



Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna

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The Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna presents its compliments to all OSCE Delegations and Permanent Missions to the OSCE and to the Conflict Prevention Centre and has the honour to enclose herewith the replay of Montenegro to the OSCE Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Montenegro to the UN, OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the OSCE Missions and Delegations of the Participating States and the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 9 May 2017

To: All Permanent Missions/Delegations to the OSCE Conflict Prevention Centre
Vienna



Montenegro Ministry of Foreign Affairs

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

ANSWERS TO THE QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO- MILITARY ASPECTS OF SECURITY

SECTION I: Inter-State elements

1. Account of measure to prevent and combat terrorism

- **1.1.** Montenegro is a party to the following conventions:
- European Convention on Counter Terrorism;
- European Council Convention on Prevention Terrorism;
- European Council Convention on Laundering, Searching, Confiscating Objects Gaining by Criminal Activities and on Funding Terrorism.
- In 2013, a Memorandum between the Ministry of Internal Affairs of Montenegro and the Ministry of Internal Affairs of Ukraine on the cooperation in the area of combating crime was signed in Kiev on 13 June 2013 and entered into force on the day of signature. The Memorandum is concluded for an indefinite period. It also provides for cooperation in the fight against terrorism.
- In 2012, the Ministry of the Interior has signed a few bilateral (international) agreements, some of which are related to fight against terrorism:
 - o Agreement between the Government of Montenegro and the Government of Macedonia on Police Co-operation, signed in Skopje on 16 March 2012, and ratified by the Parliament of Montenegro on 4 March 2013.
 - o Agreement between Montenegro and the Czech Republic on Cooperation in the Fight against Crime, signed in Podgorica on 22 June 2012, and ratified by the Parliament of Montenegro on 4 March 2013. In accordance with the Article 2 Paragraph 1 Line b, the co-operation between the Parties is also extended to fight against terrorism and terrorism financing.
 - o Agreement between the Ministry of the Interior of Montenegro and the Ministry of the Interior of the Slovak Republic on Police Cooperation, signed in Podgorica on 5 June 2012, entered into force after 30 days from the signing date. In accordance with the Article 2 Paragraph 1 Line 2, the cooperation between the Parties is also extended to the fight against terrorism and terrorism financing.
- Montenegro has signed the Police Cooperation Convention for Southeast Europe (Official gazette of Montenegro – International Agreements, Number 01/08), in Vienna, on 5 May 2008. Along with Montenegro, the Convention has also been signed by: Albania, Bosnia and Herzegovina, Moldova, Republic of Macedonia, Romania and Serbia. After ratification by all seven signatory States, the Convention entered into force on 10 October 2007. In addition, Bulgaria acceded to it on 25 September 2008. Austria (on 24 May 2011), Hungary (on 6 July 2012) and Slovenia (on 14 December 2012) have also deposited their accession acts to the Convention. The Convention is also aimed at

strengthening cooperation with respect to prevention, detection and police investigation of criminal offences.

- Montenegro's police officers have also successfully participated in peacekeeping missions in Afghanistan. Furthermore, the Ministry of the Interior and the Ministry of Defense of Montenegro have signed on 19 November 2012 the Agreement on cooperation on preparation and engagement of advisory police teams within peacekeeping mission "International Security Assistance Force" in Afghanistan.
- In addition, as of 2009, Montenegro's police officers have also participated in UN Peacekeeping Missions in Cyprus (UNFICYP).

As for the international-legal instruments in the field of preventing and combating terrorism and cooperation in the fight against crime, Montenegro has deposited its instrument of succession to the following conventions:

Conventions whose designated depository is the Secretary General of the United Nations:

- 1. In line with the resolution of the UN on foreign fighters (2178) the amendments to the Penal Code of Montenegro has been adopted;
- 2. United Nations Convention against Transnational Organized Crime (and the Protocols thereto (Official Gazette of the Federal Republic of Yugoslavia 6/2001) by means of succession, entered into force on June 03, 2006;
- 3. UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention), (Official Gazette of the Socialist Federal Republic of Yugoslavia International Treaties 14/90) by means of succession, entered into force on June 03, 2006;
- 4. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Official Gazette of the Socialist Federal Republic of Yugoslavia International Treaties 47/70) by means of succession, entered into force on June 03, 2006;
- 5. International Convention for the Suppression of the Financing of Terrorism (Official Gazette of the Federal Republic of Yugoslavia 07/02) by means of succession, entered into force on June 03, 2006;
- 6. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Official Gazette of Serbia and Montenegro International Treaties 11/05) by means of succession, entered into force on June 03, 2006;
- 7. International Convention for the Suppression of Terrorist Bombings (Official Gazette of the Federal Republic of Yugoslavia 12/02) by means of succession, entered into force on June 03, 2006;

- 8. United Nations Convention against Corruption (Official Gazette of Serbia and Montenegro-International Treaties 11/05) by means of succession, entered into force on June 03, 2006;
- 9. International Convention Against the Taking of Hostages (Official Gazette of the Socialist Federal Republic of Yugoslavia International Treaties 09/84) by means of succession, entered into force on June 03, 2006;
- 10. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- 11. International Convention for the Suppression of Acts of Nuclear Terrorism (Official Gazette of Serbia and Montenegro-International Treaties 2/06), by means of succession, entered into force on June 03, 2006 (succession to the signature);

Conventions whose designated depository is the Council of Europe:

- 1. The ratification of the Additional Protocol with the Convention of the Council of Europe on the terrorism prevention has been signed, and will be ratified in due course.
- 2. The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Official Gazette of the Federal Republic of Yugoslavia 01/92), by means of succession, entered into force on June 03, 2006;
- 3. European Convention on Extradition and its Additional Protocol (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
- 4. European Convention on the Transfer of Sentenced Persons and its Additional Protocol (Official Gazette of the Federal Republic of Yugoslavia 04/01) by means of succession, entered into force on June 03, 2006;
- 5. European Convention on the Suppression of Terrorism (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
- 6. European Convention on the Transfer of Proceedings in Criminal Matters (Official Gazette of the Federal Republic of Yugoslavia 10/01) by means of succession, entered into force on June 03, 2006;
- 7. European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol (Official Gazette of the Federal Republic of Yugoslavia 10/01- and Official Gazette of Serbia and Montenegro International Treaties 2/06) by means of succession, entered into force on June 03, 2006;
- 8. European Convention on the International Validity of Criminal Judgments with Amendments (Official Gazette of the Socialist Federal Republic of

Yugoslavia - International Treaties 13/02 and 02/06) by means of succession, entered into force on June 03, 2006;

- 9. Council of Europe Convention on the Prevention of Terrorism;
- 10. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.
- 11. Criminal Law Convention on Corruption (Official Gazette of the Socialist Federal Republic of Yugoslavia International Treaties 02/02 and Official Gazette of the Republic of Montenegro 18/05) by means of succession, entered into force on June 03, 2006.

Conventions whose designated depository is the International Maritime Organization:

- 1. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988);
- 2. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (SUA PROT 1988);

Conventions whose designated depositories are individual states:

- 1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970;
- 2. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (Official Gazette of the Socialist Federal Republic of Yugoslavia International Treaties 14/89) by means of succession, entered into force on June 03, 2006;
- 3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1970;¹

Montenegro ratified the Additional Protocol to the Criminal Law Convention on Corruption (Official Gazette of Montenegro 11/07) and the Convention on Cluster Munitions (Official Gazette of Montenegro - International Treaties 4/09).

Montenegro has assumed obligations arising from agreements signed between the SRY and the subsequent State Union of Serbia and Montenegro and:

1. Republic of Greece on cooperation in the fight against organized crime, illegal trafficking in drugs and psychotropic substances, terrorism, and other severe criminal;

¹ The depositories of these three international instruments are the United Kingdom, the Russian Federation and the United States of America. Montenegro deposited its instrument of succession with the Government of the United Kingdom, after which the Foreign Office informed the Montenegrin Ministry of Foreign Affairs that other members and depositories would be informed abot the given legal transaction.

- 2. Republic of Bulgaria on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
- 3. Republic of Croatia on cooperation in the suppression of illegal trafficking in narcotic drugs and psychotropic substances, international terrorism and other forms of international criminal activities;
- 4. The Montenegrin Ministry of Interior and the Republic of Italy and the Republic of Albania Memorandum of Understanding that, inter alia, envisages cooperation in the fight against international terrorism.
- 5. Acceptance and implementation of the Berlin Declaration as of 10 July 2002 (Confronting terrorism: global challenge in the 21st century);
- 6. Implementation of the necessary activities related to red notices, blue notices and other official actions of the INTERPOL with regard to persons for whom there is a reasonable doubt that they have incited, participated or committed terrorist activities;
- 7. The Republic of Austria on police cooperation;
- 8. Agreement on Cooperation in Prevention and Fight against Trans-border Crime (Official Gazette of Serbia and Montenegro- International Treaties 05/03) by means of succession, entered into force on June 03, 2006.

Administration for the Prevention of Money Laundering and Terrorism Financing, as Montenegro's Financial Intelligence Unit, signed agreements on cooperation in exchange of financial intelligence data with Financial Intelligence Units (FIU) of the following states:

- Agreement on Cooperation with FIU of Serbia (signed on 16 April 2004);
- Agreement on Cooperation with FIU of Albania (signed on 3 June 2004);
- Agreement on Cooperation with FIU of Bosnia and Hercegovina (signed on 19 April 2005);
- Agreement on Cooperation with FIU of Macedonia (signed on 29 October 2004);
- Agreement on cooperation with FIU of UNMIK Kosovo (signed on 7 December 2004);
- Agreement on Cooperation with FIU of Slovenia (signed on 28 December 2004):
- Agreement on Cooperation with FIU of Croatia (signed on 24 March 2005);
- Agreement on Cooperation with FIU of Bulgaria (signed on 11 April 2006);
- Agreement on Cooperation with FIU of Portugal (signed on 11 June 2007);
- Agreement on Cooperation with FIU of Russian Federation (signed on 7 September 2007);
- Agreement on Cooperation with FIU of Poland (signed on 15 November 2007);
- Agreement on Cooperation with FIU of Romania (signed on 10 October 2008);
- Agreement on Cooperation with FIU of the USA Fin CEN (signed on 21 October 2008);
- Agreement on Cooperation with FIU of EULEX Mission in Kosovo (signed on 19 February 2009);
- Agreement on Cooperation with State Committee for Financial Monitoring of Ukraine (signed on 27 May 2009);

- Agreement on Cooperation with the Unit for Prevention of Money Laundering and Suspicious Cases of the United Arab Emirates (signed on 6 July 2009);
- Agreement on Cooperation with FIU of Bermuda (signed on 21 October 2009)
- Agreement on Cooperation with FIU of Moldova (signed on 12 December 2010)
- Agreement on Cooperation with FIU of San Marino (signed on 12 December 2010)
- Agreement on Cooperation with FIU of Israel (signed on 12 December 2010)
- Renewed Agreement on Cooperation with FIU of Russian Federation (signed on 15 December 2010) Agreement on Cooperation with FIU of Aruba (signed on 14 March 2011)
- Agreement on Cooperation with FIU of Estonia (signed on 14 March 2011)

1.2. What national legislation has been adopted in your State to implement the above mentioned agreements and arrangements?

Authorities, competencies and procedures of state subjects that participate in counter-terrorism activities have been regulated with several strategic documents and laws, that relate to the field of terrorism and other fields connected with it. Among the above-mentioned documents and laws are the following: the Constitution, National Security Strategy, Strategic Defense Review, Criminal Code, Criminal Procedure Code, Law on Prevention of Money Laundering and Terrorist Financing, Law on the National Security Agency, Law on Internal Affairs, Law on Defense, Law on the Armed Forces of Montenegro etc. These documents and laws define activities implying criminal offences of terrorism, the competent institution and the way of their participation in counter-terrorism, steady improvement of the capacities of Montenegro in counter-terrorism, prevention of potential terrorism financing, the means for suppressing offenders, etc.

1.3. What is the role and mission of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Terrorism is one of the main global security threats in 21st century and in all its forms shows an upward trend, which is manifested through an increased number of terrorist acts, endangering human life, causing excessive fear in the general public of the consequences of terrorist acts, the greater the destruction of material goods and others.

The Strategy for the prevention and suppression of terrorism, money laundering and terrorist financing (hereinafter: Strategy) is the first strategic document that the unique and comprehensive way gives the answer in the fight against terrorism, money laundering and terrorism financing in Montenegro. Terrorism, money laundering and financing of terrorist activities may threaten the state, security and economic interests which, among other things, include a stable constitutional order, rule of law, development of democracy, strengthening of peace and stability as prerequisites for the development of society, financially strong sector of the economy, stable financial system, fair and free labor market

and a functioning market economy. These phenomena also can threaten all social structures.

The main objective of the Strategy is to establish priorities based on the need to develop effective and functional mechanisms of relevant institutions and improving procedures of prevention and combating of terrorism, money laundering and terrorist financing. The Strategy shows the commitment of Montenegro to the European and Euro-Atlantic integration act jointly with other countries and international organizations, with the aim of strengthening national, regional and global security.

The strategy, in line with the main objective, define a general framework of action and response of Montenegro on current and future challenges and threats, through the improvement of existing and development of new measures, mechanisms and instruments, which are a function of stability and security, which include implementation of the following vision: "Montenegro has coordinated and efficient system for the prevention of terrorism, money laundering and financing of terrorism based on international standards and cooperation between the relevant institutions."

In this sense, the strategic directions of activities of Montenegro are:

- Adoption and implementation of the Strategy;
- ➤ Increased cooperation and exchange of information with regional and international partners in the fight against terrorism, money laundering and financing of terrorism;
- ➤ The adoption and implementation of international standards;
- ➤ Defining the principles and methods of improving cooperation between relevant institutions.

Competences, authorities and procedures of the Government bodies involved in counterterrorism activities have been defined by a number of strategic documents² and Laws pertaining to the field of terrorism and other areas related to it. These documents and Laws define what criminal activities represent a criminal act of terrorism, which institutions and how they participate in countering terrorism, how to constantly improve Montenegro's capacities for countering terrorism, how to prevent a potential terrorist financing, how to punish perpetrators of criminal acts of terrorism etc.

Also, the jurisdiction, powers and actions of state bodies involved in the fight against terrorism regulates several laws pertaining to this criminal legal matter or refer to it:

- ➤ Criminal Code ("Official Gazette of Montenegro", number 70/03 and 47/06 and "Official Gazette of Montenegro", No. 40 / 08I 25/10);
- ➤ The Criminal Procedure Code ("Official Gazette of Montenegro", 57/09 and 49/10);

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 $^{^2\} National\ Security\ Strategy,\ Strategic\ Defence\ Review,\ etc.$

- ➤ Law on State Prosecutor ("Official Gazette of Montenegro", number 69/03 and 40/08);
- ➤ Courts Act ("Official Gazette of Montenegro", No. 5/02, 49/04 and "Official Gazette of Montenegro", No. 22/08);
- ➤ Law on Prevention of Money Laundering and Financing of Terrorism ("Official Gazette of Montenegro", No. 14/07 and 4/08);
- ➤ Police Act ("Official Gazette of Montenegro", No. 28/05 and 88/09);
- ➤ The Law on the National Security Agency ("Official Gazette of Montenegro", No. 28/05);
- > Asylum Act ("Official Gazette of Montenegro", 45/06);
- ➤ Law on Border Control ("Official Gazette of Montenegro", No. 72/09);
- ➤ Aliens Act ("Official Gazette of Montenegro", number 82/08 and 72/09);
- ➤ Law on Travel Documents ("Official Gazette of Montenegro", number 21/08 and 25/08);
- ➤ The Law on Protection of Personal Data ("Official Gazette of Montenegro", 79/08 and 70/09);
- ➤ Data Secrecy Act ("Official Gazette of Montenegro", 14/08 and 76/09);
- Law on the National Security Agency;
- > Law on Police, Law on Defence;
- Law on the Armed Forces of Montenegro;
- ➤ Law on the basic of Intelligence Security Sector.

The Ministry of Defense proposes and executes the defined defense policy; manufactures Defense Plan of Montenegro and harmonizes defense plans other holders of defense preparations; assess the war and other hazards; realizes multilateral and bilateral cooperation in the field of defense; performs organization, equipping, arming, development and use of the Army and other activities in accordance with the Constitution.

Army of Montenegro in accordance with the Defense Strategy of Montenegro and the Law on Defense, among others, the tasks related to: assist the Police in the fight against terrorism, as well as support to civilian institutions during natural and man-made disasters and other crisis situations.

Also, strategic documents stipulate that the Police is in charge of countering terrorism, proliferation of weapons of mass destruction, corruption and drugs, while the Armed Forces of Montenegro may be engaged as a support to the Police in countering terrorism. For the realization of the second mission of the Armed Forces in the field of supporting civilian structures in countering terrorism, the Special Forces Company and Military Police Company have been declared.

The Task Force, chaired by National Security Council, continuously monitors the implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing, which refers to a period of four years, monitors the realization of the Action Plan for the implementation of the mentioned Strategy. The Task Force operational team is composed of representatives of the Special State Prosecutor's Office, the Higher Court in Podgorica, the Ministry of Justice, Ministry of Interior and the Police, the

Ministry of Defense and the Military Headquarters, the National Security Agency, Administration for Prevention of Money Laundering and Financing of Terrorism, the Directorate for Protection of Classified Information, Tax Administration and the Customs Office. The team reviewed the proposals of sixmonth report to the Government of Montenegro on the implementation of strategies for the prevention and suppression of terrorism, money laundering and financing of terrorism 2015-2018, and the Action plan 2015-2016.

In 2016, the X Report on the implementation of the Strategy was adopted (for the first half of the year) and can be downloaded from the following web site: http://www.aspn.gov.me/ResourceManager/FileDownload.aspx?rld=249684&rType=2.

In April 2017, the XI Report for the period July-December 2016 years was adopted and the Report can be downloaded from the following web site: http://www.aspn.gov.me/uprava/170992/XI-IZVJEsTAJ-O-SPROVOdENJU-STRATEGIJE-ZA-PREVENCIJU-I-SUZBIJANJE.html.

The National Security Agency, using special methods and means provided by the Law, collects data and information on potential threats, plans or intentions of organizations, groups and individuals aimed against the territorial integrity, security and constitutional order of the country and points to the potential challenges, risks and threats to safety, while Special Prosecutor is in charge of processing criminal acts of terrorism. Department for Military Intelligence and Security Affairs (DMISA) is, among other things, responsible for the implementation of preventive measures to the persons who perpetrate criminal acts of terrorism, directed towards the Ministry and the Armed Forces. Representatives of DMISA and General Staff are members of the Task Force responsible for monitoring and implementation of the Action Plan for the implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing. Task Force reports directly to Operation Coordination Bureau. Head of DMISA is a member of the Operation Coordination Bureau.

Within its institutional framework Montenegro has no paramilitary forces.

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

Montenegrin competent authorities are implementing a set of measures and conduct activities in the field of terrorism prevention. The measures and activities are implemented through the Action Plan of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing. The results of the implementation are given in the Tenth and Eleventh Report, adopted by the Government of Montenegro.

Montenegro actively participates in the following activities of the Counter-Terrorism Initiative Integrative Plan of Action (WBCTI) and Integrative Action Plan (AP):

- Implementation of Integrative AP for the Western Balkan countries about complementary approach in the fight against terrorism;
- The AP was approved by the ministers of justice and ministers of interior of all countries Western Balkans in December 2015, last year in Sarajevo;
- Support for the implementation of the Action Plan gives PCC SEE, which is in this respect formed his PCC SEE CTN network (two members in this network are from Montenegro);
- The EU has approved the action plan by the framework decision;
- Project First Line;
- CTI Initiatives which includes also WBCTI that is of the operational level and relates to the security services of the Western Balkan countries, has its own action plan for the Western Balkans, which is in line with the Integrative AP.

According to the Integrative AP the following activities has been conducted:

- Establishment of the Regional SEE platform in the fight against radicalization and violent extremism that leads to terrorism, funded by the RCC;
- Establishment of PCC SEE CT platform as a policy level network, formally working body under the PCC SEE Convention (Network of CT points of Contact);
- Participation in meetings of the PCC SEE CTN;
- Joint meetings and bigger format, co-organized by the PCC SEE and RCC (Two platforms at different levels and in different formats: the PCC SEE Network Platform and the RCC Group of CT-CVE-FTF National Focal Points).

Implementation of the strategy to combat violent extremism (Government of Montenegro adopted the Strategy on 10 December 2015) for the period 2016-2018, to strengthen the capacity of law enforcement agencies and the intelligence community in order to deal with the emergence of foreign fighters and radical extremism.

In order to fulfill the vision and mission prescribed by the strategy, strategic objectives are:

- An adequate understanding of the drivers of radicalization in order to prevent radicalization;
- Establish effective mechanisms of coordination among the relevant institutions at national and international level;
- Implementation of the activities in response to the drivers of radicalization combating radicalization and violent extremism;
- The implementation of monitoring and evaluation in order to eliminate the consequences of violent extremism and terrorism and to plan for future activities.

Measures and activities undertaken in order to prevent radicalization and violent extremism include continuous cooperation with the international organizations that are dealing with the prevention of terrorism and violent extremism, through the effective use of Interpol and Europol's resources in preventing and combating violent extremism.

There is a continued receipt of Europol's information on the use of social networks and internet applications in order to implement the radicalization and

dissemination of propaganda of ISIL and other terrorist organizations (Check the Web - Europol's analytical work files). Constant exchange of information related to foreign fighters is done at the operational level.

2. Stationing of armed forces on foreign territory

2.1. Provide information on stationing of States armed forces on the territory of other participating States in accordance with freely negotiations as well as in accordance with international law.

The Constitution of Montenegro, Laws, international treaties and acts of state authorities are providing the stationing of armed forces of Montenegro in foreign territories. The involvement of the Army of Montenegro in foreign territories is possible through the engagement of the international forces, participation in international military exercises and training abroad. The Constitution of Montenegro stipulates that the Montenegrin army is under democratic and civilian control. The Constitution of Montenegro stipulates that the members of the Army of Montenegro may be part of an international force. The Constitution prohibits the process of establishing secret subversive organizations and irregular armies organized by members of the military. The Parliament of Montenegro shall decide and issue a decision on the use of the Armed Forces of Montenegro in the international forces and the Constitution of Montenegro stipulates that the Parliament of Montenegro supervises the Army of Montenegro (*Articles 11, 55, 129, 82*).

Criteria and decision – making process for staffing, preparation, training and equipping of units of the Army for use in international forces is prescribed by the Government. The international forces or peacekeeping missions and other activities abroad are referred to prepared, trained and equipped units of the Army. Preparation, training and equipping of units of the Army is going to be performed by governmental administration carrying out the decisions of their referral (monitor and coordinate their involvement in the international forces or peacekeeping missions and other activities abroad). The Defense Minister, at least once a year, submit to the Defense Council a report of the activities on the use of units of the Army joined to the international forces³ (Article 9,10,11- Law on Deployment of the AF).

The Armed Forces of Montenegro members' participation in the Peace Support Operations (PSO) during 2016:

➤ The international mission in Afghanistan - "RESOLUTTE SUPPORT"-Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 60/14) - have been engaged 53 persons;

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³ Law on deployment of the Armed Forces of Montenegro units to the international forces and participations of members of civil defence, police and public administration employees in the international missions and other activities abroad ("Official Gazette of Montenegro", No. 61/08,)

- "EU Peacekeeping Training Mission" in Mali Based on the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 21/14) - have been engaged 3 persons;
- ➤ The UN mission in Western Sahara "United Nations Mission for the Referendum in WS MINURSO"- Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 38/16) have been engaged 2 persons;
- ➤ EU peace enforcement operations -"EU NAVFOR ATALANTA"-Following the decision of the Parliament of Montenegro ("Official Gazette of Montenegro", No. 45/16) - have been engaged 2 persons.

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

3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence – and security – building as an element of invisible security are implemented in good faith.

Montenegro is a state party of the following agreements related to the arms control:

- Vienna Document;
- Dayton peace agreement (Article IV);
- Ottawa Conventions;
- ➤ CCW (The Convention on Certain Conventional Weapons) and Protocols I,II,III and IV (amended II);
- Convention on Cluster Munitions:
- ➤ HCOC (Hague Code of Conduct Against Ballistic Missile Proliferation);
- CTBT (Comprehensive Test Ban Treaty);
- ➤ NPT (Nuclear Non-Proliferation Treaty);
- ▶ BTWC (Biological and Toxin Weapons Convention); CWC (Chemical Weapon Convention);
- ➤ Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof;
- ➤ Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Convention on Physical Protection of Nuclear Material;
- ➤ Safeguard Agreement with the IAEA with following the Additional Protocol and Small Quantities;
- ➤ Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

Montenegro has established the Agency for arms control in 2007. This agency is subordinated to the Ministry of Defence of Montenegro and it has a central role in implementation of all obligations in the field of arms control.

During this period numerous activities have been accomplished, such as additional quotas for the inspection and evaluation regime (in 2016 2

inspections and evaluation visits are conducted), visits to the Air Bases and Military Installations (in 2016 4 activities).

According to the Vienna Document 2011, Chapter I, Annual Exchange of Military Information, Montenegro has decided to present units and formations from level of BATTALION and above in Annual Information. That is on voluntary basis and shows openness and transparency in CSBM.

In 2016 Montenegro hosted a meeting on bilateral level between Verification centers of Montenegro and Germany. That was an excellent opportunity to enhance bilateral relations among two Agencies in field of CSBM; Arms control and further new projects.

All previously mentioned activities are not counted in the prescribed obligations and they were all accomplished in good faith.

In 2016 Montenegro organized, in cooperation with RACVIAC, the "Orientation Course related to DAYTON PA, Article IV" which was occurred on the territory of Montenegro, city Danilovgrad and Podgorica. Montenegro provided adequate environment for productive work including units, equipment and personnel for theoretical and practical part. Course comprised about 50 participants from 12 countries, OSCE and RACVIAC, among them also representatives from Kosovo.

In all activities related to arms control, Montenegro showed maximum cooperation, openness and good will for contributing to the process of strengthening security and confidence and achieving disarmament.

3.2. Provide information on how your State pursues arms control, disarmament and confidence-and security-building measures with a view to enhancing security and stability in the OSCE area.

We would like to point out that Montenegro organized a Visit to Air Base and Military Facility in October 2016. Visit was executed in Air Base and Training Center joint with Military Activity "Blue Horizon – 16" and one part of NAVAL Forces (1 Frigate, Tugboat, Boarding Team). Event was conducted within provisions of VD11, Chapter IV and was supported by 26 delegates from 17 Countries and organizations.

According to Vienna document 2011 Montenegro has an obligation to receive 3 inspections of Specified area and 1 Evaluation visit per year.

In 2016 Montenegro received SA Inspection from Republic of Slovenia, Portugal and Russian Federation. One Evaluation visit was conducted from Republic of Romania.

In line with the Dayton peace agreement, Montenegro received 1 inspection by the Republic of Serbia and conducted 2 inspections on the territories of Bosnia and Herzegovina and Republic of Serbia.

Montenegro is not a member of Open Skies Treaty, however, during 2009; Montenegro accepted 2 training Open Skies inspections on its territory, with more than 35 participants from 9 countries.

Recognizing the specified risk, and taking into account the recommendations of the international community's efforts against organized crime and terrorism, there is a need of effective and coordinated undertaking measures and activities in order to combat illicit manufacturing, acquisition, possession, trafficking and smuggling of small arms and light weapons and ammunition, as well as all other abuses and negative occurrences. It is a very complex process that requires continuous cooperation of all ministries and other public administration bodies in order to achieve maximum effect.

In accordance with the guidelines and decisions of the United Nations (in particular Programme of the United Nations to prevent, combat and eradicate the illicit trade in small arms and light weapons and ammunition in order to prevent illegal trade, possession and accumulation of SALW) Montenegro working on strengthening the legal framework and administrative capacity relating to SALW control. These efforts are reflected, in addition to ongoing activities of the authorities, in the adoption of relevant laws and regulations, as well as strategic documents in order to control and combat accumulation and illicit trade in small arms and light weapons (SALW).

The questions of control of **Small Arms and Light Weapons - SALW** are regulated by:

- ➤ The Law on Weapons ("Official Gazette of Montenegro", 49/04 and "Official Gazette of Montenegro", no. 49/08 and 20/11);
- ➤ The Law on prevention of money laundering and terrorist financing ("Official Gazette of Montenegro", no. 14/07, 04/08);
- ➤ The Law on the control of exports of dual-use goods ("Official Gazette of Montenegro", number 30/12);
- The Law on Foreign trade in arms, military equipment and dualuse goods ("Official Gazette of Montenegro", no. 80/08 and 40/11);
- ➤ The Act on flammable liquids and gases ("Official Gazette of Montenegro", no. 26/10, 31/10 and 40/11);
- The Law on the prohibition of the development, production, Stockpiling and use of Chemical Weapons and on Their destruction ("Official Gazette", 44/05);
- ➤ The Criminal Code ("Official Gazette of Montenegro", no. 70/03, 13/04, 47/06, 40/08, 25/10 and 32/11) and;
- ➤ The Criminal Procedure Code ("Official Gazette of Montenegro", 57/09).

Montenegro is regularly preparing and submitting the reports on **SALW**:

- FSC.DOC/1/00/Rev.1, III(F)1, FSC.DOC/33/14/Rev.1, Corr.1;
- FSC.DOC/1/00/Rev.1, IV(E)1 (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- FSC.DEC/4/08, FSC.GAL/38/11 (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be

- publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- FSC.GAL/13/97, FSC.GAL/8/98, FSC.GAL/8/08, FSC.GAL/20/95 (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);
- FSC.DEC/17/10, FSC.DEC/11/08, FSC.DEC/12/08, FSC.DOC/1/00/Rev.1, IV(E)2 (In accordance with the decision FSC.DEC / 4/16 / Corr.1 this information after the exchange can be publicly available and published on the OSCE website, at the request of the participating States on the date of exchange);

The process of Arms Control and disarmament and CSBM has a very important role in defence policy of Montenegro. Montenegro has established the Agency for Arms Control in 2007 and this institution has been implementing all activities in relation to the arms control.

Montenegro continues with the reduction of ammunition and ordnance surpluses through Program: **MONDEM**. In 2016 the following ammunition has been disposed:

Line Number	Name	Disposed (pieces)
1.	Hand grenade M75	4,500
2.	RPG 64 mm , "ZOLJA" M80	10
3.	Bullet, 30 mm AA (anti – aircraft) Naval Gun AK-230	5,861
4.	Bullet, 40 mm AA (anti – aircraft) Gun "BOFORS"	2,933
5.	Bullet, 57 mm AA (anti – aircraft) Naval Gun M70 "BOFORS"	170
6.	Bullet, 76,2 mm Naval Gun AK-276	2,594
7.	Rocket 57 mm	11

Montenegro shall guarantee and protect the rights and freedoms, which are realized on the basis of the Constitution and ratified international agreements. On the principles and rules of international law, cooperate and develop friendly relations with other countries, regional and international organizations. Montenegro is involved in international and regional activities in the fight against organized crime, as an important dimension in the control of small arms and light weapons and ammunition. Montenegro is a member of the United Nations on 28 June 2006, the Organization for the Prohibition of Chemical Weapons (OPCW), the World Customs Organization (WCO), the International

Criminal Police Organization (INTERPOL), the World Trade Organization (WTO). Montenegro will take all necessary measures, as well as international and regional cooperation, especially with the largest regional security organization, the OSCE, aimed at improving the control in this area. Will actively implement the Programme of Action of the United Nations to prevent, combat and eradicate the illicit trade in small arms and light weapons. Also, the implementation of the Stabilisation and Association Agreement between Montenegro and the Union and its Member States Montenegro contributes to fighting organized crime and improving security.

SECTION II: Intra-State elements

- 1. National planning and decision-making process
- 1.1 What is the national planning and decision/making process in determining/approving military posture and defence expenditures in your State?

The highest-level document that gives jurisdiction to the state authorities for planning and decision-making on the use of the AF of Montenegro is the Constitution of Montenegro.

Jurisdiction of state bodies and institutions in national planning and decisions on the use of the Armed Forces of Montenegro are regulated by the:

- > Constitution of Montenegro;
- > Law on Defence;
- > Law on the Armed Forces of Montenegro;
- > Law on deployment of the AF of Montenegro units to the international forces and participation of members of civil defence, police and public administration employees in international missions and other activities abroad.

According to the Constitution, within the process of national planning and decision-making on the use of the AF of Montenegro, as well as defence costs, the *Montenegrin Parliament, Security and Defence Council, President of Montenegro and the Government of Montenegro are included.*

The Parliament of Montenegro:

- Declares a state of emergency and state of war;
- Adopts the budget and the final budget account;
- Adopts the National Security Strategy and the Defence Strategy;
- Decides on the use of units of the AF of Montenegro in the international forces;
- Supervises the AF and security services.

Security and Defence Council:

- Makes decisions on commanding the AF of Montenegro;
- Approves the Plan on use of the AF of Montenegro;
- Analyses and assess the security situation in Montenegro and makes decisions for taking appropriate measures;
- > Assigns, dismiss and improves officers in the AF of Montenegro;
- Proposes to the Parliament the declaration of war or emergency;
- Suggests the use of AF of Montenegro in international forces;
- Assigns and dismisses military diplomatic representatives.

President of Montenegro:

- Commands the AF on the basis of decisions of the Council of Security and Defence;
- ➤ Orders the mobilization of the AF in accordance with the decisions of the Council for Security and Defence;

Improving the initial acts of officers and reserve officers of the AF.
President of Montenegro is the President of the Security and Defence Council.

<u>Council for National Security</u> directs and coordinates the work of the organs that make up the intelligence and security sector, through:

- ➤ The adoption of guidelines and conclusions about bodies that make up the intelligence security sector and the Bureau for operational coordination;
- Consideration of intelligence and security risk assessment and threats to national security;
- ➤ Giving opinions to the Government on the budget proposals of organs that make up the intelligence security sector;
- Responsibility for the implementation of regulations and standards in the field of national security.

The Council consists of: Prime Minister, Deputy Prime Minister in charge of the political system, internal and foreign policy, Justice Minister, Interior Minister, Defense Minister, Finance Minister, Foreign minister, European integration Minister, Director of the National Security Agency, the President and Vice president of the Committee for Security and Defense Committee of the Parliament.

Government of Montenegro:

- Proposes the budget and final budget account;
- Proposes the National Security Strategy and Defence Strategy;
- > Decides on the participation of civil defence staff in peacekeeping missions and other activities abroad:
- Adopts Defence plan of Montenegro;
- Adopts the Strategic Defence Review of Montenegro;
- Adopts the Long-term Development plan;
- > Determines the organizational structure of the AF and the size of the AF.

According to the Defence Law of Montenegro the Ministry of Defence:

- Proposes Defence Plan of Montenegro;
- Proposes organizational structure of the AF and the size of the AF;
- ➤ Executes the decisions and other documents forwarded by the President of Montenegro and the Government concerning the issues of the Defence system;
- > Executes the established Defence policy;
- Organizes and executes international cooperation in area of defence;
- Organizes the protection of electronic communications and information systems for defence and;
- Organizes the security affairs in the area of defence.

Defence minister, according to the Law on AF of Montenegro:

- > ensures the implementation of decisions of commanding the AF;
- ➤ recommends to the Security and Defence Council the assignments and dismissal of CHOD of AF of MNE;
- proposes to the Council of Security and Defence the promotion, assignment and dismissal of officers of the AF;
- ➤ Recommends to the Council for Security and Defence the assignment and dismissal of military diplomatic representatives.

<u>General Staff of the AF of MNE</u> (as an organizational unit of the Ministry of Defence) performs tasks related to:

- Check the combat readiness of the Armed Forces;
- System of command in the Army and the NCO chain of support; 3) implementation of management plans and professional development of personnel in the Army;
- Preparation of proposals directed towards the development, equipment and modernization of the Army;
- Operational planning and conduct of operations;
- Maintenance of weapons, military equipment and other movable and immovable property in the Army;
- Participation in planning, programming and budgeting in the Army;
- Planning, organizing and conducting military training and exercises;
- Participation in planning and implementation of cooperation with the Army, the armed forces of other countries and international organizations;
- ➤ Participation in the planning, organization and implementation of material and financial operations in the Army;
- Logistical support in the Army;
- Participation in the organization of healthcare in the Army;
- ➤ Participation in the planning, preparation, training and equipment of units and members of the Army to participate in the international force and other activities abroad;
- Professional affairs for the Council for Defence and Security and the Minister, pertaining to the army;
- ➤ Drafting military doctrine, the Plan of use of the Army, Army manning plan, training plan and training in service in the Army, plan to improve military personnel, Army Formations;

<u>Chief of the General Staff</u> is organizing and commanding of the General Staff. All commands and units of the AF are subordinated to him. On the state of the AF, CHOD is reporting to the Minister of Defence.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Considered activities under the **use⁴ of Army** units in international forces and the participation of members of civil defense and employees in peacekeeping missions and other activities abroad are:

- > To achieve and maintain order:
- In the context of peacekeeping forces and peacekeeping missions;
- > The provision of humanitarian assistance;
- ➤ To encourage the development of democracy, legal certainty and the protection of human rights in the context of international organizations and associations;
- > To which Montenegro committed to international agreements.

The Armed Forces units are filled on a voluntary basis. Engagement of the AF of Montenegro in international operations is based on the Decision of the Parliament of Montenegro.

Preparation, training and equipping of units of the Army, members of the civil defense and employees, monitoring and coordination of their involvement in the international forces or peacekeeping missions and other activities abroad, carry out state administration bodies which carry out the decisions of their referral.

During emergency or war in Montenegro cannot be decided on the use of units of the Army in international forces, nor the decision on the participation of members of the civil defense and employees in peacekeeping missions and other activities abroad.

2. Existing structures and processes

2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Constitution of Montenegro states that:

- Armed Forces and security services are under democratic and civilian control (article 11 and 129);
- ➤ Parliament of Montenegro makes decision on deployment of members of armed forces in missions abroad and conduct oversight on armed forces and security services (article 82, paragraph 1,point 8 and 10);
- President of Montenegro commands armed forces based on decisions of Council for defence and security (article 95, paragraph 1, point 2);
- ➤ Council for defense and security makes decisions on commanding of armed forces, appoints and desmissed officers and proposes deployment of members of armed forces (article 130).

Law on parliamentarian oversight in the field of security and defence state that democratic and civilian control of armed forces is being conduct through

⁴ The Law on Use of Units in International Forces regulates the use of units of AF of Montenegro, participation of members of civil protection, police and employees in state bodies in peacekeeping missions and other activities abroad ("Official Gazette of Montenegro", No. 61/08)

parliament body for security and defence. This body has authority to: discus reports in this field, conduct inspections, organize hearing, discus legal acts and defense budget. Parliament makes decision on deployment of members af armed forces in mission abroad, adopts laws and stategies and budget. Council for defence and security makes decisions on which President OF Montenegro commands Montenegrin AF. Government of Montenegro proposes to the parliament laws, strategies, budget, minister of defence and discus annual reports of Ministry of defense.

2.2. How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures.

According to Law on parliamentarian oversight in the field of security and defence we *ensuring democratic political control of military, internal security forces, intelligence services and the police.* This Law regulates the parliamentary control over the work of bodies and institutions in the field of security and defense, the manner of parliamentary oversight duties of the institutions that are subject to parliamentary oversight.

Parliamentary oversight exercised by the Parliament of Montenegro (hereinafter Assembly) directly and via the Committee on Security and Defence (hereinafter referred to as the Committee).

The Committee exercises parliamentary control over the work: the Ministry of Defence, the Army of Montenegro, the National Security Agency, Police, Ministry of Interior and Public Administration, as well as other organs and institutions dealing with matters of security and defence. These procedures are fulfilled by executions of **Laws**⁵.

In the exercise of parliamentary oversight Committee is considering treatment of bodies and institutions in terms of respect for constitutionally guaranteed rights and freedoms of men and citizens.

Parliamentary oversight includes consultation hearing, control hearing and parliamentary investigation. Parliamentary hearing before the Committee shall be organized in order to obtain relevant information on the subject of parliamentary oversight. In the exercise of parliamentary oversight Committee cooperate with authorities and institutions, and can use their regular reports or look for the performance control and acquisition of certain information on the subject of parliamentary oversight.

The Committee on Security and Defence of the Parliament of Montenegro, in accordance with the provisions of the Law on Parliamentary Oversight of Security and Defence, in its regular work follows the activities of the organs and institutions of the sector in order to implement legislation in the area. Among other things, the Committee considers bills, proposed budgets for consumer units

⁵ Law on defence; Law on Armed Forces of Montenegro; Law on parliamentarian oversight in the field of security and defence; Law on deployment of the Armed Forces of Montenegro units to the international forces and participations of members of civil defence, police and public administration employees in the international missions and other activities abroad.

over which it exercises control, as well as the appointments to management positions in the field of security and defence, and in particular takes into account the respect of political, ideological and interest neutrality in the work of organs and institutions in this field.

The Committee also conducts consultative and control hearings of heads of the organs and institutions of the security and defence sector. In addition, the Committee considers reports on the use of units of the Military forces of Montenegro in the international forces and the participation of civil defence, police and employees in the state administration in peacekeeping missions and activities abroad.

In the reporting period, the Committee considered the Report on participation of members of the Army of Montenegro in the international forces, peacekeeping missions and other activities abroad in 2015. It also considered the proposal to deploy members of the Army of Montenegro in the United Nations Mission for the Referendum in Western Sahara - MINURSO, and unanimously proposed that the Assembly adopt the same.

The Committee in the reporting period considered also the Report of the work and situation in the administrative areas within the remit of the Ministry of Defence for 2015 and report on the situation in the Army of Montenegro in 2015, and also the proposal to deploy members of the Army of Montenegro in peacekeeping operation of the European Union "EU NAVFOR-Atalanta", proposing to the Parliament to adopt it.

When considering the Report of the National Security Agency for 2015, the Committee through adopted conclusions (having in mind significance of monitoring of the security phenomenon of Islamic extremism and radicalism) emphasized continuation of operational activities in following the individuals and groups identified in this context, data collection and realization the required level of inter-institutional, regional and partnership cooperation in this context. Considering the importance of confronting modern security challenges and timely creation of normative and operational mechanisms to combat cybercrime, the Committee took a position that it is very important to timely plan funds in order to continue improving the information communication and technical systems the National Security Agency.

The Committee has considered the draft law on amendments to the Law on the use of units of the Army of Montenegro in the international forces and the participation of civil defence, police, employees in the civil service in peacekeeping missions and other activities abroad, and the draft law on amendments to the Law on defence, and proposed to the Assembly to adopt it.

In terms of controlling the distribution and planning of budgetary resources from the defence and security sector in the past year, the Committee has considered the draft law on Budget of Montenegro for 2015 with the report on the revision of the draft Law on Budget of Montenegro for 2015 in part related consumer units: Ministry of Defence, Ministry of Interior and National Security Agency, as well as the draft law on the budget of Montenegro for 2017 in the part related to those consumer units. In addition, it considered the final report of the State inspecting institutions on the audit of the Annual Financial Report of the Agency for National Security for 2015.

A delegation of the Committee participated in the workshop and Annual discussion on the OSCE Code of Conduct on Politico-Military Aspects of Security, held 21-22 June 2016 in Vienna. Board members also took part in a regional workshop OSCE dedicated to the management and security sector reform, held in Podgorica in the period from 19 to 21 September 2016.

2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The army is subject to parliamentary oversight and democratic and civil control, in accordance with the Constitution and law.

Missions of Armed Forces of Montenegro are: Defence of Montenegro, support to civilian institutions in state during natural and artificial caused catastrophes and in other crises, including crises caused by terroristic activity and contribution in building and keeping of a peace in the region and word.

The army is a professional defense force that defends the independence, sovereignty and national territory of Montenegro, in accordance with the principles of international law on the use of force and carries out assigned missions and tasks.

The Security and Defense Council:

- Make decisions on commanding the Army of Montenegro;
- Appoints and dismisses military diplomatic representatives;
- Perform other tasks laid down by the Constitution and law.

President of Montenegro:

- ➤ Ordering the preparedness measures for the military, in accordance with decisions of the Security and Defense Council;
- Ordering the mobilization of the army, in accordance with decisions made by the Security and Defense Council;
- ... is the President of the Security and Defense Council.

Executing of Constitution and above mentioned laws, Montenegro ensures that our defence and security forces are acting in constitutional framework. Under the parliamentarian oversight is entire process of commanding and supervising with the Armed Forces as well as proclamation of a state of emergency and state of war

MONTENEGRO DOESN'T HAVE PRIVATE MILITARY SECURITY COMPANIES (PMSC) AND PARAMILITARY FORCES (PMF).

The activity of private security companies - **PSC**⁶ in Montenegro is under the supervision of the Ministry of the Interior of Montenegro.

3. Procedures related to different forces personnel

3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and international security forces does your State have?

The permanent and reserve forces of the army are carrying out military and other duties in service. Military service is performed by professional military personnel in the Ministry and in the Army. Military personnel are professional military personnel (PMP) - officers, non-commissioned officers and contract soldiers. Contract soldiers, who first receives the service in the Army concluded a contract for a period of one year and the next contracts are concluded for a period of three years, if the needs of the Army requires that. Civilian personnel in the Army are persons who perform service in the Army in the workplace provided for formation of the Army. Service in the Army can be done only by Montenegrin citizens, exceptionally in war with persons who do not have Montenegrin citizenship only if they sign up as volunteers with granted residence in Montenegro.

Procedures necessary for the prevention and elimination of hazards that threaten the independence, sovereignty and national territory of Montenegro are measures considered of increased combat readiness, mobilization and security control.

Army recruitment is performed in accordance with the recruitment plan of the Army.

Mobilization of the Army is carried out in the war and state of emergency.

Reserve composition consists of active and inactive reserve. Active reserve is part of the reserve of the Army and is engaged on voluntary basis according to a contract of service in the Army .The Government Decision defined the number and size structure of the active reserve (400 people) according to the Decision of the Minister of Defense. The members of the active reserve have a right to compensation which is determined by the decision of the Ministry of Defense. The purpose of the active reserves is to fill the vacant places of formation, training, exercises, participation in the international force and the execution of specific tasks which require the commitment of additional forces. Inactive reserve is not dimensioned because it is estimated that there are currently no requirements for them. Under current regulations, Montenegrin President ordered the mobilization of the Army, in accordance with decisions of the Security and Defense Council. In accordance with the Plan⁷, the Army General

⁶ It is defined by the Law on the protection of property and persons ("Official Gazette of Montenegro", No. 1/2014).

⁷ Plan regulates the reception of the service in the Army of Montenegro

Staff proposes starting procedure for the reception of the service in the Army and the reserve forces.

The Defense Minister approves the proposal for the reception of the service in the Army and the reserve forces of the Army which decision is going to run a public notice. Candidates who meet the requirements of public notice should be addressed to check the ability for performing the service in the Army in accordance with the methodology for conducting the selection process of candidates for service in the Army and reserve forces of the Army.

Contract soldier who first receives the service in the Army cannot be older than 25 years. After checking the Commission compiles a ranking list of candidates for the reception of the service in the Army or Army reserve, The Minister within 30 days from receipt of the ranking list shall take a decision on the selection of candidates. The Minister concluded the list of all persons selected for admission in the Army or reserve forces of the **Army.**8

Selection process of all persons who wants to join the Army is represented on equal terms, regardless of gender, nationality, religion, and social and economic status.

3.2. What kind of exemptions or alternatives to military service does your state have?

The Army of Montenegro is professional with professional military personal and there is no principle of compulsory military service in Montenegro. Furthermore, there is no other alternative for conscripts.

PMP serving in the military can, after working hours, with prior approval of the Minister, perform another work if such work granted no interference in terms of paragraph 2 of Article 57, Law on Armed Forces of Montenegro. Law on Armed Forces states that Montenegro citizens have military obligation during state war or emergency. Citizens of Montenegro, based on his religious and other conviction, has right to decline military duty which include usage of weapon in state of war or emergency.

PMP serving in the Army is not allowed to let his personal interest affects the legitimate objective and performance of the service in the Army which may cause a conflict between the public interest and its private interests, which can affected the impartiality of performing tasks and is not allowed to carry out tasks in which the potential misuse of the information-publicly available can harmful to the State. Also is not allowed to use any boon service in the Army for own purposes.

PMP serving in the Army is required to:

- > Acts in the interest of Montenegro;
- Meet the requirement;
- Adhere to ethical principles;

⁸ In accordance with Article 5 of Rules and Regulations on how the person is admitted to the service of the Army of Montenegro ("Official Gazette of Montenegro", No. 65/15), Law on Armed Forces ("Official Gazette of Montenegro", No. 88/09, 75/10, 40/11,32/14)

Introduce a superior officer and minister with possible or actual conflict of interest and be sure to avoid any potential or actual conflict of interest.

3.3. What are the legal and administrative procedures to protect the rights of all forces as well as conscripts.

Personnel in the Army have the right to form **Trade Unions**⁹. in accordance with the Law on the Armed Forces. The Trade union activities cannot be related to: composition, organization and formation of the Army, training, readiness and combat readiness of the military use and recruitment of the Army, readiness and mobilization, use of Army units in international forces, command and management in the Army and the defense system, as well as the decisions of the Defense and security Council, except in the parts relating to the position and rights of employees in the field of labor and labor relations.

In accordance with the Law on the Armed Forces the person which is serving in the Army, **in order to protect their rights**, has the right to address to the <u>Inspector of Defense</u> on all matters of work and functioning of commands and units.

Defence minister makes decision concerning rights and obligations of members of armed forces in accordance with the law. Against these decisions members of Armed Forces can appeal to the state <u>ombudsman</u> or regular courts.

The Government of Montenegro adopted the Action Plan for achieving gender equality in Montenegro (PAPRR) for the period 2013-2017. (Program of implementation for two years 2015-2016) and it's completed a special program "Mentoring for gender equality", which allowed the Chief of the Department of Human Resource Management of the Army of Montenegro, that through regular meetings and consultations with an expert in gender equality, also the mentor, recognizes the importance of implementing a gender perspective in the Army, as well as get practical advice on how to include gender perspective in policy making and in the daily work in the armed forces. Through the implementation of this plan of the program, we organized the celebration of March 8th - International Women's Day, making posters and flyers that are prominent in all units of the Army of Montenegro, with the motto that women need to exercise their rights, 365 days.

The Ministry of Defense adopted a strategy that Human Resources of the Ministry of Defense (HR MoD) and the Army of Montenegro, defining the policy of gender equality and specific strategic objectives with:

- Increasing representation of women in the Army, in command posts and missions;
- Continuously implementation of the national policy of gender equality, Resolution 1325 and other accepted and applicable regulations.

In cooperation with RACVIAC and the Nordic Center for gender in military operations, in 2016 the three officers of the Army of Montenegro finished trainings for regional trainers for gender equality in the military operations which

⁹ Article 53a of the Law on Armed Forces

conduct training in the Army units on gender equality and the UNSC Resolution 1325 with the aim of acquiring specific knowledge and skills to enhance their professional development. In cooperation with the Geneva Center for Security Policy (DCAF) and UNDP / SEESAC, in 2016, one women officer successfully completed a course dedicated to leadership and influence on changes gender mainstreaming.

REGIONAL trainers for gender equality in the military operations of the Army of Montenegro, in 2016, realized the trainings on gender equality and Resolution 1325 UNSC for two rotation members of the Army of Montenegro in peacekeeping mission in Afghanistan (trainings included a total of 150 members).

The Ministry of Defense and the Army of Montenegro implemented the project "Women in the defense sector in Montenegro" in cooperation with the Ministry of Defense of Slovenia on the basis of which is undertaken training which have successfully completed the 25 employees of the Ministry of Defense and the Army of Montenegro. Throughout the five-day training these students are introduced to: international, regional and national commitments and achievements in the field of gender equality, in order to recognize the importance and benefits of high-quality, timely and proper integration of women in the defense sector, the importance of the protection of human dignity and gender-based violence.

The Ministry of Defense and the Army of Montenegro were established database of all employees (HR information system for military personnel and civilian employees, or work in the Army of Montenegro, HR information system for civil servants in the Ministry of Defense). In order to improve these databases, will, among other things, be gender sensitive and provide better management of gender-sensitive statistics and monitoring development career.

The gender perspective is included in the Ministry of Defense and the Army of Montenegro, through training and referral of women professional military personnel in peacekeeping missions, the employment of women as civil servants, professional military personnel and civilians and their professional training in the country and abroad, sending women to work in military-diplomatic mission of Montenegro in the international organizations to security and education at foreign military academies, for the purposes of the Army of Montenegro.

In the Ministry of Defense on 31st of December 2016 were 44.54% of employed women. More than half of this number, with completed tertiary education, performing the most complex tasks that require special expertise and independence in their work. They participate in the preparation of texts of laws and regulations of the system of defense and security, coordinating cooperation of Montenegro with foreign countries and international organizations and work as consultants for defense in the military mission of Montenegro in NATO.

Gender-sensitive language is in use in the Ministry of Defense and the Army of Montenegro, through the adoption of regulations, documents and acts. Act of Army Formation is written in gender sensitive language.

The Ministry of Defense and the Army of Montenegro is constantly working to promote military calls-up through the issuance of various promotional materials (brochures, leaflets, posters), through visits to units and military and familiarization with equipment and weapons, through TV campaigns (broadcast TV spots of army or military profession, through broadcasting cadets calls and their training on an external military academy).

This would ensure that more and more young girls appear in public service announcements for employment and education. Through education and employment will increase number of women - professional military personnel.

We organized military camp for young people - high school students (bed chance to familiarize themselves with the basic principles of military life, military training) through sports and recreation, cultural activities where we achieved promoting of young people (including girls in the army) to fulfill certain segments of life and work in military, as well as to develop team spirit, discipline and organizational skills.

4. Implementation of other political norms, principles, decisions and international Humanitarian Law.

4.1. How does your state ensure that International Humanitarian Law and Law of War are made widely available, e.g. trough military training programmes and regulations?

International humanitarian law is an important part of public international law and contains rules in time of armed conflicts seeking to protect persons who do not participate, or have ceased to participate in hostilities, and to restrict the methods and means of warfare.

By international humanitarian law, more precisely, its means international treaties or customary rules directly aimed at solving humanitarian issues resulting from armed conflict, regardless of whether they are international or internal nature.

For humanitarian reasons those rules restrict the right of belligerents to use methods and means of warfare of their own choice, and protect the persons and property that are affected or could be affected by conflict. In accordance with Constitution of Montenegro Armed Forces of Montenegro defends independents, sovereignty and state territory in accordance with principals of international law on usage of force.

International humanitarian law (IHL) - also known as the Law of Armed Conflicts or Law of War - is made up of two branches:

➤ Geneva rights or humanitarian law in the narrow sense, four she intended to protect members of the armed forces who do not participate in the

fighting, as well as the face (especially civilians) who do not take an active part in the hostilities;

➤ Hague Law, IHL, which establishes the rights and obligations of belligerents during military operations.

These two branches of international humanitarian law have been promoted through the constitution of Montenegro as the greatest legal act and the through law on the use of the military in foreign missions in accordance with constitutional principle, programs of educations and training of members of Armed Forces include basics of International Humanitarian Law on arms conflicts. Duty of all members of Armed Forces is to now basics of International Humanitarian Law and Law on arms conflicts, which is being inspected in process of evaluation of defence readiness *especially in process of preparation for deployment in missions abroad*.

4.2. What has been done to ensure that Armed Forces of Montenegro personnel are aware of being individually accountable under national and international Law for their action?

In accordance with the Constitution and principles of international law, other legal acts the members of armed forces have right and obligation to perform their duties and to fulfill their superiors orders, except in case if fulfillments of those orders present criminal act in which case they have to report that.

In the Army commanding is based on the principles of subordination, unity of command in respect of the use of power and resources of single and obligations execution decision, commandments, orders and orders of a superior officer and the competent authorities and in accordance with respect for fundamental human rights.

Also all legal acts concerning this area are being published in "National gazette" as also on the web site of Ministry of Defense.

4.3. How does your state ensure that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

State ensures that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity, by executing Constitution and previously mentioned laws in which are stated all procedures for usage of Armed Forces and punishment for those that violet them. Respect for the principles referred to in paragraph 1 of this **Article**¹⁰ provides the Defence minister without violation any of the principles of transparency, fairness and equal rights without discrimination on any grounds

 $^{^{10}}$ In accordance with Article 52 of the Law on Armed Forces (Official Gazette of Montenegro, No. 88/09, 75/10 , 40/11, 32/14)

(sex, race, language, religion, political or other opinion, ethnic or social origin, property, or other status)

4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

PMP serving in the Army is obliged to, while on duty, shall act in accordance with the **Code of Ethics** ¹¹ (hereinafter: the Code). The Code is a set of principles on ethical conduct of persons serving in the Army, which is based on the norms of international and domestic law.

Regular training with the Code shall be conducted at least once a year in the Army. Any violation of code of ethics and failure to comply with the same shall be considered a disciplinary violation — Articles 125,126,127,128 of Law on Armed Forces, and according to that each disciplinary violation has appropriate disciplinary sanction — Articles 129,130,131,132 of Law on Armed Forces. Members of Armed Forces are being introduces with theirs constitutional rights during their military education. Constitution and Law on Armed Forces forbids membership in political organizations.

4.5. How does your State ensure that its defense policy and doctrine are consistent with international Law?

Montenegro shares the attitude of democratic countries that the most effective way of achieving a favorable security environment for common action in order to prevent conflict and build stability.

Special attention is focused on the development of good neighborly relations and strengthening regional and international cooperation in order to establish trust and affirmation of peace in South-East Europe and the world.

Montenegro is going to provide an active contribution to the process of developing an international system of cooperative security and collective defense, which are based on multilateral cooperation, international laws and trust. Defence Strategy and Strategy of National security are in accordance with international law and they are drafted with participants of foreign experts.

Based on the **National Security Strategy of Montenegro** (Article 2, point 7 of the National Security Strategy of Montenegro) interests and goals of Montenegro are implementation of norms of International laws and the international obligations which Montenegro accepted in accordance with the constitutional provisions in full order lines in the area of national security.

Strategic Defense Concept of Montenegro regulates the preservation of:

- Our national interests:
- > The principle of the development of democracy;
- > The rule of law;

➤ The market economy and its orientation towards European and Euro-Atlantic integration.

¹¹ Pursuant to Article 55, Paragraph 3 of the Law on the Army of Montenegro ("Official Gazette of Montenegro", No. 88/09), Ministry of Defence, issued the CODE OF MILITARY ETHICS ("Official Gazette of Montenegro", number 60/10)

SECTION III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct

Montenegro is committed to its officials to exercise democratic political control of its army and internal security forces, including intelligence agencies and police forces. Also performing activities at all times maintain effective control of the army and security forces by constitutionally established body which is given democratic purpose. Provisions of Code of the Conduct were highlighted in statements of representatives of the Ministry of Defence. Service for public relations and protocol disperses information on the Code of Conduct, as well as about activities of the Ministry and Armed Forces of Montenegro by providing press releases and statements, organizing press conferences and publishing the magazine "Partner" which is focused on Euro-Atlantic integration issues in the armed forces area.

All of those publications, which the Ministry of Defence provides in order to inform the public are available on the website: www.odbrana.gov.me. This official web site is updated on a daily basis.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

Today, the provisions of the Code of Conduct remains particularly significant at a time when defense and security forces engaged in missions that are different from those in the past, or against an opponent who is not only an enemy army. In this regard, the Code of Conduct also establishes clear guidelines for behavior at work in today's security environment.

Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in peace, security, justice and cooperation in Europe. Therefore, any publicly available information is essential for understanding the Code of Conduct and all that code represent in all democratic societies. So, according to that Replies to the Questionnaire on the Code of Conduct are published on the official website of the Ministry of Foreign Affairs and they are publicly available.

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

Through clear definition of standards that have established stable European democracy on the roles and functions of their national security institutions, the code of conduct has contributed to keeping an orderly transition process for European countries that have sought to develop a democratic government and the proper defense and security institutions. Public access to information related to Montenegro's armed forces is available on official web sites of Ministry of

Defense <u>www.odbrana.gov.me</u>, www.vojska.mod.gov.me and Facebook page "Budi kadet".

Law on Free Access of Information regulates the right to access information of public importance. Public and non-governmental organizations (NGO), after fulfillment of prescribed procedure, are informed on all information held by Ministry of Defense which are not marked with confidentiality levels. Information on provisions of the Code of Conduct and its implementation is available for all stakeholders in public sector.

2. Contact information

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

The national point of contact for the implementation of the Code of Conduct is Maja Schmidt, Counsellor in the Directorate for the OSCE and the Council of Europe, Ministry of Foreign Affairs of Montenegro (maja.jovovic@mfa.gov.me).



Montenegro Government of Montenegro Ministry of Defence

Voluntary information on the implementation of the United Nations Security Council Resolution 1325 "Women, peace and security" in Montenegro

Implementation of UN SC Resolution 1325 in the Ministry of Defence and Armed Forces of Montenegro

The human rights of women and the girl are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority tasks of the international community. Gender-based violence and all forms of sexual abuse and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eradicated. This can be achieved by legal measures, national action and international cooperation in such fields as economic and social development, education, protection of motherhood, health and social support.

Adoption of **UN SC R 1325** gaining in importance when one takes into account the fact that in recent decades the nature of war changed and that civilians are increasingly exposed to war. Increased protection of women and girls, both in the conflict, and in post-conflict situations, is necessary because the women and girls involved in armed conflicts, and the abuse and rape of women and girls around the world has become an important weapon of war and a method of extreme torture.

The significance of Resolution 1325 is also reflected in the adoption of accompanying resolutions that rely on it. These are resolutions:

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UN SC R 1820 (2008);
UN SC R 1888 (2009);
UN SC R 1889 (2009);
UN SC R 1960 (2010);
UN SC R 2106 (2013);
UN SC R 2122 (2013) and;
UN SC R 2242 (2015).
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UN SC R 1820 (2008) treats the issue of sexual violence in conflict and post-conflict situations and stresses the importance of prevention of sexual violence against women and punish perpetrators.

UN SC R 1888 (2009) relying on R 1820 and pays special attention to protecting women and girls from sexual violence in armed conflicts. It requires the appointment of the Special Representative of the Secretary-General, as well as the formation of expert teams, which would operate in the context of the United Nations in the field, with a view to more effective coordination, implementation and reporting on the implementation of R 1820.

UN SC R 1889 (2009) puts emphasis on the protection of women and girls in post-conflict situations. It calls for additional measures to increase the participation of women in all stages: conflict resolution, post-conflict planning and peace building, including the adoption of political and economic decisions,

combating stereotypes and promoting women's leadership and capacity management programs help and support women's organizations.

UN SC R 1960 (2010) calls for the creation of concrete steps and institutional mechanisms for the prevention and protection from sexual violence in conflict, as well as serious violations of human rights and international law, and the decision was in response to the slow progress in resolving the issue of sexual violence in armed conflicts, especially against women and children.

UN SC R 2106 (2013) points to the slow progress in the implementation of important aspects of SSR in 1960 and calls for effective measures in processing and responding to cases of sexual violence, which would significantly contribute to the maintenance of international peace and security.

UN SC R 2122 (2013) calls for continuous application of R 1325 and national action plans, and improvement of the coordination, monitoring and evaluation. A special focus is placed on women's leadership and greater participation of women in the monitoring of progress in conflict resolution and peacekeeping.

UN SC R 2242 (2015), eight Security Council resolutions on women, peace and security, is the participation of women as a central component of efforts to address the challenges of the current global context, including a rise in violent extremism, climate change and the large number of displaced persons. It clearly shows the substantial relationship between the participation of women and sustainable peace and security.

The European Union in the framework of the Common Security and Defense Policy of the future members seek to comply with the rules that exist in this area. The content, concept and logic of these rules is based, among other things, on political criteria, which means that the obligations of each of the future members of the EU the respect of European values, in which we must mention here the prohibition of discrimination. So the question of the status of women in uniform in relation to the general rule of non-discrimination and, of course, has its important place and in the security sector. In this segment, there is no EU standard, but because as a very important issue recommended implementation of Resolution 1325.

The Government of Montenegro adopted the Action Plan for achieving gender equality in Montenegro (PAPRR) for the period 2013.-2017 (Program of implementation for two years 2015-2016) and it's completed a special program "Mentoring for gender equality", which allowed the Chief of the Department of Human Resource Management of the Army of Montenegro, that through regular meetings and consultations with an expert in gender equality, also the mentor, recognizes the importance of implementing a gender perspective in the Army, as well as get practical advice on how to include gender perspective in policy making and in the daily work in the Armed Forces.

Through the implementation of this plan of the program, we organized the celebration of March 8th - International Women's Day, making posters and flyers that are prominent in all units of the Army of Montenegro, with the motto that women need to exercise their rights, 365 days.

The Ministry of Defense adopted a strategy that Human Resources of the Ministry of Defense (HR MoD) and the Army of Montenegro, defining the policy of gender equality and specific strategic objectives with:

- Increasing representation of women in the Army, in command posts and missions;
- ➤ Continuously implementation of the national policy of gender equality, Resolution 1325 and other accepted and applicable regulations.

In cooperation with RACVIAC and the Nordic Center for gender in military operations, in 2016 the three officers of the Army of Montenegro finished trainings for regional trainers for gender equality in the military operations which conduct training in the Army units on gender equality and the UNSC Resolution 1325 with the aim of acquiring specific knowledge and skills to enhance their professional development. In cooperation with the Geneva Center for Security Policy (DCAF) and UNDP / SEESAC, in 2016, one women officer successfully completed a course dedicated to leadership and influence on changes gender mainstreaming.

REGIONAL trainers for gender equality in the military operations of the Army of Montenegro, in 2016, realized the trainings on gender equality and Resolution 1325 UNSC for two rotation members of the Army of Montenegro in peacekeeping mission in Afghanistan (trainings included a total of 150 members).

The Ministry of Defense and the Army of Montenegro implemented the project "Women in the defense sector in Montenegro" in cooperation with the Ministry of Defense of Slovenia on the basis of which is undertaken training which have successfully completed the 25 employees of the Ministry of Defense and the Army of Montenegro. Throughout the five-day training these students are introduced to: international, regional and national commitments and achievements in the field of gender equality, in order to recognize the importance and benefits of high-quality, timely and proper integration of women in the defense sector, the importance of the protection of human dignity and gender-based violence.

The Ministry of Defense and the Army of Montenegro were established database of all employees (HR information system for military personnel and civilian employees, or work in the Army of Montenegro, HR information system for civil servants in the Ministry of Defense). In order to improve these databases, will, among other things, be gender sensitive and provide better management of gender-sensitive statistics and monitoring development career.

The gender perspective is included in the Ministry of Defense and the Army of Montenegro, through training and referral of women professional military personnel in peacekeeping missions, the employment of women as civil servants, professional military personnel and civilians and their professional training in the country and abroad, sending women to work in military-diplomatic mission of Montenegro in the international organizations to security and education at foreign military academies, for the purposes of the Army of Montenegro.

In the Ministry of Defense on $31^{\rm st}$ of December 2016 were 44.54% of employed women. More than half of this number, with completed tertiary education, performing the most complex tasks that require special expertise and

independence in their work. They participate in the preparation of texts of laws and regulations of the system of defense and security, coordinating cooperation of Montenegro with foreign countries and international organizations and work as consultants for defense in the military mission of Montenegro in NATO.

Gender-sensitive language is in use in the Ministry of Defense and the Army of Montenegro, through the adoption of regulations, documents and acts. Act of Army Formation is written in gender sensitive language.

The Ministry of Defense and the Army of Montenegro is constantly working to promote military calls-up through the issuance of various promotional materials (brochures, leaflets, posters), through visits to units and military and familiarization with equipment and weapons, through TV campaigns (broadcast TV spots of army or military profession, through broadcasting cadets calls and their training on an external military academy).

This would ensure that more and more young girls appear in public service announcements for employment and education. Through education and employment will increase number of women - professional military personnel.

We organized military camp for young people - high school students (bed chance to familiarize themselves with the basic principles of military life, military training) through sports and recreation, cultural activities where we achieved promoting of young people (including girls in the army) to fulfill certain segments of life and work in military, as well as to develop team spirit, discipline and organizational skills.