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13 April 2012

ENGLISH only



**PERMANENT DELEGATION
OF NORWAY TO THE OSCE**

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NOTE VERBALE

The Permanent Delegation of Norway to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre and, in accordance with Decision 2/09 of the Forum for Security Co-operation, has the honour to transmit the Norwegian response to the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security.

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

Vienna, 13 April 2012



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

**QUESTIONNAIRE ON THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

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Section I: Inter-State elements**1. Account of measures to prevent and combat terrorism**

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

- (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 Sep 1963)
- (2) Convention for the Suppression of Unlawful Seizure of Aircraft. (The Hague, 16 Dec 1970)
- (3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 Sep 1971).
- (4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (New York, 14 Dec 1973)
- (5) European Convention on Suppression of Terrorism (Strasbourg, 27 Jan 1977)
- (6) International Convention against the Taking of Hostages (New York, 18 Dec 1979)
- (7) Convention on Physical Protection of Nuclear Material (Vienna and New York, 3 Mar 1980)
- (8) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civilian Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23 Sep 1971 (Montreal, 24 Feb 1988)
- (9) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 Mar 1988)
- (10) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 Mar 1988)
- (11) Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 Mar 1991)
- (12) International Convention for the Suppression of Terrorist Bombings (New York, 15 Dec 1997)
- (13) Suppression of the Financing of Terrorism (New York, 9 Dec 1999).
- (14) The Council of Europe Convention on the Prevention of Terrorism (Warsaw 16 May 2005).

Norway supports the implementation of the UN Global Counter-Terrorism Strategy. In 2011, Norway provided financial support through the Counter-Terrorism Implementation Task Force (CTITF) with a focus on Africa and Central Asia. Norway has also provided financial support to academic institutions to capacity building projects for African countries and research.

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

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

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

Gender / UN Security Council Resolution 1325:

A number of measures are being undertaken to implement UNSCR 1325 on women, peace and security in the Norwegian armed forces, in line with the commitments set down in the Norwegian action plan on UNSCR 1325 (2006). In general terms, this amounts to applying a gender perspective in operational planning, mandates, predeployment training, education, as well as during operations and in the ensuing evaluation process. Furthermore, the Norwegian Defence University College is cooperating with Nordic colleagues to establish a gender centre of competence to educate the armed forces in applying a gender perspective. Increasing the number of women soldiers and officers in the armed forces is also part of the effort to implement UNSCR 1325, and several measures are being undertaken.

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

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

The obligations to criminalize that follows from the international terror related agreements to which Norway is a party is mainly implemented through three provisions in the Norwegian general Civil Penal Code (the penal Code), namely section 147 a, 147 b and 147 c, and the provisions referred to in section 147 a. The provisions referred to in section 147 a applies to, inter alia, acts causing maritime damage and aircraft accidents, hijacking of vessels and aircraft, dealing with nuclear material, trafficking in human beings, slavery, gross bodily injury and homicide.

Section 147 a contains a list of different other crimes that may be regarded as terrorist crimes if they have been committed with the intention of

- a) seriously disrupting a function of vital importance to society, such as legislative, executive or judicial authority, power supply, safe supply of food or water, the bank or monetary system or emergency medical services or disease control,
- b) seriously intimidating a population, or

c) unduly compelling public authorities or an intergovernmental organization to perform, tolerate or abstain from performing any act of substantial importance for the country or organization, or for another country or another intergovernmental organization.

Section 147 b, first paragraph, attaches criminal liability to those who obtain or collect funds or other financial assets in order that these financial assets should be used, in full or in part, to finance terrorist acts or any other contravention of the provisions of section 147 a. The second paragraph in section 147 b attaches criminal liability to any person who makes funds or financial assets, or bank services or other financial services, available to a) a person or entity that commits or attempts to commit such criminal acts as mentioned in section 147 a, b) any entity owned by such a person as mentioned above over which he has control, or c) any person or entity that acts on behalf of or at the direction of such person or entity as mentioned above.

Sections 147 a and 147 b were both adopted in 2002 in order to fulfill the obligations in the UN resolution 1373 and the requirements of the 1999 Convention for the Suppression of the Financing of Terrorism.

The Penal Code section 147 c criminalizes incitement to, recruitment and training for terrorism. The provision implements the Council of Europe Convention on the Prevention of Terrorism.”

1.3 Norway has no internal security forces. Preventing and combating terrorist acts in Norway which do not constitute armed attacks under the UN Charter article 51, is the responsibility of the Norwegian police. The Police Security Service (PST) have the responsibility in combating terrorism domestically in peacetime. PST is the national security service, the domestic intelligence service, and is empowered with police- and prosecution authority. The Norwegian Intelligence Service, which is a national civil-military service organised in the military, deals with the external terrorism threat.

In the event of a major terrorist attack being carried out or a highly credible threat thereof, the Norwegian armed forces may be called upon to assist the police. Engagement of RENEGADE threats is a responsibility of the Norwegian Armed Forces.

1.4 Substantial efforts have been made in order to prevent and combat terrorism after the attacks of September 2001.

Financing of terrorism

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) is the principal Norwegian agency responsible for the investigation of financial crime. There is regularly a close co-operation in these cases between PST and Økokrim.

The Money Laundering Act imposes financial institutions, accountants, enterprises etc. to examine and provide evidence to Økokrim when suspicious transactions occur.

Domestic co-operation

There is a particular close relationship with the PST and the Foreign Intelligence Service. This includes a common assessment unit.

Counter-terrorism contact group

Norway has established a counter-terrorism contact group. The contact group is led by PST and comprise of both public and private sector representatives, who through a wide-ranging partnership seeks to contribute to the suppression of terrorism.

European co-operation forums

PST is the Norwegian representative at the European Security Co-operation Forum called the Club of Bern. PST also participates in the Counter Terrorist Group (CTG). CTG is a forum that was formed on the basis of the Club of Bern. CTG focuses on Islamist terrorism. In addition to operational co-operation, CTG also prepares joint analyses and threat assessments.

Other forms of terrorism related co-operation

PST works both bilaterally and multilaterally with the police and security authorities in a number of countries, and participates in several international organizations and committees, including the NATO special committee AC/46, Police Working Group on Terrorism (PWGT) and Interpol and Europol's Symposium on the Suppression of Terrorism.

Schengen

The National Criminal Investigation Service (Kripos) plays a dominant role in Norway's participation in the Schengen co-operation.

Co-ordinating and Advisory Committee for the Intelligence, Surveillance and Security Service (KRU)

In order to ensure co-ordination of the work of the these three services and between the services and the Government, a special body has been established: the Co-ordination and Advisory Committee for the Intelligence and Security Services.

2. Stationing of armed forces on foreign territory

2.1 Norway is a signatory to the 1951 London agreement between the member States of the North Atlantic Treaty Organization regarding the Status of their Forces. Norway has ratified the agreement between the States Parties to the North Atlantic Treaty and other States participating in the Partnership for Peace regarding the Status of their Forces, signed in Brussels on 19 June 1995. Ad hoc agreements for other possible deployments are signed in each individual case in accordance with international law. Such agreements may be either bi- or multilateral and may cover both specified mission/activities for a set period of time and standing agreements for activities repeated on a regular basis.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Norway is a state party to the Treaty on Conventional Armed Forces in Europe (CFE) The Vienna document 1999, the Treaty on Open Skies and other confidence- and security-building measures agreed upon in the OSCE/Forum for Security Co-operation. Norway supports the continued full implementation of these agreements.

3.2 Great emphasis is placed on the CFE Treaty as the cornerstone of security in Europe. As this Treaty is not implemented fully by all state parties, the CFE regime faces the risk of erosion. Such development may over time have negative impact on other arrangements also.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 The military posture:

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

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

The Parliament adopts the State budget, which also includes the Defence budget.

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

1.2 Defence expenditures (Paragraphs 13, 22):

The annual adoption of the defence budget is based on a long term planning process and an annual planning process of the use of national military capabilities. In addition to necessary national defence, the political emphasis is put on contributing capabilities where international security needs are determined by the UN.

2. Existing structures and processes

2.1 The Defence Minister is constitutionally and politically responsible to the Parliament for all activity carried out by the Ministry, by the armed forces as a whole and by other

subordinate departments. This implies an obligation for the Minister to supervise the activities of the armed forces and the other subordinate departments, by exercising a superior control function towards these entities.

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

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

In addition, the democratic control of the intelligence service (as well as the Surveillance and Security Services) is ensured by regular inspections of the service and the annual reporting by a committee established within the Parliament, namely the The Norwegian Parliamentary Intelligence Oversight Committee (see below).

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

Norway has no paramilitary or internal security forces.

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

In addition to this, several committees, including the parliamentary appointed Norwegian Parliamentary Intelligence Oversight Committee and the "Standing Committee for Defence and Foreign Affairs" have been established as additional apparatus for ensuring the full implementation of political and democratic control. These committees are subject to the instructions of the Parliament.

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

2.3

Military:

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

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

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

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

Paramilitary/Security forces:

Norway has no paramilitary or security forces.

3. Procedures related to different forces personnel

3.1

Military:

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

Paramilitary/security forces:

Norway has no paramilitary or security forces.

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

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

3.3 Norway has an ombudsman system for protecting the rights of all forces personnel. The main Ombudsman – known as the Parliamentary Ombudsman – deals with all appeals. In addition to the main Ombudsman, there is one Ombudsman with whom soldiers and servicemen, regardless of ranks, may lodge their appeals. Decisions made by this Ombudsman are given as advice to the chain of command and is thus not legally binding. In

most cases however, such advice results in a change to the decision and establishes a precedent for future decisions.

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

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

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

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

4. Implementation of other political norms, principles, decisions and international humanitarian law

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

The Norwegian National Red Cross Society has a broad cooperation with the Ministry of Defence and the armed forces. The Red Cross society participates regularly in military exercises in order to train the role of the ICRC in conflict and the armed forces procedures in important areas of the law of war.

At the Military Academies and the Staff College, officers are given a general introduction to the international humanitarian aspects of armed conflicts. In addition, since 2004, students at the Norwegian Military Academies have the opportunity to study International Humanitarian

Law at the University of Oslo as a part of their programme. Conduct of international operations is also an important part of Staff College education.

All personnel in the Armed Forces are also encouraged to improve its general knowledge of International Humanitarian Law by participation in international seminars and workshops. There is an ongoing work on a comprehensive military manual on international humanitarian law and Norwegian policy on the use of force. The military manual is foreseen to be completed by end 2012.

4.2 The teaching mentioned above includes the dissemination of knowledge on international tribunals.

4.3 Please see 4.1. Through training and dissemination of International Humanitarian Law and Human Rights law in daily work, in exercises and as part of the pre-deployment training for international operations.

4.4 Outside the military area, servicemen and women have the same right as other citizens to membership in political associations and organizations as well as to participate in all forms of lawful political activities. Serving personnel may participate in lawful political demonstrations as long as these activities are not aimed against the Armed Forces. Military personnel may not use military uniform on these occasions.

Within the military area, it is not allowed for personnel to organize party political groups, other political movements or pressure groups. Neither are organized signature campaigns, resolutions nor other actions with political content or purpose allowed.

In addition, the Parliament has determined that officers with the rank of brigadier and above shall be appointed by the Government (Royal Decree). These officers have a very strong employment protection, which balances the governmental power of influence on the military leadership. Norway is a constitutional monarchy, where the King is the highest ranking officer as well as politically neutral. The respect for Government and Parliament is therefore deeply rooted within the armed forces.

4.5 Norway places great importance in making sure that its defence policy and doctrine are consistent with international law. Section for International and Operational Law, which is placed in the Department of Security Policy in the Norwegian Ministry of Defence, consists of 8 legal advisers, both civilian and military personnel, providing the Minister of Defence and the Defence Staff/Chief of Defence with legal advice on all matters related to defence policy and doctrine and questions related to international and operational law. Legal advisers are always included in the development of policies and doctrines. In addition, there are operational legal advisers at the subordinate command levels within the armed forces. Within the Defence College, there is a department with lawyers responsible for the academic approach to the implementation of international law, such as education, teaching on international law and academic papers.

Section III: Public access and contact information

1. Public access

1.1 The provisions of the Code of Conduct are not communicated to the public directly, however the actual national response is an open document that can be made available to parties showing an interest. The same applies to responses of other states provided these are not classified in any way.

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

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

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

2. Contact information

Point of contact:

Norwegian Royal Ministry of Foreign Affairs
Section for Disarmament and Non-proliferation

E-mail: s-nedr@mfa.no