



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.GAL/98/06
17 October 2006

ENGLISH only

Canadian Chairmanship

**SPECIAL FSC MEETING ON THE
IMPLEMENTATION OF THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 27 September 2006

SUMMARY

TABLE OF CONTENTS

	<u>Page</u>
Decision No. 5/06 on the agenda, timetable and modalities for the special FSC meeting on the implementation of the Code of Conduct on politico-military aspects of security	1
Annotated agenda	6
Opening and introduction by the Chairperson	9
Reports of the working session rapporteurs	11
Working session 1: Implementation of the Code of Conduct and the questionnaire on the Code of Conduct: Review and assessment of the implementation and its effectiveness	11
Working session 2: Improving the implementation and the effectiveness of the Code of Conduct: Practical suggestions, forms of assistance, means and complementary measures	13
Working session 3: The Code of Conduct and its role for combating terrorism	15
Chairperson's concluding remarks	18
Annex: Survey of suggestions and recommendations	



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.DEC/5/06
19 July 2006

Original: ENGLISH

489th Plenary Meeting
FSC Journal No. 495, Agenda item 3

**DECISION No. 5/06
AGENDA, TIMETABLE AND MODALITIES FOR THE
SPECIAL FSC MEETING ON THE IMPLEMENTATION OF THE
CODE OF CONDUCT ON POLITICO-MILITARY
ASPECTS OF SECURITY**

Vienna, 27 September 2006

The Forum for Security Co-operation (FSC),

Recalling the importance of the Code of Conduct on Politico-Military Aspects of Security (the Code of Conduct),

Taking into account the provision of paragraph 38 of the Code of Conduct, stating that appropriate bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code,

Decides to organize a special meeting of the FSC to review the implementation of the Code of Conduct and to consider ways of assisting participating States to improve its implementation, as required, in accordance with the agenda and organizational modalities contained in the annex to this decision.

**SPECIAL FSC MEETING ON THE
IMPLEMENTATION OF THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

I. Programme

Wednesday, 27 September 2006

- 10–10.30 a.m. Opening plenary meeting
- Opening and introduction by the Chairperson (Canada);
 - Situation report by the Director of the Conflict Prevention Centre (CPC).
- 10.40 a.m.–1 p.m. Working session 1: Implementation of the Code of Conduct and the questionnaire on the Code of Conduct: Review and assessment of the implementation and its effectiveness
- Introduction by session moderator;
 - Keynote speaker;
 - Discussion;
 - Moderator's closing remarks.
- 1–3 p.m. Lunch break
- Followed by parallel working sessions
- 3–4.50 p.m. Working session 2: Improving the implementation and the effectiveness of the Code of Conduct: Practical suggestions, forms of assistance, means and complementary measures
- Introduction by session moderator;
 - Keynote speaker;
 - Discussion;
 - Moderator's closing remarks.
- 3–4.50 p.m. Working session 3: The Code of Conduct and its role for combating terrorism
- Introduction by session moderator;
 - Keynote speaker;
 - Discussion;
 - Moderator's closing remarks.

5.10–6 p.m.

Closing plenary meeting

- Presentation by the rapporteurs of working sessions;
- Discussion;
- Considerations for a follow-up;
- Chairperson's concluding remarks.

II. Agenda

The special FSC meeting on the implementation of the Code of Conduct on Politico-Military Aspects of Security (Code of Conduct) will provide an opportunity for participating States to review the implementation of the Code of Conduct, by sharing their views on the effectiveness of the Code of Conduct with the aim of identifying shortcomings and loopholes. This might, *inter alia*, lead to a review of the questionnaire on the Code of Conduct and provide a common base for the future implementation, to consider ways of helping participating States improve implementation in fulfilling the requirements under the Code. The possibility of organizing a follow-up or a review conference on the Code of Conduct may also be considered.

III. Organizational modalities

Organization

The special FSC meeting on the Code of Conduct will take place on 27 September 2006 in Vienna.

Standard OSCE rules of procedure and working methods will be followed, *mutatis mutandis*, at the special FSC meeting on the Code of Conduct.

A representative of the FSC Chairmanship (Canada) will chair the opening and closing sessions.

Each working session will have a moderator and a rapporteur. The rapporteurs will assist in the preparation of the sessions.

Simultaneous interpretation between all six working languages of the OSCE will be provided at the opening, working and closing sessions.

The FSC Chair will provide a report on the special FSC meeting not later than 18 October 2006, including a survey of suggestions and recommendations made during the special FSC meeting on the Code of Conduct.

Participation

Participating States are encouraged to ensure the representation at expert level at the special FSC meeting on the Code of Conduct.

The OSCE institutions, Partners for Co-operation and Mediterranean Partners for Co-operation will be invited to attend the special FSC meeting on the Code of Conduct.

General guidelines for participants

An overview of the information exchanged on 15 April 2006 in response to the Code of Conduct Questionnaire, prepared by the Conflict Prevention Centre (CPC) in accordance with FSC.DEC/4/06 will be made available to participating States not later than 1 September 2006.

The special FSC meeting on the Code of Conduct will be conducted in five sessions.

The working sessions will concentrate on major topics, introduced by keynote speakers, whose addresses shall be followed by a discussion of any number of relevant subtopics that delegates may wish to raise. The aim is to have an interactive and free-flowing discussion.

To promote interactive discussion, delegations are requested to provide formal statements in writing only. Prior circulation of statements and interventions will enhance the possibility for engaging in discussion.

Guidelines for keynote speakers

The contributions of keynote speakers should set the scene for the discussion in the sessions and stimulate debate among delegations by raising appropriate questions and suggesting potential recommendations based on OSCE realities, and concentrate on the highlights of their contribution in the presentation. Their contributions should set the stage for substantive, focused and interactive discussion

The maximum available speaking time is 15 minutes per keynote speaker.

Keynote speakers should be present during the entire session they are speaking to and ready to engage in the debate following their presentation.

Guidelines for moderators and rapporteurs

The moderator chairs the session and should facilitate and focus the dialogue among delegations. The moderator should stimulate the debate by introducing items related to the subject of the opening and working session, as appropriate, in order to broaden or focus the scope of the discussion.

The rapporteurs' report should address issues raised during the respective session; it should cover problem areas, improvements, suggestions made at the session and other

relevant information. Personal views shall not be advanced. The rapporteurs will make a short oral summary of the outcome of the working sessions in the closing plenary.

Guidelines on timing of submitting and distributing written contributions

Keynote speakers should submit a written contribution no later than 6 September 2006.

By 13 September 2006, participating States and other participants of the Conference are invited to submit any written contributions they may wish to present.

**ANNOTATED AGENDA FOR THE SPECIAL FSC MEETING ON THE
IMPLEMENTATION OF THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 27 September 2006

- 8.30 a.m. Registration
- 9.30 a.m. Meeting of the co-ordinator, moderators and rapporteurs (Room 204)
- 10–10.30 a.m. Opening plenary meeting
- 10 a.m. Opening and welcome by the FSC Chairperson, Ms. B. Gibson
- 10.10 a.m. Introduction by a former negotiator of the Code of Conduct,
Mr. C. Hain-Cole
- 10.20 a.m. Situation report by the Conflict Prevention Centre (CPC), Head of the
Operation Unit on behalf of the Director of the CPC,
Mr. J. Pietrusiewicz
- 10.30 a.m. Pause
- 10.40 a.m.–1 p.m. Working session 1: Implementation of the Code of Conduct and the
Questionnaire on the Code of Conduct: Review and assessment of the
implementation and its effectiveness
- Moderator: Mr. J. Tabibian, Head of the Delegation of the Republic
of Armenia to the OSCE
- Rapporteur: Mr. W. Schweizer, Delegation of Germany to the OSCE
- 10.40 a.m. Introduction by session moderator
- 10.50 a.m. Keynote speakers:
- Mr. T. Winkler, Director, Geneva Centre for the Democratic
Control of Armed Forces
 - Mr. A. Lambert, Assistant Academic Director, School for
International Training, Geneva: “Assessment of the Code’s
Implementation and Information Exchange”
 - Ms. E. Kytomaki, FSC Support Officer, CPC: “Results of
Questions 2 to 7 of the 2006 Overview of the Questionnaire on
the Code of Conduct”
- 11.30 a.m. Discussion
- 12.45 p.m. Moderator’s closing remarks

1–3 p.m. Buffet lunch hosted by the FSC Chair

Followed by parallel working sessions:

3–4.50 p.m. Working session 2: Improving the implementation and the effectiveness of the Code of Conduct: Practical suggestions, forms of assistance, means and complementary measures

Moderator: Mr. J. Cox, United States of America

Rapporteur: Mr. A. Gardberg, Delegation of Finland to the OSCE

3 p.m. Introduction by session moderator

3.10 p.m. Keynote speakers:

— Mr. C. Strohal, Director of the Office for Democratic Institutions and Human Rights

— Mr. C. Millotat, Director of the Department of Security Co-operation of the OSCE Mission to Bosnia and Herzegovina

3.40 p.m. Discussion

4.40 p.m. Moderator's closing remarks

3–4.50 p.m. Working session 3: The Code of Conduct and its role for combating terrorism

Moderator: Mr. K. Güngen, Counsellor, Delegation of Turkey to the OSCE

Rapporteur: Mr. J. Silberberg, Delegation of the United States of America to the OSCE

3 p.m. Introduction by session moderator

3.10 p.m. Keynote speakers:

— Mr. D. Jalnev, Programme Co-ordinator, Action against Terrorism Unit, OSCE: "Relevance of the Code of Conduct for Countering Terrorism"

— Mr Y. Kryvonos, Senior FSC Support Officer, CPC: "Results of Question 1 of the 2006 Overview of the Questionnaire on the Code of Conduct"

3.40 p.m. Discussion

4.40 p.m. Moderator's closing remarks

- | | |
|-------------|---|
| 5.10–6 p.m. | Closing plenary meeting |
| 5.10 p.m. | Presentation by the rapporteurs of the working sessions |
| 5.30 p.m. | Discussion; Considerations for a follow-up |
| 5.50 p.m. | Chairperson's concluding remarks |

OPENING AND INTRODUCTION BY THE CHAIRPERSON

Vienna, 27 September 2006

Distinguished Participants,
Ladies and Gentlemen,

As Chairperson of the Forum for Security Co-operation (FSC), I would like to welcome you to this Special FSC Meeting on the Implementation of the Code of Conduct on Politico-Military Aspects of Security. This important meeting brings together experts from capitals, delegations as well as representatives from OSCE institutions to exchange ideas on ways to strengthen the implementation of the Code of Conduct. Our gratitude is extended to the co-ordinator of this event, Mr. Pierre Von Arx of the Swiss delegation, for his skilful work and efficiency in forming the meeting's agenda and modalities.

Debates on the implementation of the Code of Conduct are not new. They have been recurrent in the last years, not only within the FSC, but also among the expert community. At the OSCE level, follow-up conferences have been held on a regular basis and the OSCE Questionnaire has been improved twice.

At the expert community level, we are particularly appreciative of the sustained involvement of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) which never fails to stimulate debates through its food-for-thought papers, its ongoing activities, and special events. Canada, as future FSC Chair, participated in the workshop organized by DCAF last July on the implementation of the Code of Conduct. This meeting reminded us of the unprecedented accomplishment which was the adoption of the Code, but also highlighted shortcomings in its implementation, and pointed constructively to possible solutions. We will certainly build on the analysis, comments and suggestions made on that occasion.

From the moment of its adoption, the Code of Conduct was described as a "groundbreaking" document. To this day, the Code remains a unique landmark, highly relevant to the current security challenges of the twenty-first century. Beyond reaffirming the principles that bound the OSCE participating States, it contains a number of innovations that are worth recalling.

One innovation relates to the democratic control of the armed forces and security services. Indeed, the Code was most original in introducing the normative requirement for political control of armed forces by elected officials, which is at the root of our democracies and an indispensable tool to maintain stability.

Another innovation is the comprehensive approach to security put forth in the Code and thereby making it a cross-dimensional instrument that links the economic and human rights dimensions with stability. Similarly, the Code feeds into security sector reform and has been instrumental in defining this concept.

The Forum for Security Co-operation can be proud of its leadership role in negotiating one of the most significant normative documents ever adopted by the OSCE.

Yet, despite its relevance, the Code is unevenly applied in the OSCE area. In that context, a better promotion of the Code's norms is crucial. The task we are facing today is to ensure that the Code of Conduct continues to make a significant contribution to stability and security in the OSCE area at a time of transformation. We have all accepted the principles set forth in the Code. The next step is to establish clearer strategies, means, or incentives, to help us put the words where our collective mouth is.

First and foremost, we need to take into account the current political and strategic context, as well as the presence of new security actors. In the area of counter-terrorism, for example, there needs to be supporting measures to the Code's provision in order to reflect better the new international security environment. The recent inclusion of questions relating to the fight against terrorism in the OSCE Questionnaire can be perceived as a step in the right direction, but participating States should continue to consider ways of combating terrorism jointly through multilateral initiatives.

We also need to find ways to protect better the human rights of our men and women in uniform, who are full-fledged citizens, while taking into account the requirements of military service. This balance is sometimes hard to strike. In that area, it is worth mentioning the ODIHR/DCAF project to provide a handbook of best practices that will assist participating States in implementing the human rights-related provisions of the Code of Conduct. The Berlin Conference that was hosted by the German Government on 7 and 8 September on the theme of "Citizens in Uniform," allowed for fruitful discussions on topics that are closely linked to the Code of Conduct, including complaint mechanisms, the requirement for an Ombudsman, and parliament's role in protecting rights of military personnel. Many OSCE delegations participated in this event, and its outcomes will certainly be reflected in today's debates and guide us towards strengthened standards and practices related to armed forces personnel. The next roundtable in this series, to be held in Bucharest on 30 and 31 October 2006, will focus on another potential layer of protection: military unions and associations. These meetings demonstrate the engagement of the FSC, but also the commitment of other parts of the OSCE, including institutions.

With respect to our day's proceedings, the first working session will focus on the review and the assessment of the implementation of the Code of Conduct and its effectiveness. This session should provide us with a common picture of the situation on which to build in the afternoon parallel sessions. The second working session will take place here in the Neuer Saal and will be the occasion to share practical suggestions to strengthen the implementation of the Code of Conduct. In parallel, the third session will take place in the Ratsaal on the fifth floor and will focus on a highly topical aspect of the Code: its role in the fight against terrorism.

I wish to remind all speakers that their time will be strictly monitored. To make sure that we remain on track, speakers will be notified when they have one minute left, and invited to conclude their presentation.

But before we start with the first session, Mr. Crispin Hain-Cole, a former negotiator of the Code of Conduct, and Mr. Pietrusiewicz, on behalf of the new Acting Director of the Conflict Prevention Centre will set the stage for us. Following these two presentations, at approximately 10.30 a.m. during our break, I would ask permanent delegations to the OSCE to remain in the room for our Special FSC Meeting.

WORKING SESSION 1

Report of the working session rapporteur

Implementation of the Code of Conduct and the questionnaire on the Code of Conduct: Review and assessment of the implementation and its effectiveness

Vienna, 27 September 2006

In the first intervention, Ambassador Dr. Theodor Winkler, Director, Geneva Centre for the Democratic Control of Armed Forces (DCAF), drew the attention of the Forum for Security Co-operation (FSC) on the Code's stance as a living document, which has resonated well in the international community since its very existence. He highlighted the importance of the Code for DCAF's core mission and brought to the attention of participants DCAF's activities towards enhancing the implementation of the Code. Ambassador Winkler also expressed the view that there are key challenges the Code faces today; in particular to address uneven implementation and to bring the Code in line with developments in the security field over the last decade. He recommended seeing the Code and security sector reform (SSR) and governance in close conjunction to demonstrate how the Code has evolved with SSR. To this end, he also recommended carrying out a mapping exercise to identify areas in which the OSCE is involved in SSR activities. This exercise would, among other results, raise the awareness of the Code and would show the OSCE's commitment to it. As Director, DCAF, he offered his continued assistance to the OSCE and the FSC in particular.

The second intervention, given by Dr. Alexandre Lambert, Assistant Academic Director, School for International Training in Geneva, supplemented the first speech by providing a more technical insight into the Code's nature, its structure, and its implementation. Dr. Lambert pointed out that the Code still is the most important normative instrument within the OSCE region and possibly beyond. He also pointed clearly at the cross-dimensional nature of the Code and at the importance of the Budapest Document on the role of Armed Forces in democratic societies. He explained that, as a result of the way it was published in 1994, the Code still lacks appropriate public awareness and dissemination, despite references to democratic institutions like parliaments, committees, and through these, to society as a whole. Dr. Lambert described the Code as a unique framework document, which through its very nature as a politically binding document sticks out from any other similar regulation. He provided a closer insight into the Code's structure, which he described as lacking logic and transparency. As a consequence, he claimed that the structure of the Code of Conduct Questionnaire is also not logical. Dr. Lambert also described other loopholes in the Code, such as the terminology used in the Code and the lack of provisions to provide proportionality, in particular towards internal security missions. However, he recommended improving not the Code itself, but rather its implementation through revising the Questionnaire. In particular, he suggested developing a separate questionnaire on terrorism; clarifying key terminology; including other relevant parts of the Code into the Questionnaire; launching a database on armed forces; and publishing the returns to the Questionnaire.

Finally, Ms. Elli Kytömäki, FSC Support Officer of the Conflict Prevention Centre (CPC), presented the CPC Overview of this year's information exchange on the Code and

compared a number of the findings to previous Overviews. These findings hint to the last revision of the Questionnaire as having been, overall, a successful undertaking. However, the CPC recommends another revision of the Questionnaire to allow for better comparability of the answers. Other recommendations stemming from the work on the Overview are: the establishment of common definitions; references to the relevant paragraphs of the Code in the Questionnaire; the development of model answers; and the establishment of a database to maintain information on the Code.

In the following discussion, all delegations who took the floor supported the views expressed by the keynote speakers, concerning the importance and the role of the Code of Conduct as a framework for co-operation. A number of delegations expressed disagreement with some of the proposals made by the keynote speakers. The close connection of the Code with the concepts of security sector reform and governance, however, was supported by all delegations speaking to this subject. In addition, several delegations hinted at the necessary accountability of the security forces to the Code as a supporting element to the democratic control of armed forces. The applicability of the Code was also demonstrated by raising security concerns and linking them to perceived violations of the Code's provisions.

Several delegations hinted at the need for follow-up measures to complement the special FSC meeting with concrete measures and decisions, while the potential of the Code as such would still not be exhausted. Proposals made by the CPC as well as the keynote speakers with respect to reviewing the Questionnaire were supported by a number of delegations, including the idea to refer also to those sections of the Code currently not covered by the Questionnaire, and to promote the visibility of the Code through an information campaign.

In his closing remarks, the session's moderator, Ambassador Jivan Tabibian, Armenia, hinted at the implementation of the Code only by providing routine answers to the Questionnaire. He supported the view that action should be taken to prevent the Code from becoming irrelevant. There is a need to recalibrate the parts of an existing document, which could be achieved by bringing in more clarity and precision, but also in accepting the "constructive ambiguity" contained in the Code. He finally recommended taking the risk of reopening the Code, rather than loosening its standards.

WORKING SESSION 2

Report of the working session rapporteur

Improving the implementation and the effectiveness of the Code of Conduct: Practical suggestions, forms of assistance, means and complementary measures

Vienna, 27 September 2006

The first keynote speaker, Ambassador Christian Strohal, Director, Office for Democratic Institutions and Human Rights (ODIHR), touched upon ODIHR's activities regarding the implementation of the Code of Conduct. As part of the implementation of the Code, the ODIHR has launched projects with respect to human rights in the armed forces. These projects should not be seen as creating new standards, but as enforcing existing ones. The assumption underlying these projects is that "Where human rights and fundamental freedoms of soldiers are protected within their institution, they will in turn be more likely to uphold these rights and freedoms while fulfilling their professional duties". As part of the projects, a Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel is being prepared in co-operation with the Geneva Centre for Democratic Control of Armed Forces (DCAF). In addition, a series of roundtables are being arranged on various themes related to this issue.

The second keynote speaker, Major General Christian Millotat, Director, Department of Security Co-operation OSCE Mission to Bosnia and Herzegovina (BiH), presented the implementation of the Code, from the view point of an OSCE mission. The OSCE Code of Conduct has been the leading document in the restructuring of the armed forces (and the security sector) in BiH, since the signing of the Dayton Peace accord in December 1995. From the beginning, the Code played an important role in the OSCE's unique mandate under Dayton Annex 1-B, the Agreement on Regional Stabilization. Over the past decade in BiH, the Code has assumed an increasingly important role, both in terms of what the Mission does on a programmatic level, and also in terms of the normative standards enshrined in the Code that all participating States are politically committed to uphold. In conclusion, General Millotat emphasized that the OSCE must do a better job of increasing both the knowledge and the understanding of the Code, within the Organization as well as beyond it.

In the subsequent discussion, most delegations spoke in favour of the need to make the Code better known to a larger public, such as the international community, NGOs, academics and other "stakeholders". Several suggestions were presented to that end, such as making public the replies to the Questionnaire, possibly in a database, and publishing a pamphlet in which each participating State could either present its best achievement or state how it is dealing with problems in implementing the Code. The connections between the Code and the implementation of UNSCR 1325 (2000) on women, peace and security were also highlighted. It was further suggested that seminars on the Code should be conducted in the participating States, in order to enhance the effectiveness of its implementation.

During the discussion, concerns were also raised concerning the conduct of some military forces of OSCE participating States in certain operations outside the OSCE area. Some delegations commented that no participating State can claim to have a perfect record; it is the way States deal with shortcomings that counts.

The role of the BiH Mission as a practical implementer of the Code was highly commended. Some delegations proposed that the lessons learned should be formulated in order to provide a basis for the future work with an OSCE security sector governance concept.

The ODIHR project garnered wide support from many delegations that saw that the project offered a valuable tool for the implementation of the Code, although some delegations were concerned that the link to the FSC was missing. Future FSC engagement was requested, as well as a wider dissemination of the handbook in all the OSCE languages so as to ensure that it is available to as many OSCE participating States as possible.

A food-for-thought paper on further complementing the Code was presented. It was suggested that additional protocols could be attached to the Code, without reopening the Code itself. As an alternative, consideration could be given to an improvement of the Questionnaire on the Code of Conduct, which is recognized as an important instrument for universalizing the Code.

In order to improve the implementation of the Code of Conduct, it was suggested to take into account and share the experiences done by the field missions which might work more closely with the FSC.

Many delegations also spoke in favour of a follow-up to the meeting, taking the form either of negotiating new elements to the Code or, alternatively, updating the Questionnaire. It was suggested that the mandate of the present Co-ordinator for the Code of Conduct Co-ordinator's mandate should be extended, in order to facilitate follow-up.

In conclusion, the moderator, Mr. James Cox, thanked all the delegations for a very lively debate, which proved that the Code is still as relevant as when it was approved in 1994.

WORKING SESSION 3

Report of the working session rapporteur

The Code of Conduct and its role for combating terrorism

Vienna, 27 September 2006

The moderator, Mr. Korkut Gungen, Counsellor at the Permanent Mission of Turkey to the OSCE, first made introductory remarks, suggesting that the session could be devoted to a review of current and planned responses in multilateral efforts to create a “network of security against the network of terror.” He recalled OSCE’s Bucharest Plan of Action for Combating Terrorism, the numerous Ministerial Council and Permanent Council decisions on terrorism and the existing United Nations resolutions.

The first keynote speaker, Mr. Dimitar Jalnev, Programme Co-ordinator of OSCE’s Action against Terrorism Unit (ATU), spoke on the “Relevance of the Code of Conduct for Countering Terrorism.” Mr. Jalnev discussed how the norms contained in paragraph 6 of the Code, pertaining to measures against terrorism to be taken by all the participating States, are being implemented by the OSCE and participating States through international agreements, as well as other OSCE documents and programmes. He observed that full co-operation among the participating States and others is essential to successful counter-terrorism strategies and their implementation. He described a number of international agreements that had been reached in order to further counter-terrorism strategies, particularly those of the United Nations. He asserted that the Code contains a number of other provisions that were directly relevant to countering terrorism, particularly those that established norms for the democratic control of the armed forces (20 and 21) and the observance of human rights by the military (30, 31, and 36). The information given by participating States in the Overview to question 1 will be useful in the preparation of new programmes by the ATU and other OSCE units. The ATU, based on the responses to question 1 referring to the twelve universal conventions and protocols related to terrorism known as the Universal Anti-Terrorism Instruments (UATI), would make a major effort to assist participating States in legislative implementation of those instruments.

The second keynote speaker, Mr. Yurii Kryvonos, Senior FSC Support Officer of the OSCE Conflict Prevention Centre (CPC), presented the “Results of Question 1 of the 2006 Overview of the Questionnaire on the Code of Conduct”, which solicited participating States’ responses on appropriate measures to prevent and combat terrorism, in particular participation in international agreements. The returns indicated a general subscription to the UATIs, and participation in the effort to construct multilateral legal regimes to counter terrorism, including police co-operation, border security, extradition, combating of organized crime and trafficking in persons and weapons, etc. Sub-question 1c solicited information from participating States on national measures taken, including the adoption of pertinent legislation, to implement international agreements. The measures most often mentioned include the amendment of domestic criminal codes, the establishment of antiterrorism units or centers and the adoption of policies and regulations for the use of security forces. Sub-question 1d solicited information on national practices relevant to counter-terrorism beyond the implementation of international agreements. Because of the similarity to sub-question 1c,

the answers to 1d were sometimes combined with those to 1c. In response to sub-question 1e soliciting information on the role of armed forces in counter-terrorism, participating States' responses indicated that armed forces have little or no role in counter-terrorism. Instead, much of the national legislation in that area assigned the principal role in combating terrorism to police and internal security forces. Some participating States have created special organizations to fulfill the counter-terrorism mission. Mr. Kryvonos reported that analysis of the Questionnaire suggested that it might be reformulated to avoid overlapping and repetition in the responses. Also, the FSC might want to develop model answers to provide participating States with guidance in responding.

The ensuing discussion first took up the Questionnaire and the need to reformulate question 1. Most of the comments favoured attempting to reformulate the Questionnaire so as to clarify and streamline it. Some participants suggested that the role of the OSCE should be highlighted in the sub-questions. There was also a general discussion of Mr. Jalnev's assertion that the Code already contained all the elements needed for an efficient OSCE counter-terrorism strategy and practice; several delegations recognized that the principles of the Code of Conduct are applicable for combating terrorism, each part of the Code complementing the others. Most delegations shared the view that the Code needed to be "operationalized," i.e., used as the basis for further OSCE and FSC efforts to counter terrorism. That could take place through other international agreements, such as the recent joint statements on countering nuclear terrorism, or information exchanges among participating States, such as the forthcoming FSC special meeting on implementation of UNSCR 1540 (2004) on non-proliferation of weapons of mass destruction.

Several delegations expressed the view that the fundamental *acquis* of the Code of Conduct must be preserved; there was a common understanding that the Code of Conduct itself should not be reopened or renegotiated. One delegation suggested that, to complement the existing Code of Conduct, the necessary adjustments to its substance and the improvement of its implementation might be achieved by means of an additional protocol. The connection between terrorism and organized crime has been recognized, as exemplified by arms smuggling, human trafficking and money laundering. Some delegations suggested that new and emerging threats might make it necessary for the Code to be amended, or for another document to be developed to address new threats, such as terrorism and transnational crimes. That shows the truly cross-dimensional dimension of the Code of Conduct.

Some delegations suggested improving the categorization of forces, which might clarify the Code and lead to a better "operationalization" of it. That could be done by defining the types of forces, mentioning new categories, such as border guards, and defining operative provisions for different types of forces, for example. One delegation stated that the roots of terrorism might be tackled by emphasizing the human dimension, for example, with reference to respect for and non-discrimination against ethnic, religious and linguistic minorities.

In other comments, the lack of formal references in the Code to the judiciary branch was mentioned, and it was suggested, for example, that reference should be made to the OSCE Copenhagen Document (1990) as well as the Moscow Document on the Human Dimensions, or other international documents dealing with the same subject matter. With a view to improving the counter-terrorism aspects of the Code of Conduct, several delegates suggested exploring the possibilities for linking it with other OSCE documents such as the Charter on Preventing and Combating Terrorism adopted at Porto, the documents on brokering, small arms and light weapons and MANPADS, the Strategy to Address Threats to Security and Stability in the Twenty-First Century, and other international agreements such

as UNSCR 1540 (2004) on non-proliferation of weapons of mass destruction and the UATI on preventing and combating terrorist activities.

The session concluded with a clear consensus that only through continued close co-operation among participating States could the Code and related international documents have continued relevance in the struggle against terrorism and other emerging threats. There was a common understanding concerning the relevance of the Code of Conduct for combating terrorism, due to its cross-dimensional nature. The suggestion of the CPC and ATU that they should work closely with the FSC to find the most appropriate way to develop and enhance the Questionnaire and the information exchanged was taken up with interest by several delegations.

CHAIRPERSON'S CONCLUDING REMARKS

Vienna, 27 September 2006

Ladies and Gentlemen,
Excellencies,

We have heard today a strong agreement that the Code of Conduct on Politico-Military Aspects of Security bears a considerable potential in terms of capacity building. Yet, despite its relevance, the Code is unevenly implemented in the OSCE area. In that context, a better promotion of the Code's norms is crucial.

Today's Special Meeting has been extremely useful as many practical measures have been suggested to strengthen the Code's implementation. Let me recall a few of them, which have come out of our opening plenary and three working sessions:

- raising awareness;
- publishing responses to the Questionnaire on the OSCE website;
- improving the Questionnaire's structure and terminology;
- elaborating and sharing best practices through a database;
- holding workshops; and,
- renewing the mandate of the Co-ordinator for the Code of Conduct.

Before we take any action on next steps, the Chair will first review the report of today's Special Meeting and study its suggestions closely, allowing a full discussion in the FSC, and proposing how we might wish to address further work in the FSC. We will also be counting on hearing from delegations, should they wish to put forward concrete proposals on follow-up, beyond those tabled today.

Finally, I wish to thank all speakers, moderators, rapporteurs, as well as the Co-ordinator for the Code of Conduct whose excellent work helped the Chair enormously in preparing this event. I also thank all delegations for the fruitful and interactive dialogue today. Before we close, I want to thank the Conflict Prevention Centre, FSC Support Unit, Conference Services and the interpreters for their excellent support.

SURVEY OF SUGGESTIONS AND RECOMMENDATIONS

No.	Suggestion/Recommendation	Reference
	Improving the implementation of the Code of Conduct	
1	Establish clearer strategies, means or incentives for better promotion	FSC.DEL/436/06 page 2
2	Enhance awareness on the Code in the OSCE's Permanent Council	FSC.DEL/401/06 page 9
3	Favour a cross-departmental and cross-institutional approach to effectively implement the Code, by establishing meaningful co-ordination between participating States' foreign and defence departments with other relevant governmental and non-governmental institutions, including internal ministries, Parliament and civil society	FSC.DEL/401/06 page 3 FSC.DEL/446/06 page 1
4	Raise more awareness on the Code at the national level as well as in the context of other regional institutions, including the EU, NATO, Council of Europe, the CIS as well as the UN	FSC.DEL/401/06 page 9
5	Promote the Code among OSCE Partners for Co-operation	FSC.DEL/429/06 page 2
6	Encourage dialogue on matters related to the implementation of the Code at the national level	SEC.GAL/150/06 page 2
7	Develop projects in participating States that increase the awareness and the promotion of the objectives of the Code. Emphasize regional and subregional co-operation	Several delegations, SEC.GAL/150/06 page 3 FSC.DEL/441/06
8	Organize workshops designed to build capacity for implementing the Code and to raise awareness	FSC.DEL/411/06 page 3
9	Organize a regional Conference, as for example the joint initiative of the CPC and the OSCE Parliamentary Assembly	Some delegations, SEC.GAL/150/06 page 3
10	Encourage the involvement of legitimate "stakeholders", by including parliamentarians, NGOs with relevant interests, think-tanks and other academic institutions	FSC.DEL/433/06 page 3
11	Publish responses to the Questionnaire on the OSCE website; make public the national responses of the Questionnaire on the Code of Conduct	FSC.DEL/446/06 page 1

12	Encourage participating States to pay more attention to the thorough and regular examinations of the national responses of the Questionnaire and avoid frequent missing of deadline	FSC.DEL/429/06 page 1
13	FSC might work more closely with the field missions in order to share the experiences gained through the implementation of the Code in the field. FSC might also collaborate with other OSCE institutions	FSC.FR/6/06 ODHIR.GAL/64/06
14	Elaborating and sharing best practices through a database	Some delegations
15	Enhance interaction between the participating States (in the FSC or elsewhere) about how they have lived up to their obligations under the Code in particular circumstances or operations	FSC.DEL/433/06 page 2
16	Emphasize the human dimension, human rights as well as the provisions of International Humanitarian Law and international law obligations. Enumerate the rights and duties of personnel of all kind of armed and security forces	FSC.DEL/435/06
17	Use the relevant Code's provisions of politico-military nature to recall legitimate security concerns and to reaffirm the commitments on arms control, disarmament and CSBM's; use more broadly, at the regional level of the OSCE, the existing CSBM mechanism in the military sphere	FSC.DEL/437/06 pages 2 and 3 FSC.DEL/441/06
18	Highlight the linkage of the Code to politico-military issues	FSC.DEL/435/06 page 2
19	Highlight the linkage of the Code to counter-terrorism commitments; reaffirm the relevancy of the Code in the struggle against terrorism and other emerging threats	Several delegations
20	Introduce reference to the judiciary branch	FSC.DEL/435/06, page 1
21	Emphasize the implementation of paragraph 25 of the Code stipulating that "participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities"	FSC.DEL/429/06 page 2
	Questionnaire on the Code of Conduct	
22	Improve the Questionnaire's structure; give the Questionnaire a more logical and transparent structure	FSC.DEL/401/06 pages 6, 10
23	Rethink the links between the questions of the Questionnaire and the paragraphs of the Code of Conduct	SEC.GAL/147/06 page 4

24	Further structure and streamline the Questionnaire, in order to eliminate existing overlaps and duplications and to limit the scope for different interpretation of the questions	FSC.DEL/429/06 page 1
25	Improve/clarify the questionnaire key terminology	FSC.DEL/401/06 page 10
26	Develop model answers for the Questionnaire on the Code of Conduct	Several delegations, SEC.GAL/150/06 page 2 SEC.GAL/147/06 page 4
27	Examine possible amendments to the questions and their sub-questions	FSC.DEL/446/06 page 1
28	Establish a coherent categorization of forces, by improving the actual categorization; consider defining the type of forces and mentioning new categories like border guards and no statutory security actors	FSC.DEL/435/06 page 2
29	Add guidelines for a clearer categorization of types of forces	FSC.DEL/401/06
30	Properly discuss the CPC Overview on the Code of Conduct, which offers several options for improvement; Put the CPC Overview on the Code of Conduct on the agenda of the FSC Working Group	FSC.DEL/446/06 page 1
31	Create 3 sections for the Questionnaire, that are linked with the Code's substance: section I might deal with inter-States elements, section II with intra-States elements, section III with other information	FSC.DEL/401/06 page 10
32	Question 1: consider to reformulate sub-questions a, b, c and d of the Question 1 on appropriate measures to prevent and combat terrorism, by amending them	FSC.DEL/446/06 page 3 FSC.GAL/74/06 page 10 SEC.GAL/153/06 page 4 SEC.GAL/157/06
33	Questions 2 and 3: avoid duplication of effort and repetition of Questions 2 and 3, by making them more specific	FSC.GAL/74/06 page 20
34	Questions 3: invite participating States to present their national definition of the five types of forces, in order to bring further clarification to the information provided	FSC.GAL/74/06 page 26 SEC.GAL/147/06 page 4
35	Questions 3: consider the possibility of including other types of forces	FSC.GAL/74/06 page 26
36	Question 4: consider the possibility of including more information about forces of other participating States on its own territory; establish a link to the Global Exchange of Military Information (GEMI)	FSC.GAL/74/06 page 30

37	Questions 5: invite participating States to give more information on the category of paramilitary forces and security forces	FSC.GAL/74/06 pages 35 and 36
38	Question 5: invite participating States to include further details in their references to “the right and duties of armed force personnel”	FSC.GAL/74/06 page 36
39	Questions 7: invite participating States to provide more information, for instance: list of activities (workshop, seminars), reference to new publications, links to websites, national positions on other CSBMs and international conventions and agreements, further details about laws adopted since the last information exchange	FSC.GAL/74/06 pages 41 and 42
40	Adopt a separate Questionnaire on terrorism	FSC.DEL/401/06 page 12
41	Develop ways of updating previously submitted information in response to the Questionnaire	SEC.GAL/147/06
	Suggestions regarding additional measures	
42	Draft and negotiate an additional protocol to the Code. Preserve the fundamental <i>acquis</i> of the Code and consequently avoid to reopen or renegotiate it as such.	FSC.DEL/435/06
43	The potential of the Code and the current practice provide room for significant improvement of its implementation, without needing to reopen the Code and renegotiate its provisions	FSC.DEL/429/06 page 2
44	Renew the mandate of a FSC Co-ordinator of the Code of Conduct	Some delegations FSC.DEL/435/06
45	Push forward concrete proposal on follow-up (for example, put the CPC Overview on the Code of Conduct on the agenda of the FSC WG, regularize a more focused review of the implementation of the Code with an annual review FSC meeting, consider a follow-up conference, etc...)	FSC.DEL/8/06 FSC.DEL/446/06 page 1
46	Reflect on how the concerns raised in the Code have evolved further with security sector reform; carry-out a mapping exercise to identify the various areas where the OSCE is involved in security sector reform activities	FSC.DEL/411/06 page 3