



**FSC CHAIRPERSON'S PROGRESS REPORT
TO THE SEVENTEENTH MEETING
OF THE MINISTERIAL COUNCIL**

**EFFORTS TO FURTHER IMPROVE THE IMPLEMENTATION
OF THE CODE OF CONDUCT ON POLITICO-MILITARY
ASPECTS OF SECURITY**



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1. Introduction and objective

The OSCE Code of Conduct on Politico-Military Aspects of Security (hereinafter referred to as the Code) is a normative document adopted by the CSCE participating States at the Budapest Summit in December 1994. The Code entered into force on 1 January 1995. By adopting the document, the CSCE participating States agreed to reform their domestic politico-military affairs and to apply internationally agreed principles of democracy and rule of law to their national security policies and doctrines. The Code occupies a fundamental place among the body of normative documents developed within the politico-military dimension of the OSCE, and remains unique among international commitments.

This report is intended, in line with Helsinki Ministerial Council Decision No. 13/08, to report on the progress achieved in efforts to further improve the implementation of the Code. It addresses the information exchange between participating States on implementation of the Code, efforts that have been undertaken since the Helsinki Ministerial Council and other additional activities conducted within the Organization to further the implementation of the Code. The report covers the period from November 2008 to November 2009.¹

2. Efforts by the FSC

Since the Helsinki Ministerial Council, the FSC has continued working towards enhanced implementation of the Code. Pursuant to the many proposals made at the special FSC meeting in 2006 and the special meeting of Working Group A in 2007, efforts to promote implementation of the Code were divided into three clusters. These clusters related to awareness-raising

and outreach, updating of the questionnaire, and supplementary measures. They allowed a more structured approach to discussing proposals made by participating States.

Work on the first cluster was completed in early 2008 with the adoption of the decision on awareness-raising and outreach of the Code of Conduct (FSC.DEC/01/08). Thereafter, the FSC focused its efforts on the second cluster, with the aim of updating the questionnaire used by the participating States to share information on the implementation of the Code.

In April 2009, after a series of consultations, the FSC adopted a decision on the technical update of the questionnaire (FSC.DEC/2/09)². The new questionnaire has three main sections covering inter-State elements, intra-State elements and public access and contact information. It introduces a number of new sub-items, *inter alia*, on national efforts to prevent and combat terrorism, on arms control, disarmament and confidence- and security-building measures, and on issues related to international humanitarian law. The questionnaire also further differentiates between types of armed and security forces and requests the participating States to provide information on military, paramilitary and security forces, as well as the police.

The updated questionnaire is an important step forward. It better reflects the structure of the Code of Conduct and the questions largely avoid overlap and duplication. With its 23 sub-items, the new questionnaire should help participating States to provide more structured information than was possible with the 16 sub-items in the old questionnaire.

¹ The deadline for submitting input for this report was 6 November 2009.

² The questionnaire was originally developed in 1998 and last updated in 2003.

After the adoption of the new questionnaire, the FSC Co-ordinator initiated work on the so-called third cluster on supplementary measures. So far, one delegation has made a proposal to improve the regular assessment of implementation of the Code. The same delegation has informed the participating States that it is preparing a draft decision on this subject, which will be distributed in the near future. Since initiation of the work on the third cluster, no other participating State has introduced a new proposal or referred to a proposal already made.

3. Information exchange

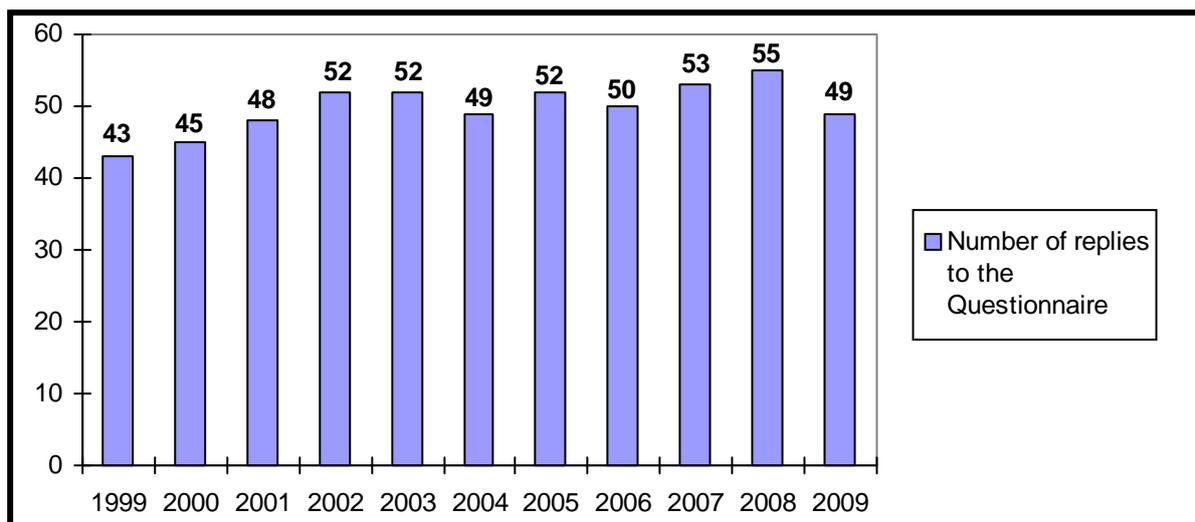
The participating States have agreed to exchange information on the implementation of the Code of Conduct (FSC.DEC/4/98) annually³. The level of commitment to the information exchange has traditionally been high, and the majority of the OSCE participating States have abided by their commitment to provide information about their implementation efforts. All the participating States have provided replies to the questionnaire at least once.

This exchange is a unique mechanism for fostering international transparency in respect to armed forces and their control by constitutionally established authorities. Since 2008, the replies have been published on the OSCE website, where they can be accessed by the public. So far, the individual replies have been accessed on the average between 6 and 10 times each.

In 2009, 49 participating States provided information on their implementation activities. The level of implementation in 2009 was significantly lower, and less compliant in timing, than in previous years. The FSC Chairperson's Announcing and Reminding Mechanism was extensively employed.

When deciding on the technical update, the participating States agreed that the first annual exchange of information in the new format would take place in 2010, although the option was available to use the format in 2009. Twelve participating States exercised the option.

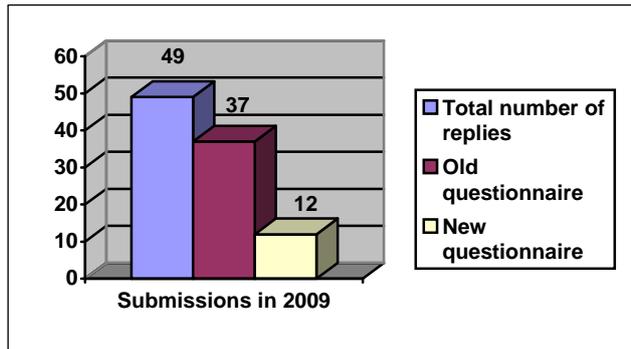
In connection with the adoption of the technical update of the questionnaire, three interpretative statements were issued by



³ Normally, the participating States are required to provide their replies no later than 15 April each year. In 2009, the FSC decided (FSC.DEC/1/09) to postpone the deadline to 15 June.

participating States. They related to the voluntary exchange of information on women, peace and security; the voluntary exchange of information on the democratic

political control of private military and security companies; and the voluntary nature of the provision of replies to question 1.4⁴. In the 2009 information exchange, a number of participating States included information on women, peace and security, and the implementation of United Nations Security Council resolution 1325 (2000).



As in previous years, the reports of participating States differ with regard to substance and depth and there is some overlap in the responses. After the 2010 information exchange, it should be possible to better analyse the responses to see whether the new questionnaire delivers a more structured and concise and less duplicative submission, and whether it can be further improved.

4. Awareness-raising and outreach

The FSC decision on awareness-raising and outreach adopted in 2008 tasked the OSCE Conflict Prevention Centre (CPC) with organizing at least one specialized, extra-budgetary event annually to promote the Code.

In line with this decision, the CPC organised, together with the OSCE Mission to Bosnia and Herzegovina, a regional seminar on the implementation of the Code of Conduct in South Eastern Europe from 3-5 November in Sarajevo. The event gathered

some 20 participants from Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia to share experiences and challenges in the Code's implementation. Among the topics discussed were, *inter alia*, parliamentary oversight of the armed forces, security sector reform and the relevance of the Code of Conduct for comprehensive security. The seminar witnessed an active participation from the invited countries and helped to identify regional challenges in the Code's implementation. The event was co-sponsored by Switzerland and Austria.

From 7 to 9 April, the OSCE Mission to Bosnia and Herzegovina organized a seminar to promote implementation of the Code of Conduct in the country and to examine challenges to the democratic control of armed forces. The seminar continued the series of events and training sessions organized by the Mission in previous years.

On 28 May, the OSCE Mission to Montenegro and the Ministry of Defence of Montenegro organized a round-table discussion on the Media and Defence reform. Building also on the OSCE Code of Conduct, the aim of the event was to promote more frequent contacts between the media and the Ministry in order to provide the public with timely information on defence sector reform.

5. Conclusions

Efforts to further improve the implementation of the Code remained at the same high level as in previous years. This year was marked by intensive discussions and negotiations on an update of the questionnaire and the implementation of the relevant FSC decision by the participating States. Awareness of the Code was further raised through national and regional seminars and workshops.

⁴ FSC.DEC/2/09, Attachments 1, 2 and 3.

By adopting the FSC decision on a technical update of the questionnaire (FSC.DEC/2/09), the participating States in general contributed to more transparency and demonstrated their determination to enhance the implementation of the Code. Furthermore, some participating States are ready to extend the exchange of information, as reflected in their interpretative statements. After completion of the information exchange on 15 April 2010, when reporting on the basis of the new questionnaire will be obligatory, a qualitative improvement can be expected to be achieved in regard to transparency.

In 2009, the level of implementation of the information exchanges was at a significantly lower level than in previous years, and required the FSC Chairperson to make use of the Announcing and Reminding Mechanism.

In addressing supplementary measures (the third cluster), the FSC Co-ordinator asked the participating States to start working and remain engaged. A previously made proposal on regular assessment of implementation of the Code was reintroduced and discussed. The initial support by many participating States justifies continuing the discussions and focussing our work on this subject in the coming year.

In implementation of the FSC decision on awareness-raising and outreach of the Code (FSC.DEC/1/08), national and regional seminars have been successfully conducted. Seminars and workshops not only ensure transparency as regards the democratic control of armed forces, but also improve implementation of the Code. Participating States hosting or participating in such seminars contribute to transparency, national and regional stability and security. All the participating States are encouraged to continue supporting and hosting seminars or workshops among participating States, and with the OSCE Partners.