



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

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



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1. Introduction and objective

The OSCE Code of Conduct on Politico-Military Aspects of Security is a key normative document, which was adopted by the CSCE participating States at the Budapest Summit in December 1994. The Code entered into force on 1 January 1995. By adopting this landmark document in security sector governance, the CSCE participating States agreed to reform their domestic politico-military affairs and to apply internationally agreed principles of democracy and rule of law to their national security policies and doctrines. The Code of Conduct occupies a fundamental place in the body of normative documents developed within the politico-military dimension of the OSCE and remains unparalleled by other international organizations.

In line with Vilnius Ministerial Council decision No. 7/11, this report highlights the progress achieved in respect of efforts to further improve the implementation of the Code of Conduct. The report addresses the information exchange between participating States on the implementation of the Code, efforts undertaken in the Forum for Security Co-operation (FSC) since the Vilnius meeting of the Ministerial Council and other activities conducted within the Organization. The report covers the period from November 2011 to November 2012.¹

2. Efforts by the FSC

Since the Vilnius meeting of the Ministerial Council in December 2011, the FSC has continued to work towards enhanced implementation of the Code.

In June 2012, a meeting was held in the framework of a Security Dialogue which

¹ The deadline for inclusion of factual data was 21 November 2012.

focused on the democratic and parliamentary control of armed forces.

On 11 July 2012, the first Annual Discussion on the Implementation of the Code of Conduct was held in Vienna. The meeting was organized pursuant to FSC decision No. 12/11, in which it was decided to “regularize a focused discussion on implementation of the Code of Conduct on Politico-Military Aspects of Security by devoting an annual special one-day meeting to the Code of Conduct”. The first Annual Implementation Discussion, in July 2012, provided a unique opportunity for experts from delegations and capitals to discuss how to promote and improve the implementation of the Code of Conduct, including its annual information exchange, to undertake an evaluation of the Code as well as to examine its application in the context of the existing political and military situation.

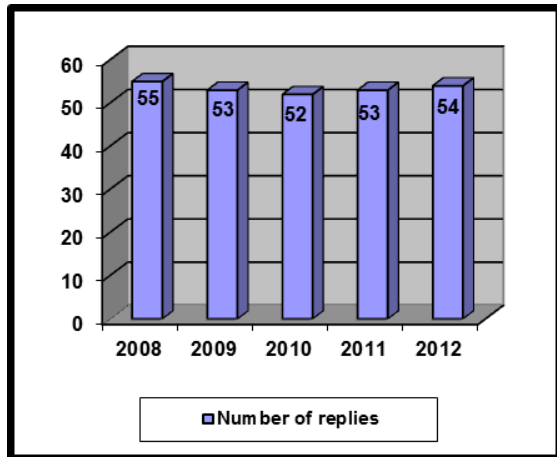
During the meeting, a great number of proposals were put forward on the development and implementation of the Code of Conduct. The suggestions pertained, *inter alia*, to a strengthened outreach of the Code of Conduct to the OSCE Partners for Co-operation as well as to major stakeholders such as parliamentarians, the enlargement of the scope of the annual questionnaire, a qualitative assessment of the yearly information exchange, as well as to a stronger involvement of OSCE field presences in promoting the Code. A survey of suggestions was established pursuant to the meeting.²

3. Information exchange

The OSCE participating States have agreed to exchange information on an annual basis on the implementation of the Code of Conduct according to an agreed questionnaire (FSC.DEC/2/09). The level

² FSC.GAL/96/12

of commitment to the information exchange has always been high, and the great majority of OSCE participating States provided information about their efforts in implementing the Code of Conduct (see graph below). All the participating States have provided replies to the questionnaire at least once since the adoption of the questionnaire in 1998.

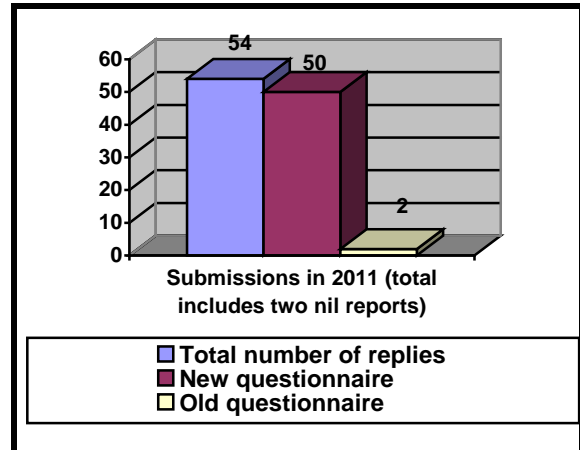


The annual information exchange is a unique mechanism for fostering international transparency with regard to armed forces and their control by constitutionally established authorities. Since 2008, the replies have been published on the OSCE website, where they can be accessed by the public.

A statistical report on the implementation of the Code of Conduct was prepared by the Conflict Prevention Centre (CPC). In accordance with FSC decision No. 12/11, this report was based on the 2012 annual information exchange under the Code of Conduct and was limited to the provision of statistical data related to implementation. Moreover, common practices were only identified and highlighted in general terms and the report did not enter into comparisons of national policies or provide any assessment of implementation.

In 2012, by 21 November 2012, 54 participating States had provided information on their implementation activities.

In 2009, the participating States agreed to update the format of the questionnaire. However, two participating States still provided their replies in the old format in 2012 (see graph below). It can be noted positively, however, that this number is steadily declining.



Several replies included additional voluntary information. In accordance with the interpretative statement appended to FSC.DEC/5/11, 27 participating States provided information on the implementation of UN Security Council resolution 1325 (2000) on Women, Peace and Security. Furthermore, in accordance with the interpretative statement appended to FSC.DEC/2/09, five participating States included information related to private military and security companies (PMSCs) in their 2012 returns.

4. Awareness-raising and outreach

FSC decision No. 1/08, on awareness-raising and outreach, tasked the OSCE Secretariat with organizing, in cooperation with other international organizations or with participating States, at least one specialized extrabudgetary seminar or workshop a year in order to facilitate better implementation, to promote awareness and to support outreach of the Code of Conduct. The decision also encourages partici-

pating States to contribute extrabudgetary funds to make possible such events. Furthermore, it calls upon the FSC Chair to engage the OSCE Partners for Co-operation.

In accordance with this decision, in June 2012, the CPC organized the fifth regional seminar for the Baltic Sea area in Riga, Latvia. The seminar was attended by high-level participants from Austria, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Sweden and Switzerland. Participants included senior officials from ministries of defence and foreign affairs, and armed forces, as well as representatives of national parliaments, the ODIHR, academia and the FSC Chairmanship.

The seminar focused on the implementation of the Code of Conduct in the region and on the outreach of this key normative document. In particular, the democratic control of armed forces, parliamentary oversight, security sector reform, and the respect for international humanitarian and human rights law were discussed. In addition, relevant aspects of UNSCR 1325, the rights of armed forces personnel, cybersecurity, as well as security and co-operation in the Baltic Sea region, were included in the agenda. Previous regional seminars were held in Kazakhstan (2008), Bosnia and Herzegovina (2009), Belarus (2010) and Ukraine (2011). These seminars were funded by Austria, Germany and Switzerland through extrabudgetary contributions.

The CPC also facilitated a thematic discussion on the Code of Conduct with the Contact Group with the Mediterranean Partners for Co-operation on 16 March 2012. The Mediterranean Partners showed interest in the Code of Conduct and the lessons learned in the OSCE area.

During the reporting period, the OSCE field operations were also actively promot-

ing the implementation of the Code through awareness-raising and training activities:

In November 2011, the OSCE Office in Yerevan, together with the Armenian Ministry of Defence, promulgated a publication entitled *Armenia and Democratic Control of the Armed Forces: Analysis and Perspectives*. The publication includes articles on the Code of Conduct, its history and political context, and the experience of Armenia and other countries in implementing it. The volume was prepared by experts from the Drastamat Kanayan Institute for National Strategic Studies under the Armenian Ministry of Defence, with the collaboration of other institutions, including the Human Rights Defender's Office and Yerevan State University.

In November 2011, in Bosnia and Herzegovina, the fourth Politico-Military Review Conference was held with the support of the OSCE Mission. The Conference addressed the implementation of politico-military commitments under the OSCE and the United Nations. The event afforded an opportunity to recognize achievements and current challenges and to identify solutions for an overall improvement in implementation. The opportunity was taken to promote the principles set forth in the Code of Conduct and to address any deficiencies in implementation and information exchanges. A conclusion of the Conference called for the establishment of an official Council of Ministers Co-ordination Team for Implementation of the OSCE/UN Security Commitments of Bosnia and Herzegovina to co-ordinate the activities for preparing information exchanges, and to analyze and monitor the implementation of politico-military commitments.

In December 2011, the OSCE Office in Baku organized a full-day launch event to present the Azerbaijani-language version of the ODIHR/DCAF *Handbook on Hu-*

man Rights and Fundamental Freedoms of Armed Forces Personnel. The event was supported by the ODIHR and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and was hosted by the Academy of Public Administration under the President of the Republic of Azerbaijan. The event was attended by government officials, including officials from the Defence Ministry and the Institution of the Ombudsman; international experts; and representatives of civil society and academia. Since the event, the Institution of the Ombudsman has taken a leading role in communicating the significant contents of the book to national interlocutors.

In December 2011, the OSCE Mission to Montenegro, together with the Committee for Security and Defence of the Parliament of Montenegro, and with the support of the CPC and DCAF, organized a seminar on the democratic control of armed forces and the implementation of the Code of Conduct in Budva, Montenegro.

The seminar, held from 15 to 16 December 2011, increased awareness of the Code's implementation in Montenegro. International and national experts discussed the most recent experiences related to the Code's implementation and future initiatives in the field of democratic parliamentary oversight of armed, internal and security forces. Special attention was devoted to fostering co-operation among parliamentarians; government ministries; heads of military, police and intelligence; as well as the NGOs involved in the oversight of the security and defence sector in Montenegro.

Furthermore, the Mission supported the participation of the President of the Committee for Security and Defence of the Parliament of Montenegro in the first Annual Discussion on the Implementation of the Code of Conduct. The President of the Committee delivered a keynote presentation entitled "*National Experiences: Leg-*

islation on the Democratic Oversight of the Security and Defence Sector in Montenegro and the Relevance of the Code of Conduct".

In February 2012, the Department of Security Co-operation of the OSCE Mission to Bosnia and Herzegovina organized a politico-military briefing to inform new officials within national institutions about the OSCE politico-military dimension and to present the principles embodied in the Code of Conduct, as well as the information exchange on the Code. In addition, the Mission supported the participation of two officials (Ministry of Defence and Joint Staff of the Armed Forces) in the first Annual Discussion on the Implementation of the Code of Conduct.

In September 2012, the CPC supported RACVIAC – the Centre for Security Co-operation – in organizing a regional seminar on the Code of Conduct. The seminar, which took place from 18 to 20 September 2012 near Zagreb, Croatia, brought together experts and practitioners from the region of South East Europe, representing ministries of defence and foreign affairs, armed forces, national parliaments, academia, and civil society. During the seminar, the countries of the region presented their replies to the annual information exchange. The idea of a regular and focussed peer-to-peer review mechanism was discussed in this respect as a potential follow-up to the seminar.

In October 2012, the OSCE Centre in Astana and the CPC supported the Ministry of Defence of Kazakhstan in organizing a regional seminar on the Code of Conduct for the Central Asian region. The seminar included participants from Kazakhstan, Kyrgyzstan and Tajikistan, representing armed forces, ministries of defence and foreign affairs, as well as the Kazakh Ministry of Emergency Situations and the ODIHR. Issues such as security sector reform, accountability of armed

forces and related parliamentary oversight and the rights of armed forces personnel, as well as respect for international humanitarian law, were addressed at the seminar. The event also helped to promote dialogue and co-operation between defence and law enforcement agencies at the national, but also the regional, levels.

From 14 to 15 November 2012, the fifth Review Conference on Compliance with the OSCE/UN Security Commitments of Bosnia and Herzegovina was held in Sarajevo-Ilidža. The Conference addressed national compliance with OSCE and UN politico-military commitments. These review conferences have become a major forum for reflection and constructive discussion and debate amongst political leaders and experts with regard to the implementation of politico-military obligations in Bosnia and Herzegovina. This year's Conference was designed to assess compliance and to formulate an action plan for co-ordinated initiatives in order to increase national compliance capabilities. The Code of Conduct constituted a primary element of the Review Conference and represents an important focus for the OSCE Mission to Bosnia and Herzegovina.

On 20 November 2012, a one-day launch event of the Macedonian language version of the ODIHR/DCAF *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel* was held in Skopje by the ODIHR and the Ministry of Defence. The event also included presentations on the Code of Conduct and on the role of the ombudsman institutions, with participation by the CPC and a representative of the German Parliamentary Commissioner for the Armed Forces, respectively. The event was attended by officials from various ministries and parliamentary commissions, as well as representatives of academia and civil society.

5. Conclusions

In 2012, the Code has once more proven that it has an important role to play as a set of principles and guidelines reflecting inter-State and intra-State norms of behaviour which are of critical relevance to security sector reform.

The highlight of 2012 was undoubtedly the first Annual Implementation Discussion on the Code of Conduct, held in July 2012 in Vienna. This important event allowed participants to consider ways of improving the implementation of the Code of Conduct and to discuss the principles inherent in it. A great number of suggestions were made at the meeting³. The efforts to further improve the implementation of the Code of Conduct were also supported by initiatives of the FSC Chairmanships addressing and promoting the Code within the framework of Security Dialogues in 2012.

A second highlight was the numerous outreach and awareness activities supported by the FSC, the CPC and OSCE field missions. Such events were held in the regions of the Caucasus, South East Europe, the Baltic Sea region and Central Asia. They afforded unique opportunities to deepen the knowledge of the Code's provisions and to anchor its important principles by engaging major stakeholders from armed forces and ministries of foreign affairs, as well as parliamentarians, civil society and academia.

Participating States hosting or participating in such seminars made an important contribution to transparency as well as to national and regional stability and security. As stipulated in FSC decision No. 1/08, all the participating States are encouraged to continue supporting and hosting seminars or workshops among participating States, and with OSCE Partners for Co-operation.

³ See FSC.GAL/96/12

Regarding the information exchange in 2012, a continuing very high level of commitment in terms of the number of replies could be observed. A great number of participating States voluntarily provided additional information on women, peace and security, and a few States provided information on private and military security companies. This certainly enriched the 2012 annual information exchange in terms of quality. Several participating States stated in this respect that it would be greatly welcomed if an agreement could be reached among all the OSCE participating States to include information on women, peace and security as an integral part of the Code of Conduct Questionnaire.

As in preceding years, reports differed significantly with regard to substance and scope. Again, two participating States did not submit their reports at all, while two participating States still used old formats.

In the future, further dialogues, seminars and workshops on the Code of Conduct, organized for OSCE participating States as well as for the Partners for Co-operation, will contribute to increasing awareness, outreach and above all better implementation of this important document.

In particular, the translation of the Code of Conduct into Arabic, and a possible event on the Code of Conduct in 2013 for the Mediterranean and North African region could contribute to the positive momentum in the Arabic world. Furthermore, presentations on best practices and country-specific implementation of the Code would constitute promising prospects.

Last but not least, the second Annual Implementation Discussion in 2013 will also serve as an important opportunity to discuss the Code of Conduct and its implementation in a structured and focused manner. In view of this meeting, several participating States have suggested enhancing the tasking given to the CPC by requesting a more detailed overview and assessment of the status of implementation of the Code of Conduct.