



LATVIJAS REPUBLIKAS PASTĀVĪGĀ PĀRSTĀVniecība ANO, EDSO UN CITĀS
STARPTAUTISKAJĀS ORGANIZĀCIJĀS VĪNĒ

PERMANENT MISSION OF THE REPUBLIC OF LATVIA TO THE UN, OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

Verbal Note

No. 2.3.5.-182

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE and, in accordance with the FSC Decision 4/03, has the honour to transmit herewith Latvia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other International Organizations avails itself of this opportunity to renew to all the Permanent Delegations and Missions to the OSCE and to the Conflict Prevention Centre of the OSCE the assurances of its highest consideration.



Vienna, 15 June, 2009

**To: All Permanent Missions and
Delegations to the OSCE,
CPC of the OSCE**

Vienna

The Republic of Latvia

Annual Information Exchange on the Implementation of the Code of Conduct

Valid as of June 15, 2009

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

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

Latvia condemns terrorism in all its manifestations, whatever is the motivation and whoever is the perpetrator. It considers terrorism as a serious crime, liable to prosecution and punishment, in accordance with its criminal and other laws.

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

For the present Latvia has signed and ratified 13 international conventions on counter-terrorism measures:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963, ratified by Latvia on March 24, 1997.
- Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, 16 December 1970, ratified by Latvia on March 24, 1997.
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, 23 September, 1971, (as well as its amendment - the Protocol combating unlawful violation in international civil airports, Montreal, 24 March, 1997) ratified by Latvia on March 24, 1997.
- European Convention for the Suppression of Terrorism, Strasbourg, 27 January 1977, ratified by Latvia on March 4, 1999.
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (New York 1973, 14 December), ratified by Latvia on August 29, 1991.
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montréal 1 March 1991), ratified by Latvia on April 29, 1998.
- International Convention for the Suppression of the Financing of Terrorism Adopted by the General Assembly of the United Nations in resolution 54/109 of 9 December 1999, ratified by Latvia on September 26, 2002.
- International Convention for the Suppression of Terrorist Bombings, New York, 12 January 1998, ratified by Latvia on October 24, 2002.
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime navigation, Rome, 10 March 1988, ratified by Latvia on October 31, 2002.
- International Convention Against the Taking of Hostages Adopted by the General Assembly of the United Nations 18 December 1979, ratified by Latvia on September 26, 2002.
- Convention on the Physical Protection of Nuclear Material Adopted by the General Assembly of the United Nations on March 3, 1980.
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf Adopted by the General Assembly of the United Nations on March 10, 1988.
- Convention for the Suppression of Acts of Nuclear Terrorism Adopted by the General Assembly of the United Nations 13 April 2005, ratified by Latvia on June 1, 2006.

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

Latvia has implemented the legal instruments of the Council of Europe, the European Union and other international organizations.

Currently, Latvia has signed and ratified 10 Conventions of the Council of Europe:

1. Convention of Cybercrime, Budapest, 23 November 2001, ratified by Latvia in 14 February, 2007, entry into force in Latvia on June 1, 2007.
2. European Convention on Mutual Assistance in Criminal Matters, Strasbourg, 20 April 1959, ratified by Latvia in 2 June 1997, entry into force in Latvia on August 31, 1997.
3. European Code of Social Security, Strasbourg, 16 April 1964, signed by Latvia on November 28, 2003.
4. European Convention on the International Validity of Criminal Judgements, The Hague, 25 May 1970, ratified by Latvia in 29 July 2003, entry into force in Latvia on October 30, 2003.
5. European Convention on the Transfer of Proceedings in Criminal Matters, Strasbourg, 15 May 1972, ratified by Latvia 2 June 1997, entry into force in Latvia on September 3, 1997.
6. European Convention on the Suppression of Terrorism, Strasbourg, 27 January 1977, ratified by Latvia 20 April 1999, entry into force in Latvia on July 21, 1999.
7. Additional Protocol to the European Convention on the Mutual Assistance in Criminal Matters, Strasbourg, 17 March 1978, ratified by Latvia in 2 June 1997, entry into force in Latvia on August 31, 1997.
8. Protocol amending the European Convention on the Suppression of Terrorism, Strasbourg, 15 May 2003, ratified by Latvia on February 8, 2005.
9. Council of Europe Convention on the Prevention of Terrorism, Warsaw, 16 May 2005, signed by Latvia on May 19, 2006.
10. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, Warsaw, 16 May 2005, signed by Latvia on May 19, 2006.

Latvia has signed bilateral treaties on counter-terrorism measures with Austria, Armenia, Azerbaijan, Belarus, Belgium, Croatia, Czech Republic, Estonia, Finland, Georgia, Hungary, Israel, Kazakhstan, Kyrgyzstan, Lithuania, Moldova, Poland, Russia, Spain, Slovenia, Ukraine, United Kingdom, United States, Sweden, Uzbekistan, Turkey, Germany, the Slovak Republic, Cyprus and Malta.

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

Latvia supports the initiatives of the United Nations, North Atlantic Treaty Organization (NATO), the Council of Europe and the European Union (EU), and other international organizations with similar aims to prevent and combat terrorism and to freeze the funds and economic resources used by terrorists or provided to their supporters.

The present Criminal Law (in force since April 1, 1999) contains special Article 88 on terrorism, Article 88¹ on terrorism financing, Article 88² which stipulates liability for summoning to terrorism or threats of terror, Article 88³ on recruiting and training for acts of terror.

Article 22¹ of The National Security Law defines the levels of terror threats.

Article 17 of the Law of the National Armed Forces defines, that in case of threats of terror the Minister of Defence upon the request of the Minister of the Interior instructs the Commander of the National Armed Forces to provide support to the measures taken

by the Security Police to prevent or manage threats of terror, providing the tasks, the time and the place. The head of the mentioned tasks is responsible for the orders given to the National Armed Force's units involved in the measures to prevent and manage threats of terror.

(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);

According to Latvian legislation counterintelligence and operative activities in the field of combating terrorism are performed by the Counterterrorism Centre of the Security Police. The main tasks of the Counterterrorism Centre are to analyse the efficiency of country's counter terrorism policy and the threats of terrorism, as well as coordination of cooperation among bodies involved in counter-terrorism measures, and co-operation with foreign partner services

The establishment of the Counterterrorism Centre was necessary to improve the counter-terrorism system in the Republic of Latvia. To perform the fore mentioned tasks, the Counterterrorism Centre also co-operates with foreign partner services.

Law enforcement authorities also cooperate with Interpol, Europol and other states and institutions on combating terrorism, trafficking of explosives, firearms and nuclear radiological substances.

The regulations of the Cabinet of the Ministers on the division of functions of ship and port defence facilities, adopted on August 17, 2004, provide the possibility to raise the security level in ports and on ships to avoid possible terror and other illegitimate acts.

On October 21, 2004 Saeima (national Parliament) supported the accession of the Republic of Latvia to the Protocol amending the European Convention on the suppression of terrorism, the aim of which is to strengthen the fight with terrorism.

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

One of the National Armed Force tasks is to perform special state defence and security operations and participate in the execution of counter-terrorist measures. The Counterterrorism Centre of the Security Police coordinates counter-terrorism activities between national and international security institutions and ensures effective implementation of counter-terrorism measures in Latvia.

The Ministry of Defence is involved in monitoring the international security environment and in elaborating the threat assessment as well as in taking part in the development of the national counter-terrorism system. The Ministry of Defence also ensures participation of the National Armed Forces in international operations contributing to counter-terrorism efforts.

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

(a) military posture

The Republic of Latvia has a system of parliamentary democracy based on free elections every four years. Elected Parliament, Saeima, approves the Government and controls its activities according to the Constitution of Latvia. The Parliament appoints the Commander of the NAF.

The Government has the authority to make decisions concerning the entire organization of national defence within the frameworks established by the Parliament. The Ministry of Defence formulates and implements the government's defence policy. Thus, the national defence planning is ultimately governed by the political decision making process and shaped within the framework set up by the Constitution and laws.

There are three cycles of the development planning for the NAF: a twelve-year cycle (a long-term development plan for the NAF), a four-year cycle (a medium-term development plan for the NAF) and a one-year planning cycle (an annual development plan for the NAF). These plans determine the development of personnel, armament, material supply, and the structure of the NAF, as well as stipulate apportionment of the national budget that is necessary for the implementation of the plans.

Participation of the National Armed Forces of Latvia in international operations is possible only according to the laws of the Republic of Latvia, as well as political decisions of the Parliament or/and Government or, in special cases defined by law, by the Minister of Defence. The constitutional and legal framework provides transparency and clear division of power between the President, the Parliament and the Government including the Minister of Defence.

The President, elected by the Parliament, is the Supreme Commander of the NAF. He confers the service ranks to officers. The President's responsibilities include announcing the declaration of war (according to the decision of Parliament). In wartime the President appoints the Commander in Chief.

The National Security Council (NSC) started operating in December 1993. It is chaired by the State President, who summons the meetings of NSC. NSC co-ordinates the policy implemented by the highest state institutions and officials in the area of national security and examines the process of its improvement and related problems. NSC also examines the plans and conceptions determined by legislation, which are connected with national security as well as other issues as stipulated by legislation. Presently the NSC operates in accordance with the Law on National Security, the Law on the Institutions of National Security, and the Law on the Constitution Protection Bureau (SAB) as well as other laws of the Republic of Latvia.

NSC consists of: State President, Speaker of the Saeima, Head of the Defence and Internal Affairs and Corruption Prevention Committee of Saeima, Head of the National Security Committee of Saeima, Prime Minister, Minister of Defence, Minister of Foreign Affairs, Minister of Interior and Director of the Constitution Protection Bureau.

The Prosecutor General has the right to participate in the meetings of the NSC. The State President and the Chair of the NSC submits the resolutions and drafted recommendations to Saeima or the Cabinet of Ministers. The NSC resolutions have the character of recommendation and do not release the responsible officials from being accountable for the resolutions they have made, with the exception of the NSC recommendations to Saeima on the appointment and dismissal of the Director of the Constitution Protection Bureau.

The Parliament sets the tasks for the armed forces through national legislation. The Parliament's competence includes declaration of war and peace. It determines the peacetime size of the NAF, confirms the appointment and the release of the Commander of the NAF. Parliamentary budget appropriations with parliamentary oversight of annual budget execution by the Ministry of Defence are key control elements. Parliamentary control provides visibility and transparency in the budgeting process.

The Commander of the National Armed Forces is directly subordinated to the Minister of Defence. The Commander of the NAF, in accordance with the Minister's directives, executes the operational command over the NAF. The Minister of Defence is politically responsible to the Parliament. The Cabinet of Ministers appoints and releases the Commander of the Land Forces, Navy, and Air Forces, Logistic Command, Training and Doctrine Command and the National Guard.

The division of responsibilities is defined by the Law on the National Armed Forces and by the Law on National Security.

(b) defence expenditures;

Saeima has adopted the State Defence Financing Law that states that 2% of the GDP will be allocated to defence expenditures until 2012.

3. Description of

(a) constitutionally established procedures ensuring effective democratic control of military, paramilitary, and internal security forces, as well as intelligence services and the police and (b) of constitutionally established authorities/institutions responsible for democratic control of military, paramilitary and security forces

(i) military forces

Latvia has established democratic control over the NAF. The fundamentals of democratic control are embedded in the Constitution and additional legislative acts that determine the responsibility of armed forces.

Participation of the National Armed Forces in international operations is possible only in accordance with political decisions of the Parliament or/and Government or in special cases defined by law, by the Minister of Defence. The constitutional and legal framework provides transparency and clear division of power between the President, the Parliament and the Government including Minister of Defence.

The civilian Minister of Defence symbolises and executes the democratic control over the National Armed Forces. The Minister of Defence is politically responsible to the Parliament. The Commander of the National Armed Forces is directly subordinated to the Minister of Defence. The Commander of the National Armed Forces, in accordance

with the Minister's directives, executes the operational command over the National Armed Forces.

The division of responsibilities is clarified in the Law on National Security and in the Law on the National Armed Forces. The Parliament also approved the Mobilisation Law, which is a part of the legal base of the defence system based on democratic control over the military.

Article 19 of the Law on the National Armed Forces regulates the civilian control over the National Armed Forces, and determines the competence and control of the Defence Minister, State Control Authority, the Government, State President and the Parliament over the armed forces. The Commander of the National Armed Forces carries out the internal control over the forces.

(ii) paramilitary forces

In the territory of the Republic of Latvia currently there are no forces defined as paramilitary forces.

The Law on National Armed Forces defines that in wartime or in case of emergency the Defence department of the Bank of Latvia and during war time the Border Guard will be included into the National Armed Forces.

(iii) internal security forces

The Law on the NAF defines that tasks of the Military Police are to perform special operations in interests of state defence and security, to ensure protection of the highest state officials (also foreign). The greatest role in internal security is played by the land forces who participate in counter-terrorism activities etc. However, units of the National Armed Forces have certain tasks concerning internal security.

The Law on National Security defines that the Constitution Protection Bureau (SAB), the Security Police and the Military Intelligence and Security Service are internal security authorities and their activities are governed by special laws and regulations.

(iv) intelligence services

The national security system contains 3 separate intelligence services - the Constitution Protection Bureau (SAB), the Military Intelligence and Security Service and the Security Police.

The Military Intelligence and Security Service is a state security authority under the supervision of the Ministry of Defence. The Security Police is under the supervision of the Ministry of Interior. The Constitution Protection Bureau (SAB) is the under supervision of the Cabinet of Ministers and the supervision is carried out by the Minister of Justice.

The National Security Council controls all these services. The National Security Commission of the Parliament provides parliamentary control over the State Security services.

(v) police

The legal basis for the police activities is provided by the Constitution, the Law on National Security Institutions, the Law on Police, the Law on Operational Acts, other laws and internal regulations, as well as international treaties regulating the protection

of the national security and economic sovereignty.

According to Article 38 of the Law on Police, the Government, the Minister of the Interior and local authorities control the activities of the police within their competence.

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

(i) military forces

The Law on the National Armed Forces, Chapter II, Article 6, is regulating the tasks of the National Armed Forces.

(1) The main tasks of the National Armed Forces are the following:

- to ensure the inviolability of the land territory, the water aquatorium and the airspace of the State;
- to participate in international military operations according to the procedures specified in the law and international agreements;
- to ensure the training of personnel and military service reserve; and
- to participate in the prevention of situations that constitute a threat to the State according to the procedures specified in regulatory enactments.

(2) The units (sub-units) of the NAF may become involved in the performance of other tasks not stipulated this Law but only by an order of the Cabinet of Ministers.

Participation of the military personnel in international operations is regulated by the Law on the Participation of the National Armed Forces of Latvia in the International Operations.

The Law on the Participation of the National Armed Forces of Latvia in the International Operations stipulates that units of the National Armed Forces participate in international operations within the mandate of the United Nations or other international organizations or according to the international agreements binding to the Republic of Latvia and according to the laws of the Republic of Latvia, as well as according to decisions on the participation of united of armed forces in international operations made by the Saeima, the Cabinet of Ministers or, in the special cases defined by law, by the Minister of Defence.

Article 5 of the Law on the Participation of the National Armed Forces of Latvia in the International Operations provides that in case of a demand from a foreign country the Minister of Defence may decide on the participation of individual specially trained units of the National Armed Forces in international rescue operations and international humanitarian operations in NATO or EU member states.

The Minister of Defence controls the execution of the above mentioned tasks and missions by the NAF. The Ministry has assisting structures to ensure the legality of actions of the National Armed Forces – the Inspector General in the Ministry of Defence and National Armed Forces. There is also the Military Police subordinated to the Commander of National Armed Forces.

(ii) paramilitary forces

The Law on the National Armed Forces makes the provision that in wartime or in case of emergency the Defence department of the Bank of Latvia and the Border Guard shall be included into the National Armed Forces.

(iii) security forces

The Law on National Security defines that the Constitution Protection Bureau (SAB), the Military Intelligence and Security Service and the Security Police are internal security authorities and their activities are governed by special laws.

3. (d) public access to information related to the armed forces;

The principle of public access to official documents is firmly established by the Constitution of the Republic of Latvia. The principle includes the public rights to access official documents kept by authorities, including the Armed forces. The rights to access official documents is limited only if they concern vital aspects of the national security, economic and political interests, or confidential information obtained in bilateral cooperation with other states or international organizations.

Within the defence system, the information provided to persons and mass media must be in accordance to the Laws on State Secret, on National Security, on National Armed Forces, on Freedom of Information and other governmental rules and military regulations.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law;

Participation of the military personnel or units in international operations is regulated by the Law on the Participation of the National Armed Forces of Latvia in the International Operations. The Cabinet of the Ministers regulates participation of the military personnel and units of the National Armed Forces in the international military exercises which take place outside the territory of Latvia. For instance, participation in the 36 international military exercises in 2009 is regulated by the decision No 96 of the Cabinet of the Ministers, adopted in 09.02.2009.

There are two options for the military exercises conducted within the territory of Latvia: if the number of foreign military personnel doesn't exceed 500 people, the decision is made by the Minister of Defence in coordination with the Ministry of Interior and the Ministry of Foreign Affairs. For instance, in 2008 the Minister of Defence allowed to organize in Latvia 15 international military exercises with the participation of foreign military personnel less than 500 people.

If the number of foreign military personnel participating in the military exercises exceeds 500 people the decision shall be made by the Cabinet of the Ministers.

The Law on the Participation of the National Armed Forces of Latvia in the International Operations stipulates that units of the National Armed Forces participate in international operations within the mandate of the United Nations or other international organizations or according to the international agreements binding to the Republic of Latvia and according to the laws of the Republic of Latvia, as well as according to decisions on the participation of united of armed forces in international operations made by the Saeima, the Cabinet of Ministers or, in the special cases defined by law, by the Minister of Defence.

Article 5 of the Law on the Participation of the National Armed Forces of Latvia in the International Operations provides that in case of a demand from a foreign country the Minister of Defence may decide on the participation of individual specially trained units of the National Armed Forces in international rescue operations and international humanitarian operations in NATO or EU member states.

Regarding transit procedures through the territory of Latvia the law On the Status of Foreign Military Forces in the Republic of Latvia, sets up two options: if the amount of the military forces using the territory of Latvia as a transit state exceeds 500 people the permission is given by the Cabinet of the Ministers. If the amount of the military forces using the territory of Latvia as a transit state doesn't exceed 500 people, the permission is given by the Minister of Defence in coordination with the Ministry of Interior and the Ministry of Foreign Affairs.

The National Armed Forces are participating in the international operations (ALTHEA, KFOR and ISAF) according to the annual decision of the Parliament and in OSCE according to the decision of the Cabinet of Ministers.

Taking into account that the Republic of Latvia is a member of NATO and has undertaken commitment of all NATO basic treaties (i.e. NATO SOFA) as well as PfP SOFA, the provisions of these important international treaties will apply.

5. Description of

5. (a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces if applicable;

(i) military

By December 2006, when the last conscripts finished their military service, Latvia became the first country in the Baltic Sea region that has solely professional armed forces. According to the State Defence Concept that was approved by Saeima on June 19, 2008, total number of personnel of NAF is not exceeding 20 000 – 5800 of those are soldiers of professional service and the rest consists of land guards, and civil and military officials.

(ii) paramilitary forces

Not applicable

(iii) security forces

The Law on National Security Institutions, the Law on Police, the Internal Regulation on the Interior Institutions and other legal acts regulate the recruitment procedures for the police and other interior security institutions.

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

Due to transition to professional military, there is no need for alternatives to compulsory military service and they will be abolished.

5. (c) legal and administrative procedures protecting the rights of all forces personnel;

Legal and administrative procedures protecting the rights of all forces personnel are regulated by the Law on Military Service, on National Guard, the Law on National Armed Forces, the Law on Military Personnel's Service Pensions, as well as various governmental regulations on the military personnel's provisions, catering, insurance and rewarding.

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

The core instruments of the international humanitarian law (Geneva Conventions and Additional protocols) have been ratified by the Parliament. Other international rules, conventions and commitments governing armed conflict are incorporated in the national legal acts.

National Defence Academy has a course on international defence related legislation including International Humanitarian Law, Code of Conduct on Politico-Military Aspects and other international rules, conventions and commitments governing armed conflicts.

Latvia follows the principles set out in the OSCE Code of Conduct.

7. Any other information

None