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# Report on the OSCE Wide Workshop on the OSCE Code of Conduct on Politico-Military Aspects of Security



*Report on the OSCE-wide Workshop  
on the OSCE Code of Conduct on  
Politico-Military Aspects of Security*



*Report on the  
OSCE-Wide Workshop  
on the OSCE Code of  
Conduct on Politico-Military  
Aspects of Security*

Belgrade, Serbia

26 – 28 March 2014

## Title

Report on the OSCE-wide Workshop on the OSCE  
Code of Conduct on Politico-Military Aspects of Security

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# *Introduction*

From the 26th to the 28th of March 2014, the Organization for Security and Co-operation in Europe (OSCE) Mission to Serbia, in partnership with the OSCE Conflict Prevention Centre and the Ministry of Defence of the Republic of Serbia, organized an OSCE-wide workshop (hereinafter referred to as the “Workshop”) on the OSCE Code of Conduct on Politico-Military Aspects of Security (hereinafter referred to as the “Code of Conduct”), with the aim of enhancing internal coherence of the OSCE in supporting and promoting the Code and advancing its effective implementation. The Workshop, sponsored by the following OSCE participating states: Austria, Germany and Switzerland and mandated by the OSCE’s Forum for Security and Co-operation (FSC), was the seventh regional event on the Code of Conduct, with previous seminars having been held in Kazakhstan (2008), Bosnia and Herzegovina (2009), Belarus (2010), Ukraine (2011), Latvia (2012) and Malta (2013).

This report presents the background and main findings of the Workshop. Firstly, it provides an introduction to the organization, context-relevant OSCE executive structures and the Code of Conduct itself. Subsequently, a summary of workshop panel discussions is presented. Background documents and a list of further readings on the subject are enclosed in the Annex.

# *Background*

## **The Organization for Security and Co-operation in Europe (OSCE)**

The OSCE is the world's largest regional security organization, with 57 participating States from Europe, the Caucasus region, Central Asia and North America. The OSCE provides an invaluable forum for inter-state negotiations and decision-making in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation, and maintains a presence on the ground through a unique network of field operations.

Through its politico-military, economic and environmental, and human dimensions, the OSCE champions a truly comprehensive approach to security, addressing a wide range of security-related issues, including arms control and disarmament, confidence-and security-building, policing and counter-terrorism, as well as cross-dimensional human rights issues. The Code of Conduct, a politically binding document agreed on in 1994 by participating States of the Conference for Security and Co-operation in Europe (CSCE) which preceded the OSCE, is part of its acquis, and engages a full range of issues, including inter-state behavior, democratic control of armed and security forces, the implementation of international humanitarian law (IHL) by and within the armed forces, as well as the role of armed forces in democratic societies.

## **The OSCE's Forum for Security Co-operation (FSC)**

The Forum for Security Co-operation was established at the 1992 Helsinki Summit to strengthen the Organization's focus on politico-military aspects of security. It is one of OSCE's two main regular decision-making bodies, the other being the

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OSCE Permanent Council (PC). The Forum meets weekly in Vienna and provides a unique platform for OSCE participating States to discuss topical security challenges on an equal footing.

FSC meetings allow participating States to raise and discuss security concerns and challenges. These discussions regularly lead to initiatives and measures aimed at strengthening politico-military security, including confidence-and security-building measures (CSBMs), as well as to initiatives designed to ensure stability through multinational assistance and capacity-building projects.

The Forum's Chairmanship rotates in alphabetical order among the OSCE participating States, with each State holding the Chairmanship for a period of four months. The Forum approves documents and decisions by consensus. The FSC Support Section, operating within the Conflict Prevention Centre of the OSCE Secretariat, acts as the institutional memory of FSC commitments.

## **The OSCE Code of Conduct on Politico-Military Aspects of Security**

In 1994, CSCE's Forum for Security Co-operation adopted the Code of Conduct on Politico-Military Aspects of Security, a landmark document on security sector governance. The Code of Conduct commits participating States to maintain effective guidance and control of their military, paramilitary and security forces by constitutionally-established authorities, and to ensure that they remain politically neutral and comply with international humanitarian law provisions. It also requires the full respect for the rule of law and the principle of proportionality in situations when the use of force cannot be avoided, and prescribes that, in such circumstances, international law and international humanitarian law shall govern the conduct of armed forces. The Code of Conduct prohibits the use of armed forces to suppress peaceful and lawful exercise of civil rights by individuals, or to deprive them of their national, religious, cultural, linguistic or ethnic identity and stipulates that any internal security missions conducted by armed forces are to be carried out under the effective control of civilian authorities. Furthermore, the OSCE participating States must guarantee that human and civil rights of armed and security forces personnel are respected. In addition, the Code of Conduct also comprises important norms and commitments as regards the relations be-

tween States including for example the principle of the indivisibility of security or not to increase one's security at the expense of others.

Responsibility for the implementation of the Code of Conduct lies with the participating States. A Code of Conduct-related annual information exchange is conducted by way of a questionnaire (see Annex) which allows participating States to report on their national practices in implementing the Code's provisions. The resulting reports are published on the OSCE website.

In 2008, the FSC took a decision to strengthen the outreach and awareness-raising of the Code of Conduct and mandated the OSCE Secretariat to organize related workshops and seminars. Since 2013, the Mediterranean region has been included in the outreach, leading to an Arabic translation of the Code of Conduct (<http://www.osce.org/fsc/41355>).

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# *The OSCE-wide Workshop on the OSCE Code of Conduct on Politico-Military Aspects of Security*

The main objective of the Workshop was to discuss the implementation of the Code of Conduct to raise awareness on the document's norms and principles, and to highlight regional good practices and lessons learnt. Following six regional events, the Workshop was the first event to gather representatives of the OSCE field operations, institutions, and the Secretariat in order to exchange good practices in supporting the implementation of the Code of Conduct, and to present national assistance programmes relating to democratic control of armed forces, parliamentary oversight and control, security sector reform and governance, defence reform, the respect for international humanitarian law and for human rights of armed forces personnel, and the inclusion of issues related to women, peace and security. As such, it served as a unique opportunity for internal information exchange and for the cross-fertilization of the Organization's efforts.

In light of its upcoming OSCE Chairmanship-in-Office (CiO) in 2015, and its coordinated work with the 2014 Swiss Chairmanship, Serbia was well-positioned to host this high-profile event and to share its priorities with regard to the implementation of the Code of Conduct. The Workshop was attended by more than 50 participants from 20 countries. Delegates included Ministry of Defence of the Republic of Serbia's State Secretary, Mr. Zoran Djordjevic as the keynote speaker, Mr. Miroslav Javanovic, the Assistant Minister of Defense, high-ranking OSCE officials, the Ambassador of Germany to Serbia and representatives of the Serbian Armed Forces.

## Main elements of the Code of Conduct

Prior to the workshop panel discussions, the principles of the Code of Conduct, a document often described as “a hidden jewel” of the OSCE, were introduced and discussed. The following observations were made:

- The Code of Conduct is a confidence-and security-building document aimed at addressing security sector governance and reform using a cross-dimensional approach, linking politico-military aspects with those of the human dimension.
- It consists of three main elements: the normative element (preamble in sections 1-6), the functional element (indicates the application of the adoption of the Code) and the implementation element (sections 9-10).
- Normative elements attempt to ensure consistency with other provisions of international law and the full respect of human rights. Participating States are obliged to ensure democratic and civilian control of their armed forces (military, paramilitary, intelligence, police and internal security forces). Furthermore, armed forces are to be politically neutral, and their personnel is required to exercise full respect for human rights provisions, and to have full awareness of their individual accountability.
- National implementation has set high standards though developments in Abu Ghraib, Fallujah, Chechnya, Kiev and others demonstrate a worrying absence of Code of Conduct implementation. On the other hand, following the 2013 conference in Malta, outreach to Mediterranean countries has been further enhanced by the translation of the Code into Arabic.
- Although there are no enforcement mechanisms pertaining to the Code of Conduct, it is nevertheless a politically-binding document. In 2013, 54 of 57 OSCE participating States submitted their Code of Conduct questionnaires, thus providing the basis for information exchange.
- Progress has been made in formerly unaddressed areas, particularly in reporting on private military and security companies (PMSC's), for which 3 states have provided reports; and regarding the topic of women, peace, and security, for which 32 states have provided reports.

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The panel was brought to a close with the reminder that the practice of reporting has already been in place for 20 years, but that little has been undertaken by states in favor of its support. However, by raising awareness of the importance of the practice of reporting and encouraging enquiry on an annual basis, states can more effectively draw their own specific conclusions from the questionnaire and better apply this insight to their CoC implementation activities.

## **Defence Reform and the democratic control of armed forces**

The first of six workshop panels started with an observation that the Code of Conduct is a very important document, yet remains largely unknown beyond military and diplomatic circles. Examples put forward were based on practice in Bosnia and Herzegovina, Serbia and Armenia. Panel participants agreed that the Code of Conduct is the main international reference for democratic control of armed and security forces. It was noted that, in Bosnia and Herzegovina, the Code of Conduct was an instrument which brought together the armed forces of both entities and ensured adequate parliamentary control. Furthermore, it was noted that the implementation of the CoC is not only a military matter, that it requires political will, and that it has the capacity to advance military professionalization and facilitate local ownership of related reform efforts. The implementation of the Code of Conduct in Bosnia and Herzegovina consequently led to an increased engagement of civil society. It also helped increased co-operation between country's armed forces and civil society, enhanced a regional approach to security and defense policy and facilitated military participation in OSCE, UN, NATO and EU missions.

In Serbia, defence reform was conducted with the aim of preserving vital national interests. Democratic control of armed forces in Serbia is being conducted through the Government, the Parliament, the Ombudsperson, civil society and other relevant bodies. The Ministry of Defence of the Republic of Serbia has increased its transparency by publishing a number of documents, and is implementing the Code of Conduct, recognizing it as an important tool for the democratic control of armed forces.

The speaker from Armenia outlined ongoing reforms in the country, emphasizing that the current focus is on building integrity (Building Integrity NATO initiative) and efforts are made to merge those outputs with requirements deriving from CoC. In this sense it was stated that successful reform necessitates the elimination of corruption at the same time as the fight against corruption necessitates adequate reform.

A presenter from NATO reiterated concerns relating to corruption, stating that it significantly undermines good governance. She added that NATO has invested great efforts in implementing the Building Integrity (BI) Programme as a key reconstruction programme.

## **Parliamentary oversight of the defence and security sector**

One of the main priorities of security and defence sector reform in Montenegro is the joint effort in establishing full democratic control over the armed forces in the context of wider democratic, institutional and judicial reform processes underway in this country. The OSCE's Code of Conduct is a key document in this respect. Continuous training of members of the relevant Parliamentary Committee on the implementation of this document is therefore essential. The Security and Defence Committee of the Parliament of Montenegro presently conducts hearings and interventions, and continuously works to increase its knowledge and build its capacity on effective democratic parliamentary oversight of the security and defence sector. Until 2010, the legal basis for the Committee's work was grounded on the Law on Defense, Law on Police, Law on Armed Forces of Montenegro and the Law on the National Security Agency. In 2010 this basis was supplemented by the Law on Parliamentary Oversight in the Area of Security and Defense. Among the most effective tools introduced were the consultative and control hearings, the initiation of parliamentary enquiry, access to classified data, and the obligatory publication of an annual plan and report.

In Armenia, the OSCE targeted advancement of parliamentary oversight through several practical activities. The Office in Yerevan organized a seminar on parliamentary oversight, followed by parliamentary hearings on "Strengthening the relations between the society and the army". It also conducted a seminar and training on "Human Rights in the Armed Forces".

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The OSCE Parliamentary Assembly (PA) representative underlined that national parliaments play a crucial role in preventing the misuse of armed forces. Parliamentarians can act as facilitators to find common ground in implementation negotiations and discussions. The OSCE PA urged OSCE participating States to extend the act of oversight so as to include private security companies.

## **Security sector governance and reform (SSG/R)**

In the words of the Geneva Centre for Democratic Control of Armed Forces (DCAF) representative, “the Code of Conduct is the normative cornerstone of democratic control of armed forces”. It was noted that security sector reform (SSR) is the process of enhancing the accountability, efficiency and effectiveness of security provision, whereas security sector governance is the resulting normative end state of such a process. Different international organizations have implemented programmes and methodologies to enhance their SSR undertakings, yet many such practices have not been named and framed as such. OSCE institutions are heavily involved in SSG/R-related activities, and are mostly focusing on the police, the judiciary and border management. OSCE field operations act to assist in enhancing SSG/R on the ground in participating states. A good solution for improved coordination would be to establish internal networking mechanisms.

According to the representative of the Belgrade Centre for Security Policy (BC-SP) several challenges in SSR occurred in the aftermath of the overthrow of the Milošević’s regime: the crisis around Kosovo in 2000, the assassination of the Prime Minister of Serbia in 2003, high levels of corruption, and the proclamation of independence of Montenegro and proclaimed independence of Kosovo. In spite of this, Serbia has improved its legal system, completing the first generation of reforms with the adoption of the legislative framework, and initiating the second generation involving the practical implementation and norms. Public opinion polls conducted in Serbia show that its citizens are in favor of SSR. However, the problem is that they largely question consequences of such reforms, a circumstance which may jeopardize their pace.

The OSCE Mission to Serbia is helping all three branches of Government to exercise their powers in the framework of the democratic control of armed forces. Work with parliamentary committees strengthened their control role, while a number of activities with other actors also led to shaping of the reform agenda: supporting the inclusion and recruitment of minority members; assistance to the

Security Information Agency to develop its media relations; support for opinion polling on police-related matters and support for civil society's participation in security sector governance and reform etc. Special attention was given to police reform. In this respect it was noted that the strengthening of democratic policing, the transforming of the "police force" into a "police service", with a focus on police accountability, are some of the most important OSCE activities in Serbia.

## **Human rights of armed forces and international human rights**

While emphasizing the respect of the corpus of international humanitarian law, it was noted that it is not enough to merely declare the existence of a right, but that the full enjoyment of such rights by army personnel must be ensured in practice. On account of the specific nature of army personnel, some rights can be limited whereas others, such as the prohibition of slavery or right to live, cannot. Key issues in this field are the linking of rights protection and military effectiveness, challenging gender stereotypes, associating human rights with oversight and balancing secrecy with transparency. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) published the "Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel" as a guideline for dealing with precisely such issues.

Armenia is faced with two main concerns: a conscription-based army and unresolved conflicts. Projects in Armenia were improperly structured and the coordination between the OSCE field operation and the Ministry of Defence of the Republic of Armenia was on an ad hoc basis. However, the implementation of the Code of Conduct contributed to change. Ongoing targeted programmatic activities focus on factors of crime and crime prevention in the armed forces, and democratic control of armed forces.

In Austria activities of the armed forces were limited to defence and to providing assistance to other constitutional institutions. A new task was also added – using the country's armed forces in peace missions abroad. The Constitution of Austria gives the equal rights to all citizens, irrespective of whether they are in the military or not. Therefore, there are no military courts, and civil courts have the jurisdiction in such matters. It is possible to complain on military issues to administrative courts. There are no restrictions for soldiers to participate in political activities, as long as they do so without wearing uniforms.

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## **Code of Conduct Information Exchange**

Each state is responsible for the implementation of the Code of Conduct and the related reporting. The Code of Conduct questionnaire presents the opportunity to include, on a voluntary basis, information on private security companies and the subject of women, peace and security, which would facilitate the acquisition of more qualitative information. The Code of Conduct remains largely unknown to soldiers in general. Nonetheless they are aware of the concepts of democratic control of armed forces and context-relevant human rights. Accordingly, a different approach is needed to get all stakeholders interested and engaged. A suggestion in this respect is translating the States information exchange and the reference guide to local languages. Experience has shown that countries have different approaches to reporting, with some states providing more detailed responses than others. Although the reference guide aims to assist participating States with ensuring accurate reporting, the scope of this task surpasses the guide's capacity, and the provision of additional assistance would be beneficial.

## **UNSCR 1325: Women in Armed Forces and Voluntary Reporting within Information Exchange**

According to the Senior Gender Advisor of the OSCE Secretariat, the OSCE is committed to the implementation of issues pertaining to equality of men and women and finds the issue of gender to be an integral part of the Code of Conduct. Activities in this respect should include assistance in discussions regarding gender perspectives, engagement of men in such issues, as well as the examination of male gender issues. Women are still under-represented in management structures and in recruitment in general. Twenty-seven participating states have an action plan on the subject of women, peace and security, although current reporting is mostly focused on gender balance in peacekeeping missions. The reporting strategy could be improved, and an understanding by authorities of the importance of reporting is an essential step in that sense. Co-operation and networking between security institutions and civil society organizations has been enhanced. Women's groups and civil society organizations were involved in public hearings and provided with the opportunity to participate.

The OSCE Mission to Serbia supports structural and behavioral changes, including the implementation of new methodology and more suitable content for deal-

ing with discrimination. Workshops and training sessions were the most effective methods, in addition to the collaboration of actors from differing backgrounds (civil society, parliamentarians and military), which provided for a more diverse perspective. Among the most notable achievements of this program was the drafting of national action plans and the holding of public hearings involving women's groups and civil society

The implementation of the UN Security Council Resolution 1325 by the Ministry of Defence of the Republic of Serbia included the involvement of many key national actors towards the creation of a national action plan, resulting in its adoption, greater representation and participation of women in the armed forces, and the protection of their rights. However, in spite of this progress, there is only 19.36% of women in the MoD and the Serbian Armed Forces (SAF) combined (only 9% in SAF alone).

## Conclusions and Recommendations

The following conclusions and recommendations derive from the discussions of small working groups. The plenary discussed and endorsed them.

Working groups' recommendations:

### Panel 1: Defence reform and the democratic control of armed forces

- Acquainting police and non-military forces with the necessity of the Code of Conduct implementation
- Avoid complete focus on military issues alone
- Include PSMCs in the Code of Conduct Questionnaire
- Encourage States to update all related security documents
- Foster public awareness both in the general public and the institutions in charge of the control of armed forces
- Better inter-agency approach to improve the Code of Conduct implementation (common analysis)
- Foster institutional building of individuals and institutions
- Invest in building expertise of parliamentarians: awareness, familiarity with technical aspects (during budget oversight and adoption) to avoid misinterpretation and undermining the role of AF.

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## **Panel 2: Parliamentary oversight of the defence and security sector**

- Consider developing a strategic OSCE document dealing with parliamentary oversight
  - Consideration should be given to the elaboration of an MC /PC decision on the issue of parliamentary oversight in the security sector
  - OSCE PA to raise awareness among parliamentarians, publications and other awareness-raising instruments
- More workshops dealing with issue of parliamentary oversight of security sector and human rights
- Need for continued capacity-building of both MPs and parliamentary staff
- Examine results of the information exchange in this context

## **Panel 3: Security sector governance and reform (SSG/R)**

- Code of Conduct as an entry point for SSG/R
- SSG/R as a way to further strengthen the Code of Conduct
- SSG/R and the Code of Conduct as mutually reinforcing
- SSG/R as a mechanism for implementing the Code of Conduct's normative aspects

## **Panel 4: Human rights of armed forces personnel and IHL**

- Code of Conduct as an entry point for the national implementation of SSR in area of human rights and IHL
- Involvement of new line partners (i.e. ICRC)
  - Encouraging joint efforts between OSCE and ICRC in the area of human rights and IHL
- Integrate human rights and IHL agenda into training programmes
- Acquaint all levels of forces personnel with related assessment criteria
  - SOPs, practical guides, etc.
- Integration of independent ombudsmen institutions into the security structure
  - Encourage and assist co-operation at the parliamentary level
- Consider development of tailored training materials to be used by armed forces personnel
- Facilitate dialogue with civil society sector

## **Panel 5: Introduction to Code of Conduct information exchange**

- Establishing a co-ordination body within national structures
- Field Operations to provide support to participating States on methodology and processes
- Hosting a cross-ministerial review during the drafting process
- Support for voluntary reporting, development of reference guidelines
- Report to be shared and circulated within the institutions
- Take language diversity into consideration
- Workshop on Code of Conduct information exchange – Include all participating States
- Comparative annual report
- Peer review, among the States on implementation of the Code of Conduct
- Consider reviewing and including findings from the final report into national security review processes.
- Place more emphasis on follow-up activities with Civil Society Organizations, to include using the annual report as a platform for promoting transparency and consultations on security issues.

## **Panel 6: Related aspects of UNSCR 1325: Women in armed forces and voluntary reporting within the information exchange**

- Generating and empowering stakeholders to work on substantive issues related to Women, Peace and Security
- Targeted 1st Dimension capacity-building for women and development of a female expert roster in the 1st Dimension
- Adoption of an OSCE-wide Action Plan on the implementation of the Women, Peace and Security agenda

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# *Additional Literature on the Code of Conduct on Politico-Military Aspects of Security*

Born, Hans & Leigh, Ian, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, OSCE/ ODIHR, Warsaw, 2008.

De Nooy, Gert, *Cooperative Security, the OSCE, and its Code of Conduct*, Martinus Nijhoff, The Hague, 1996.

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# *OSCE-Wide Workshop on the OSCE Code of Conduct on Politico-Military Aspects of Security*

*Belgrade, Serbia, 26 – 28 March 2014*

## **Agenda**

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### **Wednesday, 26 March**

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**15:30-16:00      Opening Session**

***Moderator: Vladimir Bilandzic, OSCE Mission to Serbia***

- Mr. Zoran Djordjevic,  
State Secretary of the Serbian Ministry of Defense
- Paula Thiede,  
Deputy Head of Mission, OSCE Mission to Serbia
- Fabian Grass, CPC, OSCE Secretariat
- Donor: H.E. Heinz Georg Wilhelm  
Ambassador of Germany to Serbia
- Partner: Ambassador Branimir Mandic, RACVIAC Director

**16:15-17:30 Introduction to the Code of Conduct**

*The introduction familiarized participants with the basic structure and content of the Code of Conduct, its implementation, annual information exchange and related outreach activities.*

- Col. Prasenjit Chaudhuri, Head of Swiss Verification Unit and Deputy Head of Euro-Atlantic Security Co-operation, Switzerland
- Lt. Col. Detlef Hempel, Forum for Security Co-operation (FSC), Co-ordinator for the Code of Conduct, and Military Advisor, German Mission to the OSCE
- Fabian Grass, CPC, OSCE Secretariat

**19:00 Welcome Dinner**

- Hosted by RACVIAC
- Welcome address by Amb. Dejan Sahovic, Head of Serbia's OSCE 2015 Chairmanship Working Group, Ministry of Foreign Affairs, Serbia, and by Amb. Branimir Mandic, RACVIAC Director

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**Thursday, 27 March**

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**09:00-09:45 Panel I: Presentation on Defence Reform and the Democratic Control of Armed Forces**

***Moderator: Branko Kromar,  
Programme Manager SSR, RACVIAC***

- Sanja Catibovic, OSCE Mission to BiH
- Brig. Hamza Visca, BiH
- LtCol Stanko Lekic, Ministry of Defence, Serbia
- LtCol Aleksandr Avetisyan, Ministry of Defence, Armenia
- Benedicte Borel, NATO HQ

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**09:45-10:30**      **Panel II: Presentation on Parliamentary Oversight of the Defence and Security Sector**

***Moderator: Karin Wagner, OSCE Mission to Serbia***

- Predrag Prelevic, OSCE Mission to Montenegro
- Slaviša Scekcic, Parliament of Montenegro
- Lilian Salaru, OSCE Mission to Armenia
- Francesco Pagani, OSCE PA Secretariat, “The role of the PA in facilitating the Code of Conduct”

**10:45-11:30**      **Panel III: Presentation on Security Sector Governance and Reform (SSG/R)**

***Moderator: Fabian Grass (CPC, OSCE Secretariat)***

- Heiner Hänggi, Geneva Centre for the Democratic Control of Armed Forces, “The Role of the OSCE Executive Structures in Supporting SSG/R”
- Marko Milosevic, Belgrade Centre for Security Policy
- Jan Lueneburg (HoDD) and Odd Malme (HoLED), OSCE Mission to Serbia, “OSCE Mission’s activities in the security sector reform and police reform area”

**11:30-12:30**      **Three Parallel Working Groups Related to Panels I (Moderated by H. Visca and S. Catibovic), II (M. Kragic) and III (F. Grass)**

- Participants are free to choose a group. A rapporteur will be appointed by the group.

**13:30-14:15 Panel IV: Presentation on Human Rights in Armed Forces and IHL**

***Moderator: Col. Hans Lueber, Switzerland***

- Oyvind Hoyen, ODIHR
- Davit Harutyunyan, National Politico-Military Programme Officer, OSCE Office in Yerevan
- Dr. Gerhard Scherhauser, Federal Ministry of Defence and Sports, Austria

**14:15-14:45 Panel V: Introduction to Code of Conduct Information Exchange**

***Moderator: Lt. Col. Thomas Schmidt, Switzerland***

- Detlef Hempel, FSC Code of Conduct Co-ordinator
- Kristijan Podbevsek, CPC, OSCE Secretariat

**14:45-15:30 Panel VI: Presentation on related Aspects of UNSCR 1325: Women in armed forces and voluntary Reporting within the information exchange**

***Moderator: Marija Zuzek, RACVIAC***

- Amb. Miroslava Beham, Senior Advisor on Gender Issues
- Zorana Antonijevic, OSCE Mission to Serbia
- Brankica Lukić-Potkonjak, Ministry of Defence, Serbia

**15:45-16:45 Three Parallel Working Groups Related to Panels IV (Moderated by H. Lueber), V (K. Podbevsek and C. Stadler) and VI (M. Beham)**

- Evening Reception at the Ministry of Defense of Serbia

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## Friday, 28 March

**09:30-10:30      Debrief by Working Groups Rapporteurs  
(Panel I, II, III), and Discussion**

**11:00-12:00      Debrief by Working Groups Rapporteurs  
(Panel IV, V, VI), and Discussion**

**12:00-12:30      Concluding Session and Closing**

***Moderator: Karin Wagner, OSCE Mission to Serbia***

- Amb. Dejan Sahovic, Head of Serbia's OSCE 2015 Chairmanship Working Group Ministry of Foreign Affairs, Serbia
- Vladimir Bilandzic, OSCE Mission to Serbia
- Fabian Grass, CPC, OSCE Secretariat
- Donor: Col. Prasenjit Chaudhuri, Switzerland
- Partner: Sonja Stojanovic-Gajic, Director, Belgrade Centre for Security Policy

# *Key points on the opening session during the OSCE-Wide Workshop on the OSCE Code of Conduct on Politico-Military Aspects of Security*

Vladimir Bilandzic, National Special Adviser, OSCE Mission to Serbia, opened the Workshop with words of recognition and the introduction of the speakers.

Zoran Djordjevic, State Secretary at the Ministry of Defence of the Republic of Serbia confirmed that Serbia will be dedicated to working on the Helsinki + 40 process in the context of its future Chairmanship-in-Office of the OSCE". Mr Djordjevic observed that the Code of Conduct, representing a vital and one of the most comprehensive documents in the OSCE politico-military dimension, contains specific instruments on norms and standards on the democratic control of armed forces, adding that Serbia is committed to the full implementation of the Code.

Deputy Head of the OSCE Mission to Serbia, Paula Thiede, acknowledged the contribution of all organizations that co-operated in realizing the Workshop. Ms. Thiede stated that democratic political control of armed forces, such as parliamentary oversight, is an indispensable element for stability and security, reminding participants that through the Code of Conduct, OSCE states have committed themselves to the democratic control of their armed forces and to other important principles of inter-state behavior. She concluded by pointing out that the Code of Conduct requires participating States not to use force to deprive groups of ethnic, linguistic and religious identity nor to infringe on human rights.

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Fabian Grass of the OSCE Conflict Prevention Centre emphasized that Serbia is coming up as the next chair of the OSCE and that is setting out a signal on the importance of the Code of Conduct. Mr. Grass noted that, whereas previous similar regional seminars focused largely on raising awareness of the CoC among the participating States' officials, the focus of this particular workshop has now expanded to include OSCE staff through whose enhanced training field operation efforts in this context can be significantly strengthened. He concluded by emphasizing that the CoC remains an important document and a hidden jewel among OSCE documents.

H.E. Heinz Georg Wilhelm, Ambassador of Germany to Serbia confirmed that the CoC is the cornerstone of OSCE missions, pointing out its importance in the establishment of fundamental principles among OSCE participating States – particularly on the non-use of force and on the role of armed forces in democratic societies. Ambassador Wilhelm noted that the CoC has helped bring peace and security to a region affected by conflict, adding that on the 20th anniversary of the CoC, it has demonstrated its relevance and can still proudly be recognized as one of the landmark documents in security sector governance.

Ambassador Branimir Mandic, RACVIAC Director, highlighted the advancement of security co-operation as one of the Code's most important objectives. Ambassador Mandic noted that RACVIAC promotes the use of the CoC through various similar seminars around the region. He pointed out that the Code is not a treaty within international law, but a document with a politically-binding effect, adding that it encourages participating States to put related principles into practice, and that it should remain the main document for providing guidelines on the democratic control of armed forces. He concluded by remarking that the CoC has grown up and is no longer being viewed as a teenager.

# *List of Participants*

## **OSCE representatives**

1. Adrian Nessel, Head of Security Co-operation Department, OSCE Presence in Albania
2. John Martin, Deputy Head of Security Co-operation Department, OSCE Mission to Bosnia and Herzegovina
3. Sanja Catibovic, National Project Officer, OSCE Mission to Bosnia and Herzegovina
4. Predrag Prelevic, National Politico-Military Officer, OSCE Mission to Montenegro
5. Maurice Dunand, Politico-Military Officer, OSCE Mission to Moldova
6. Anton Shevchenko, National Project Officer, Project Co-ordinator Office in Ukraine
7. Lilian Salaru, Politico-Military Officer, OSCE Office in Yerevan
8. Davit Harutyunyan, National Programme Officer, OSCE Office in Yerevan
9. Saodat Asadova, Programme Assistant, OSCE Office in Tajikistan
10. Aida Abjaparova, Programme Assistant, OSCE Centre in Bishkek
11. Oyvind Hoyen, Human Rights Officer, ODIHR

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12. Miroslava Beham, Senior Adviser on Gender Issues, OSCE Secretariat
  13. Claudia Stadler, Gender Adviser, OSCE Secretariat
  14. Fabian Grass, FCS Support Officer, FSC/CPC, OSCE Secretariat
  15. Kristijan Podbevsek, Programme Assistant, Conflict Prevention Centre, OSCE Secretariat
  16. Christel Monod, Analyst/Researcher, CPC/OS/PAT, OSCE Secretariat
  17. Jonathan Trumble, Customs Adviser, TNTD Border Unit, OSCE Secretariat
  18. Thorsten Stodiek, Police Affairs Officer, Adviser on Research and Analysis, TNT/SPMU, OSCE Secretariat
  19. Francesco Pagani, Senior Policy Analyst, OSCE Parliamentary Assembly
  20. Paula Thiede, Deputy Head of Mission, OSCE Mission to Serbia
  21. Jan Lueneburg, Head of Democratisation Department, OSCE Mission to Serbia
  22. Odd Malme, Head of Law Enforcement Department, OSCE Mission to Serbia
  23. Karin Wagner, Governance Adviser, OSCE Mission to Serbia
  24. Vladimir Bilandzic, National Special Adviser, OSCE Mission to Serbia
  25. Zorana Antonijevic, Gender Adviser, OSCE Mission to Serbia
  26. Nada Jaramaz, Senior Project Assistant, OSCE Mission to Serbia
  27. Adel Abusara, Senior Project Assistant, OSCE Mission to Serbia
  28. Miroslav Kragic, National Project Officer, OSCE Mission to Serbia
  29. Bojan Jankovic, OSCE Mission to Serbia

## Partners

30. Brig. Hamza Visca, Armed Forces of Bosnia and Herzegovina
31. Slavia Scekcic, Senior Adviser, Parliament of Montenegro
32. Aleksandr Avetisyan, Ministry of Defence, Armenia
33. Heiner Hänggi, Assistant Director and Head of Research, DCAF
34. Christian Wägli, Project Officer, DCAF
35. Ambassador Branimir Mandic, Director, RACVIAC
36. Branko Kromar, Programme Manager, RACVIAC
37. Marija Zuzek, Programme Manager, RACVIAC
38. Detlef Hempel, Co-ordinator for the Code of Conduct and Military Advisor, German Mission to the OSCE
39. Col. Prasenjit Chaudhuri, Head of Swiss Verification Unit and Deputy Head of Euro-Atlantic Security Co-operation
40. Col. Hans Lueber, Switzerland
41. LtCol. Thomas Shmidt, Switzerland
42. Gerhard Scherhauser, Ministry of Defence and Sports, Austria
43. Benedicte Borel, NATO

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## Serbia

44. Zoran Djordjevic, State Secretary at the Ministry of Defence of the Republic of Serbia
45. Miroslav Jovanovic, Assistant Minister for Defense Policy at the Ministry of Defence of the Republic of Serbia
46. Brankica Lukic-Potkonjak, Ministry of Defence of the Republic of Serbia
47. Col. Zelimir Badnjar, Ministry of Defence of the Republic of Serbia
48. Col. Dragan Tatomir, Ministry of Defence of the Republic of Serbia
49. LtCol. Stanko Lekic, Ministry of Defence of the Republic of Serbia
50. Major Stevica Prcic, Ministry of Defence of the Republic of Serbia
51. Captain Goran Bujisic, Ministry of Defence of the Republic of Serbia
52. Dejan Sahovic, Ministry of Foreign Affairs of the Republic of Serbia
53. Marko Milosevic, Belgrade Centre for Security Policy
54. Ana Djordjevic, Belgrade Centre for Security Policy
55. Andrej Stefanonovic, Belgrade Centre for Security Policy

# *Code of Conduct on Politico-Military Aspects of Security*

*Adopted at the 91st Plenary Meeting  
of the Special Committee of the CSCE  
Forum for Security and Co-operation  
in Budapest on 3 December 1994*

## **Preamble**

The participating States of the Conference on Security and Co-operation in Europe (CSCE), Recognizing the need to enhance security co-operation, including through the further encouragement of norms of responsible and co-operative behavior in the field of security, Confirming that nothing in this Code diminishes the validity and applicability of the purposes and principles of the Charter of the United Nations or of other provisions of international law,

Reaffirming the undiminished validity of the guiding principles and common values of the Helsinki Final Act, the Charter of Paris and the Helsinki Document 1992, embodying responsibilities of States towards each other and of governments towards their people, as well as the validity of other CSCE commitments, have adopted the following Code of Conduct on politico-military aspects of security:

## **I**

1. The participating States emphasize that the full respect for all CSCE principles embodied in the Helsinki Final Act and the implementation in good faith of all commitments undertaken in the CSCE are of fundamental importance for stability and security, and consequently constitute a matter of direct and legitimate concern to all of them.

2. The participating States confirm the continuing validity of their comprehensive concept of security, as initiated in the Final Act, which relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental co-operation with peaceful inter-State relations.
3. They remain convinced that security is indivisible and that the security of each of them is inseparably linked to the security of all others. They will not strengthen their security at the expense of the security of other States. They will pursue their own security interests in conformity with the common effort to strengthen security and stability in the CSCE area and beyond.
4. Reaffirming their respect for each other's sovereign equality and individuality as well as the rights inherent in and encompassed by its sovereignty, the participating States will base their mutual security relations upon a co-operative approach. They emphasize in this regard the key role of the CSCE. They will continue to develop complementary and mutually reinforcing institutions that include European and transatlantic organizations, multilateral and bilateral undertakings and various forms of regional and sub-regional co-operation. The participating States will co-operate in ensuring that all such security arrangements are in harmony with CSCE principles and commitments under this Code.
5. They are determined to act in solidarity if CSCE norms and commitments are violated and to facilitate concerted responses to security challenges that they may face as a result. They will consult promptly, in conformity with their CSCE responsibilities, with a participating State seeking assistance in realizing its individual or collective self-defence. They will consider jointly the nature of the threat and actions that may be required in defence of their common values.

## II

6. The participating States will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms. They will co-operate fully in combating the threat of terrorist activities through implementation of international instruments and commitments they agree upon in this respect. They will, in particular, take steps to fulfil the requirements of international agreements by which they are bound to prosecute or extradite terrorists.

### III

7. The participating States recall that the principles of the Helsinki Final Act are all of primary significance and, accordingly, that they will be equally and unreservedly applied, each of them being interpreted taking into account the others.
8. The participating States will not provide assistance to or support States that are in violation of their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Charter of the United Nations and with the Declaration on Principles Guiding Relations between Participating States contained in the Helsinki Final Act.

### IV

9. The participating States reaffirm the inherent right, as recognized in the Charter of the United Nations, of individual and collective self-defence.
10. Each participating State, bearing in mind the legitimate security concerns of other States, is free to determine its security interests itself on the basis of sovereign equality and has the right freely to choose its own security arrangements, in accordance with international law and with commitments to CSCE principles and objectives.
11. The participating States each have the sovereign right to belong or not to belong to international organizations, and to be or not to be a party to bilateral or multilateral treaties, including treaties of alliance; they also have the right to neutrality. Each has the right to change its status in this respect, subject to relevant agreements and procedures. Each will respect the rights of all others in this regard.
12. Each participating State will maintain only such military capabilities as are commensurate with individual or collective legitimate security needs, taking into account its obligations under international law.
13. Each participating State will determine its military capabilities on the basis of national democratic procedures, bearing in mind the legitimate security concerns of other States as well as the need to contribute to international

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security and stability. No participating State will attempt to impose military domination over any other participating State.

14. A participating State may station its armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law.

## V

15. The participating States will implement in good faith each of their commitments in the field of arms control, disarmament and confidence- and security-building as an important element of their indivisible security.
16. With a view to enhancing security and stability in the CSCE area, the participating States reaffirm their commitment to pursue arms control, disarmament and confidence- and security-building measures.

## VI

17. The participating States commit themselves to co-operate, including through development of sound economic and environmental conditions, to counter tensions that may lead to conflict. The sources of such tensions include violations of human rights and fundamental freedoms and of other commitments in the human dimension; manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism also endanger peace and security.
18. The participating States stress the importance both of early identification of potential conflicts and of their joint efforts in the field of conflict prevention, crisis management and peaceful settlement of disputes.
19. In the event of armed conflict, they will seek to facilitate the effective cessation of hostilities and seek to create conditions favorable to the political solution of the conflict. They will co-operate in support of humanitarian assistance to alleviate suffering among the civilian population, including facilitating the movement of personnel and resources dedicated to such tasks.

## VII

20. The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security. They will further the integration of their armed forces with civil society as an important expression of democracy.
21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfill their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.
22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.
23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.
24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.
25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.
26. Each participating State will ensure that in accordance with its international commitments its paramilitary forces refrain from the acquisition of combat mission capabilities in excess of those for which they were established.

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27. Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.
  28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.
  29. The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.
  30. Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict and will ensure that such personnel are aware that they are individually accountable under national and international law for their actions.
  31. The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.
  32. Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.
  33. Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

## VIII

34. Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.
35. Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.
36. Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.
37. The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

## IX

38. Each participating State is responsible for implementation of this Code. If requested, a participating State will provide appropriate clarification regarding its implementation of the Code. Appropriate CSCE bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code.

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## X

39. The provisions adopted in this Code of Conduct are politically binding. Accordingly, this Code is not eligible for registration under Article 102 of the Charter of the United Nations.
40. This Code will come into effect on 1 January 1995.
41. Nothing in this Code alters the nature and content of the commitments undertaken in other CSCE documents.
42. The participating States will seek to ensure that their relevant internal documents and procedures or, where appropriate, legal instruments reflect the commitments made in this Code.
43. The text of the Code will be published in each participating State, which will disseminate it and make it known as widely as possible.

# *Questionnaire on the Code of Conduct on Politico-Military Aspects of Security<sup>1</sup>*

## **Section I: Inter-State elements**

### **1. Account of measures to prevent and combat terrorism**

- 1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?
- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?
- 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?
- 1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:
  - Financing of terrorism;
  - Border controls;
  - Travel document security;
  - Container and supply chain security;
  - Security of radioactive sources;

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<sup>1</sup> Participating States are encouraged to highlight major changes or updates in their replies to the questionnaire, as appropriate.

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- Use of the Internet and other information networks for terrorist purposes;
  - Legal co-operation including extradition;
  - Safe havens and shelter to terrorists and terrorist organizations.

## **2. Stationing of armed forces on foreign territory**

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

## **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 indivisible security are implemented in good faith.
- 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.

## **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?
- 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?

## **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?
- 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?
- 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?

## **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 internal security forces does your State have?
- 3.2 What kind of exemptions or alternatives to military service does your State have?
- 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

## **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., through military training programmes and regulations?
- 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

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- 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?
  - 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?
  - 4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

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

### **2. Contact information**

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





