal may be sent to Second Degree Government Commission, within eight days, against decisions for receiving military-flying, military air-technical, military-parachutist and military-diving title (Article 219).

An appeal may be sent against a ruling by the Minister of Defense or a person authorized by him regarding the termination of a working contract. This appeal must be handed to the two-degree commission of the Government up to 8 days after receiving the finding. (Article 227 and 253).

A civilian person may appeal to the Minister of Defense, within eight days, against ruling for appointing on service, representing and other service relations (Article 234-a).

The military and civilian persons, who are not satisfied with the final judgments made after their appeals, have the right to seek protection of their rights in front of a magisterial court (Article 229).

In relation to the protection of rights for the remaining members in service of the Army, conscripts, soldiers and military obligors in the reserves, the two-degree protection of rights is also used.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflicts included in military training programmes and regulations

In the cooperation realized hereof between Macedonia and the International Committee of the Red Cross-ICRC and within activities at regional level, the following references and manuals in Macedonian language have been developed and incorporated in the ARM Training Program:

- Geneva Conventions and their Additional Protocols.
- Publications issued by ICRC:
 1. Collection of Hague Conventions,
 2. Rules on the use and protection of the RC emblem,
 3. European Convention on Human Rights

In the scope of education and training of instructors and officers (officers and NCOs):

- Military Law Manual.

Materials as basic literature and integral part of the Training Program in the Training Centres and ARM units:

- Manual of "Armed Conflict Law" (ACL) with a compact CD-catalogue "ACL" and CD – project ACL
- Combat Conduct Rules.

Literature in the form of pocket manuals designed for special training on ACL of company commanders, platoon commanders, section commanders and soldiers:

- Pocket Manual for company commander training,
- Pocket Manual for platoon commander training,
- Pocket Manual for section commander training,
- Pocket Manual for soldier training

Primary obligations on cooperation with the ICRC are as follows:

- Development of the ACL Training Program,
- Completing a library on ACL.

7. Any other information

None.