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Forum for Security Co-operation**

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ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Vienna, 11 July 2012

CONSOLIDATED REPORT

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**ANNUAL DISCUSSION ON THE IMPLEMENTATION OF
THE CODE OF CONDUCT ON POLITICO-MILITARY
ASPECTS OF SECURITY**



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

FSC.DEC/4/12

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686th Plenary Meeting

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**DECISION No. 4/12
AGENDA, TIMETABLE AND MODALITIES FOR THE
ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE
CODE OF CONDUCT ON POLITICO-MILITARY
ASPECTS OF SECURITY**

The Forum for Security Co-operation (FSC),

Recalling Ministerial Council Decision No. 7/11, which tasked the FSC, in accordance with its mandate, in 2012, to intensify the discussion on the annual information exchange on the Code of Conduct on Politico-Military Aspects of Security (the Code of Conduct) and examine its application in the context of existing political and military situation, in particular through a focused review during the first annual discussion on its implementation,

Recalling FSC Decision No. 12/11 on an annual discussion on the implementation of the Code of Conduct as well as FSC Decision No. 18/11 on the dates and venue of the first annual discussion,

Recalling the importance of the Code of Conduct and 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 the Code of Conduct,

Decides to organize the first annual discussion on the implementation of the Code of Conduct, taking place on 11 July 2012 in Vienna, in accordance with the agenda and organizational modalities contained in the annex to this decision.

FSC.DEC/4/12
20 June 2012
Annex

ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

I. Agenda and indicative timetable

Wednesday, 11 July 2012

- | | |
|-------------------|---|
| 10–10.30 a.m. | Opening session |
| | <ul style="list-style-type: none">– Opening and introduction by the FSC Chairperson;– Remarks by an OSCE Secretariat representative;– General statements. |
| 10.30 a.m.–1 p.m. | Working session 1: Sharing of views on the implementation of the Code of Conduct in the context of the existing political and military situation |
| | <ul style="list-style-type: none">– Introduction by session moderator;– Keynote speakers;– Discussion;– Moderator's closing remarks. |
| 3–4.45 p.m. | Working session 2: Evaluation discussion on the implementation and effectiveness of the Code of Conduct including the 2012 annual exchange of information pursuant to the Questionnaire |
| | <ul style="list-style-type: none">– Introduction by session moderator;– Keynote speaker;– Discussion;– Moderator's closing remarks. |
| 4.45–5 p.m. | Closing session |
| | <ul style="list-style-type: none">– Discussion;– Concluding remarks;– Closure. |

II. Organizational modalities

Background

The Ministerial Council Decision No. 7/11 tasked the FSC, in accordance with its mandate, in 2012, “to intensify the discussion on the annual information exchange on the Code of Conduct on Politico-Military Aspects of Security and examine its application in the context of existing political and military situation, in particular through a focused review during the first annual discussion on its implementation”. Furthermore, the FSC Decision No. 12/11 provided, *inter alia*, 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” and to “invite, as appropriate, representatives of think tanks of international standing and security-related scientific institutes to a morning session of this meeting to share views on implementation, while the following evaluation discussion of the afternoon session of the meeting is to be restricted to participating States”.

The first annual discussion on the implementation of the Code of Conduct will therefore provide an opportunity to discuss how to promote and improve the implementation of the Code of Conduct including its annual information exchange as well as to undertake an evaluation discussion and to examine its application in the context of the existing political and military situation.

Organization

The annual discussion on the implementation of the Code of Conduct will take place on 11 July 2012 in Vienna.

Standard OSCE rules of procedure and working methods will be followed, *mutatis mutandis*, at the annual discussion on the implementation of the Code of Conduct.

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

Each session will have a moderator and a rapporteur.

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

The FSC Chair will provide a report within one month after the meeting, including a survey of suggestions and recommendations made during the annual discussion on the implementation of the Code of Conduct.

Participation

The participating States are encouraged to ensure the representation at policy and expert level at the annual discussion on the implementation of the Code of Conduct.

The OSCE Secretariat, the ODIHR, field missions, the OSCE Parliamentary Assembly and the OSCE Partners for Co-operation are invited to participate in the annual discussion on the implementation of the Code of Conduct.

Only the morning session will be open for the invited representatives of think tanks of international standing and security-related scientific institutes.

General guidelines for participants

A report on the implementation of the Code of Conduct, prepared by the Conflict Prevention Centre of the OSCE Secretariat, in accordance with FSC Decision No. 12/11, will be made available to participating States not later than 2 July 2012.

The annual discussion on the implementation of the Code of Conduct will be conducted in four 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.

Delegations are welcome to distribute written contributions in advance of the meeting, both on agenda items and on related matters for possible discussion. The approach recommended in order to ensure the most productive discussion in the FSC when the participating States consider suggestions made during the meeting, is for delegations to bring forward suggestions or topics of interest by means of food-for-thought papers. Discussions on initial papers could lead to further work in the FSC.

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. Their contributions should set the stage for substantive, focused and interactive discussions.

The available speaking time is 10–15 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 lessons learned, best practices, challenges, improvements, and suggestions made at the session as well as other relevant information.

Personal views shall not be advanced.

Guidelines on timing of submitting and distributing written contributions

By 4 July 2012, participating States and other participants of the meeting are invited to submit any written contributions they may wish to present.

ANNOTATED AGENDA OF THE ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Vienna, 11 July 2012

Wednesday, 11 July 2012

10–10.30 a.m. Opening session

Chairperson: Ambassador G. Apals (Latvia)

- Opening and introduction by Ambassador G. Apals,
Chairperson of the Forum for Security Co-operation;
- Remarks by Mr. M. Peško, Director of the Office of the
Secretary General;
- General statements.

10.30 a.m.–1 p.m. Working session 1: Sharing of views on the implementation of the
Code of Conduct in the context of the existing political and military
situation (with a coffee break)

- Introduction by session moderator;
- Keynote speakers;
- Discussion;
- Moderator's closing remarks.

Moderator: Colonel A. Eischer, Senior Military Adviser, Permanent
Mission of Austria to the OSCE

Rapporteur: Colonel H. G. Lüber, Military Adviser, Swiss Delegation
to the OSCE

Safeguarding the Rights of Armed Forces Personnel – The Austrian
Parliamentary Commission for the Federal Armed Forces
by Mr. P. Kiss, Executive Chairman, Austrian Parliamentary
Commission for the Federal Armed Forces

Relevance of the Code of Conduct in the 21st Century
by Mr. J. Karlsbergs, Representative of the Ministry of Defence to
NATO and EU, Latvia

Implementation of the OSCE Code of Conduct: Lessons Learned and
the Way Ahead
by Dr. A. Lambert, Academic Director/ Professor, School for
International Training (SIT), Geneva

The Concept and Relevance of Security Sector Governance in an OSCE Context

by Ambassador T. Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF)

3–4.45 p.m.

Working session 2: Evaluation discussion on the implementation and effectiveness of the Code of Conduct including the 2012 annual exchange of information pursuant to the Questionnaire (with a coffee break)

- Introduction by session moderator;
- Keynote speaker;
- Discussion;
- Moderator's closing remarks.

Moderator: Lt. Colonel D. Hempel, FSC Co-ordinator for the OSCE Code of Conduct on Politico-Military Aspects of Security

Rapporteur: Lt. Colonel S. J. Macrory-Tinning, Senior Military Adviser, United Kingdom Delegation to the OSCE in Vienna

The 2012 Annual Information Exchange on the Code of Conduct
by Mr. F. Grass, FSC Support Officer

National Experiences: Legislation on the Democratic Oversight of the Security and Defence Sector in Montenegro and the Relevance of the Code of Conduct

by Mr. M. Nuhodzic, President of the Committee for Security and Defence, Parliament of Montenegro

Perspectives on the Riga Seminar and the Importance of Outreach
by Colonel H. G. Lüber, Military Adviser, Swiss Delegation to the OSCE

4.45–5 p.m.

Closing session

- Discussion;
- Concluding remarks by FSC Chairmanship;
- Closure.

**OPENING STATEMENT BY THE CHAIRPERSON
OF THE FORUM FOR SECURITY CO-OPERATION AT THE
ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE
OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

Excellencies,
Dear colleagues and friends,

I am very pleased and honoured to welcome you to the first annual discussion on the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security.

Let me start by thanking all who have provided their invaluable assistance in preparing this important event. Our gratitude goes to Lt. Colonel Detlef Hempel of the German delegation, who is the FSC Chair's Co-ordinator for the Code of Conduct. He has spared no effort in laying the groundwork for this discussion. We also thank the FSC Support Section of the OSCE Secretariat, particularly Mr. Fabian Grass, for his selfless work in this regard. The Chairmanship expresses its appreciation to the German and Swiss Governments for their ongoing financial support for these important activities related to the Code of Conduct.

Colleagues,

Today's meeting is pursuant to the FSC decision of last year to hold regular focussed discussions on the Code of Conduct. This is a unique opportunity, which will allow participating States and experts to share their views on the implementation of the Code of Conduct in the current political and military situation, as mandated by the Ministerial Council meeting in Vilnius. Held under the Latvian FSC Chairmanship, I am convinced that this meeting will serve as an important launching venue for discussing and evaluating the implementation and effectiveness of the Code of Conduct.

The annotated agenda of this annual discussion was circulated under reference No. FSC.GAL/88/12 on 4 July 2012. As you see, our substantive work will be divided into two working sessions. The first working session will be devoted to a sharing of views on the implementation of the Code of Conduct in the context of the existing political and military situation. In order to facilitate the discussion, we have invited four high-level and experienced keynote speakers. I thank them for coming to Vienna. Our Chairmanship has continuously supported the involvement of experts from outside the Hofburg, and this has certainly yielded positive results. At the second working session, which we will spend more "among ourselves", we hope to have an even more frank and open discussion about how the implementation and effectiveness of the Code can be strengthened, including through the information exchange.

**OPENING REMARKS BY THE DIRECTOR OF
THE OFFICE OF THE SECRETARY GENERAL, ON BEHALF OF THE
SECRETARY GENERAL, AT THE ANNUAL DISCUSSION ON THE
IMPLEMENTATION OF THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 11 July 2012

Mr. Chairperson,
Excellencies,
Ladies and gentlemen,

It is a great pleasure to welcome you today to the first annual discussion ever held on the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security. Ambassador Lamberto Zannier is unfortunately not able to be with us, as his duties as Secretary General have taken him on a visit to the South Caucasus. It is thus an honour for me to deliver some short opening remarks on his behalf.

The OSCE Code of Conduct on Politico-Military Aspects of Security is a key normative document of the OSCE, and is often referred to as a “hidden jewel” in the toolbox of our Organization. When the Code of Conduct was adopted in 1994, its provisions were revolutionary in nature. For the first time, the OSCE participating States committed themselves to the democratic control of armed forces, as well as to important principles of inter-State behaviour. As has been rightly stressed by international scholars, the core of the Code of Conduct is its ambition to govern the role of armed forces in democratic societies. In today’s world, no stability can be sustainable if the democratic control of armed forces is not assured. The Code of Conduct remains therefore a cornerstone of our security community.

Dear colleagues,

As you are aware, the Code of Conduct is implemented primarily through an annual information exchange. As my colleague of the Conflict Prevention Centre, Mr. Fabian Grass, will provide you with more details on the statistical report, let me limit myself to some general observations.

First, the level of detail, scope and degree of comprehensiveness of the annual submissions vary greatly. We receive replies ranging from a list of laws and relevant documentation, to comprehensive replies giving detailed information on policies, procedures and progress made.

Second, it gives me satisfaction to note the very high and stable level of implementation. With 53 participating States having provided replies in 2012, we have a high level of return, higher than in the case of many other information exchanges.

Third, although we have a great deal of information available every year, what we do with it remains very little. Aside from keeping track of submissions and providing a statistical report, the wealth of information exchanged remains largely unused. It is in this respect that I

am eager to learn what the opinion of the participating States is on how we can make progress.

Mr. Chairperson,

Before concluding, let me mention the necessity of a better outreach of the Code of Conduct. With FSC Decision No. 1 of 2008, we have a strong and solid basis for organizing outreach events, promoting the Code of Conduct in different regions, reaching out to key stakeholders such as parliamentarians, and engaging with our Partners for Co-operation. However, we can do more:

Firstly, the Code of Conduct should once again serve as a basis for discussions on important inter-State principles such as the indivisibility of security, co-operative security or the commitment not to strengthen one's security at the expense of others.

Secondly, the implementation should be strengthened. This is not only true as regards the annual information exchange, but also as regards our own activities. The Code of Conduct, in particular as concerns the democratic control of armed forces or the rights of armed forces personnel, could be better mainstreamed in our missions in the field.

Thirdly and lastly, I am convinced that we should engage with other regions in sharing the valuable experiences acquired in the OSCE. A sharing of best practices and lessons learned would be of interest for many regions, and a similar exercise has already been carried out with ECOWAS and the African Union. I am encouraged by the indications we are receiving from participating States, in particular, Austria, Germany and Switzerland, which are not only strong supporters of the Code of Conduct, but also strong advocates and stakeholders in promoting this document. Engaging the Partners for Co-operation, in particular the Mediterranean Partners, could be very promising in this respect.

Mr. Chairperson,

I very much look forward to your discussions today and I am confident that a good set of proposals and avenues for the way ahead will be identified during this meeting.

Thank you for your attention.

REPORTS OF THE WORKING SESSION RAPORTEURS

OPENING SESSION

Report of the Opening Session Rapporteur

The meeting was opened and an introduction given by the Latvian FSC Chairperson Ambassador Gints Apals (see published document).

Ambassador Marcel Peško, Director of the Office of the Secretary General, delivered remarks on behalf of the Secretary General (see published document SEC.GAL/135/12, 11 July 2012). He stated that the core of the Code of Conduct is its ambition to govern the role of armed forces in democratic societies. In today's world, no stability would be suitable if the democratic control of armed forces is not assured. The Code of Conduct would remain therefore a cornerstone of our security community.

He also said that although the level of submissions of the yearly information exchanges was very high and stable, the scope and comprehensiveness varied greatly. He concluded by noting the need for better outreach regarding the Code of Conduct as a "hidden jewel" in the toolbox of the OSCE.

One delegation welcomed the opportunity to discuss the implementation of the Code of Conduct and hoped that the first annual discussion would be held in depth and frankly. Provoking presentations based on the expertise of the keynote speakers should lead to a fundamental debate.

The delegation, being a strong supporter of the Code of Conduct, said that the Code fulfilled an important role as a set of commitments and principles for inter-State and intra-State behaviour, which were imperative for governing the role of armed forces in democratic societies. The Code of Conduct set out the principles of democratic control of armed forces, civilian and parliamentary oversight and the rights of armed service personnel, as well as the respect for international humanitarian law.

The delegation wished to stress that the principles set out in the Code remained highly relevant, even if the international security environment had changed. The intra-State aspects of security played an increasing role, since currently a growing number of threats stemmed from internal conflicts, which often resulted from the instability and weakness of State structures. The Code's provision for the democratic control of armed forces could be regarded as an important instrument for confidence-building and conflict-prevention in that context.

After adoption of the decisions on awareness-raising and outreach as well as on the update of the Questionnaire, this delegation called for a better assessment and review of its implementation. A more meaningful information exchange than the purely statistical data that the CPC was currently requested to provide would be a meaningful step ahead. Furthermore, the inclusion of information on women, peace and security, and private military and security companies as an integral part of the Code of Conduct would be a further improvement. A discussion was needed on how the Code of Conduct could address new challenges, such as cyber security.

This delegation was convinced that further discussions, seminars and workshops on the Code of Conduct would help to increase awareness and outreach, not only among participating States, but also among Partners for Co-operation (in particular, the Mediterranean Partners). Within the OSCE area, the delegation called for a better implementation of the provisions of the Code in OSCE field missions. In addition, outreach to key stakeholders of the Code of Conduct, such as parliamentarians, would be very welcome.

The delegation hoped that the current discussion on the implementation of the Code of Conduct would lead to tangible results.

Another delegation fully supported what had been said, noting that the Code of Conduct was one of the most powerful documents for building a secure society, by strengthening democracy within armed forces. It thereby helped to maintain peace, prevent conflicts and maintain international security, respecting the goals and principles set out in the UN Charter, the Final Act of Helsinki and the Paris Charter. The delegation therefore continued to support the Code of Conduct and its implementation.

WORKING SESSION 1

Report of the Working Session Rapporteur

Sharing of views on the implementation of the Code of Conduct in the context of the existing political and military situation

The session was introduced by the moderator, Colonel Anton Eischer, Senior Military Adviser of the Permanent Mission of Austria to the OSCE.

Colonel Eischer first drew the attention of the participants to paragraph 38 of the Code of Conduct, stipulating that: “Each participating State is responsible for implementation of this Code... Appropriate CSCE bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code”. The annual discussion was a fine opportunity to bring that paragraph to life.

He then recalled FSC Decision No. 12/11, which provided for the annual discussion on implementation of the Code of Conduct, and foresaw for working session 1 the invitation of think tanks of international standing and security-related scientific institutes. Hence, the session was intended to be open and to afford a possibility to share views on implementation issues in a changing security environment.

Although the FSC had done a great deal on the implementation of the Code of Conduct, it must continue to focus on issues. The discussion should shed some light on the choice of the way ahead: one way would be to improve and modernize the norms relating to behaviour, including means and methods of implementation; another would be to make better use of existing norms and broaden their application.

Lastly, he drew attention to the Astana Commemorative Declaration: Towards a Security Community, and the principles set out therein, which were largely also inherent in the Code of Conduct. For example, paragraph 3 of the Astana Declaration made reference to the concept of indivisibility of security and the inherent right of each and every participating State to be free to choose or change its security arrangements, which were also reflected in paragraph 3, respectively in paragraph 11, of the Code of Conduct. That confirmed that the principles inherent in the Code of Conduct indeed played an important role in building a security community. The Code of Conduct was even a pivotal building block for such a security community. Full implementation of all commitments seemed to be a precondition on the way to such a community.

Mr. Paul Kiss, Executive Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces, gave a presentation on “Safeguarding the Rights of Armed Forces Personnel – The Austrian Parliamentary Commission for the Federal Armed Forces”, in which he presented the legal references, the working principles and the international aspects of the Austrian Parliamentary Commission for the Federal Armed Forces. The Commission was mandated by the Austrian constitution and elected and controlled by the Parliament. Principles like the secrecy, objectivity, justice and the protection of the complaining party were rigorously respected. The Commission issued a yearly report, in which the cases dealt with were presented, respecting the anonymity of the individuals involved. In the

international field, the Commission held bilateral and multilateral meetings to exchange experiences. Some of the collaboration partners were Germany, Serbia, Canada, Norway, Argentina and South Africa. As an innovating idea, he suggested that consideration should be given to the establishment of a “European Ombudsperson” – *de lege ferenda* – to address issues relating to the implementation of international principles within national armed forces.

Mr. Janis Karlsbergs, Representative of the Ministry of Defence to NATO and the EU, Latvia, presented a statement on “Relevance of the Code of Conduct in the 21st Century”.

Mr. Karlsbergs split the addressees of the norms, as set out in the Code of Conduct, the Helsinki Final Act and the Charter of Paris, into the following three audiences: (i) the professionals, (ii) the politicians, and (iii) the public in general. He noted the importance of the interaction and coherence of the three audiences for a powerful and effective promotion and implementation of the documents concerned.

He looked back to the period when the Helsinki Final act had been agreed and described the euphoric phase that that breakthrough document had given rise to. First, those at the professional and the political levels had done the groundwork, and later on, the public in general had started popular movements full of enthusiasm. It had taken time until “tabu” – political issues like human rights, fundamental freedoms, and the rights of self-determination and sovereignty had gradually become part of the public discussions and later popular movements, which had finally reached the political level. He believed that the Helsinki process had definitely served as a catalyst, helping to free the frozen oppression of the communist regimes. The synergies among the three levels (experts, politicians and populations) had been fully attained at that time. The following quote from the Charter of Paris explicitly revealed the spirit of those days: “Europe is liberating itself from the legacy of the past. The courage of men and women, the strength of the will of people and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe. The Ten Principles of the Final Act will guide us towards this ambitious future, just as they have lighted our way towards better relations for the past fifteen years. We undertake to build, consolidate and strengthen democracy as the only system of government of our nations”.

With the outbreak of the conflicts in the Balkans, the euphoric period had come to an end. The level of unity among people and elites previously reached had never reappeared. The building of new democratic institutions and the respect of basic human rights and freedoms and the rule of law was left to experts and government agencies. However, the norms laid down by the Helsinki Final Act and the Charter of Paris had remained the fundamental guiding principles of the new Europe. The Code of Conduct was another building block in the overall efforts to construct a free, democratic and peaceful Europe. From that time on, the main task had been – and still was – the implementation of the set of norms.

He was convinced that, in order to implement the provisions of the Code of Conduct, they must be seen and understood in conjunction with those of the Helsinki Final Act and the Charter of Paris. They all formed a “family of norms”. Their strength lay in their comprehensiveness and their unity. The most important precondition for successful implementation of those norms, which governments had set for themselves, was that all should share and believe in common values, as expressed in the founding documents:

democracy, human rights and freedoms, and the rule of law. Those values could not be split or diluted. If there was initial compromise on one value, that would sooner or later corrupt the whole system and negatively impact the process of implementation of the norms agreed. The stated values were not universally understood in the same way, not even by all the OSCE participating States. Divergent views and interpretations of events and conflicts showed that national interests sometimes overrode the stated values. Hurdles stood in the way of settling conflicts or balancing national prerogatives with those of neighbours. The result was frozen conflicts on the territory of the OSCE, different interpretations of terrorism and how to fight it, and different standards for interpreting democracy and the practice of realizing human rights and freedoms. The question was whether there was actually still a demand for the above values. Was there still the same “market” for freedom and democracy? The commitment of all three levels (experts, politicians and the population) was commonly needed.

The recent Arab Spring was a reminder that terms of expiry existed for dictatorship, oppression and abuse of human rights. The “market” for freedom and democracy obviously existed. But building a democratic society was a difficult task. Regional co-operation was important for strengthening fragile democracies. The Code of Conduct approach, balancing national norms versus international ones, was still valid. It would be possible to go on endlessly improving existing instruments and developing new ones, but to succeed it was necessary first to more consequently implement the current obligations facing nations and international communities.

In the OSCE first dimension, new realities were being confronted: Most European defence budgets were rapidly shrinking, and with them defence capacities. That fact needed to be analysed. To think that that would bring a safer world could well be an illusion. It might create new imbalances that tended to destabilize the world as some States increased their defence budgets, and the number of unstable and volatile States was growing. And shipping on the open seas was becoming more dangerous.

Ways of reacting could be:

1. By developing normative bases for co-operation;
2. By reducing military capabilities in a prudent and planned way, keeping the ability to run a peacekeeping/peace enforcement operation;
3. By thinking more on a regional level.

Even in a world influenced by new media and the speed of communication, the basic roles and functions of governments remained the same and therefore the role of the Code of Conduct was in no way diminishing. New documents were not needed, or if at all, possibly some new instruments at the tactical or operational level. The strategic lines, as set in the existing documents, could give good service through the 21st century.

Dr. Alexander Lambert, Academic Director/Professor of the School for International Training (SIT), Geneva, spoke on the topic “Implementation of the OSCE Code of Conduct – Lessons Learned and the Way Ahead”.

Dr. Lambert presented old and new issues that had been addressed during numerous discussions concerning the implementation of the OSCE Code of Conduct. He developed other issues that could be addressed and showed opportunities for further improvement in the field of information exchange. The outreach – within and beyond the OSCE region – was key. Finally, he explained the contribution of the Code of Conduct to CSBMs and security sector governance.

Old and new issues that had been addressed were: Counterterrorism, the indivisibility of security, the restructuring and professionalization of armed forces, national contributions to international peace and constabulary missions, UN Security Council resolution 1325 (2000), State-building and security sector reform efforts in Bosnia-Herzegovina, a new defence law in Montenegro, etc.

Other issues that could be addressed were: Taking an inclusive security sector reform approach and contributing to the concept of security sector governance; evolving the role of non-State actors (including politico-military steering committees); analyzing the impact of the economic/financial/monetary crisis and including the economic/environmental security dimension in that analysis; and addressing gender mainstreaming, the impact of organized crime and corruption on State sovereignty, and the need for law enforcement, cyber security and border management.

In order to further improve the information exchange, he suggested amending the quantitative evaluation and adding qualitative assessment of the Questionnaire. He further suggested establishing an intra-FSC group of friends of the Code of Conduct. Technical assistance for interested States was necessary and a technical co-operation partnership, e.g. with the Stockholm International Peace Research Institute and the Geneva Centre for the Democratic Control of Armed Forces, was vital.

To improve the outreach within the OSCE area, he advocated a shift from the regional approach to a more cross-dimensional one. For an outreach beyond the OSCE area, he saw two vectors: one towards other regions and another one towards other international and regional organizations.

The Code of Conduct, established almost 20 years earlier, was a most innovative international regime, which was still unparalleled and contributed substantially to international peace and stability. It had been a revolution that had fallen asleep since then. It was time to wake it up. With a cross-dimensional approach, developing a new generation of CSBMs, the Code of Conduct must regain its role as the “normative compass” for security sector reform and security sector governance within and beyond the OSCE area.

The Code of Conduct was like a tree, growing slowly but steadily; the longer it grew the stronger it would become.

Ambassador Theodor Winkler, Director of the Geneva Centre for the Democratic Control of armed Forces (DCAF), delivered a statement on “The Concept and Relevance of Security Sector Governance in an OSCE Context”.

Ambassador Winkler explained that the Code of Conduct, and in particular its sections VII and VIII, had inspired the creation of the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the organization that he was representing. DCAF was

committed to co-operation with the OSCE on issues related to the Code of Conduct and beyond, notably through the organization of workshops, structured dialogue, and the undertaking of targeted studies. Moreover, DCAF's core business essentially consisted of supporting efforts aimed at improving security sector governance through security sector reform.

He described the concept of security sector governance (SSG), which referred to the need to ensure that the security sector was subject to the same standards of good governance as any other public service. The aim was to make sure that the security sector was able to provide security in an effective, efficient, and accountable manner. SSG was therefore the end state, while security sector reform (SSR) was the related policy process designed to achieve that desired end state. The term "security sector" was widely used but not everybody shared the same understanding of it. Narrow interpretations differed from broader ones. The trend was towards a shift to a broader understanding of the term, including more actors, such as elements of the judicial sector or even non-State actors, mirroring the dynamic that currently affected the security of the State and its citizens. Based on that broad understanding, international actors had begun developing different concepts of SSG that set out normative and operational principles for their work. In that way, their activities gained focus and the coherence of their approach could be enhanced.

He went on to explain the relevance of the SSG concept in an OSCE context. The OSCE had been engaged for many years in SSG-like activities, without explicitly using the term. That engagement had taken place at both the normative and the operational levels:

At the normative level, the OSCE had adopted a range of documents that were directly related to SSG. The key document – amongst others – was the Code of Conduct. The Code of Conduct was one of the most innovative and powerful normative documents in the area of security. It established new inter-State and intra-State norms of behaviour and underpinned reform processes in many countries in the OSCE region. Its contribution to peace and security was enormous, and its strengthening of the democratic institutions and practices in the OSCE region was impressive. The Code of Conduct was widely considered to be the normative cornerstone for democratic control of the armed forces. It provided a basis for many of the principles of SSG. While the Code could be considered a founding document for SSG, the concept of SSG had moved beyond the principles embodied in the Code. While principles of SSG were clearly reflected in the Code, SSG offered a more holistic normative framework for work in that field. Nonetheless, SSR/SSG built on the fundamentals of the Code and complemented it. New challenges faced at the present time, such as the role of non-State actors, could be more directly addressed through an SSG approach. But the Code implicitly also afforded the foundations for addressing many of the new challenges. That could be illustrated by the fact that several States had begun providing additional information on related aspects not directly requested by the Questionnaire.

At the operational level, the Code also provided an important foundation for engagement in field missions through national commitments to it. In that way, the OSCE had developed a "vast experience" in SSG. But there was no single OSCE umbrella concept relating to SSR. Professor Ghebali had noted that SSG was addressed by the OSCE in a piecemeal manner, without the benefit of a global vision. What was needed was an OSCE doctrine for SSR which would link together the operational elements of the Organization in order to guide the formulation of OSCE mission mandates, present a clear statement of

purpose in association with existing ones and distinguish between the activities of the OSCE and its international counterparts in the future.

Looking ahead, he offered some reflections on how the OSCE could formally engage with SSG. First, a coherent approach to SSG would need to be developed internally. That would rely on enhanced coherence and complementarities among actors and strengthened co-ordination at headquarters and at the field level. Second, a coherent approach to SSG would also need to be developed at the external level. It was recognized that, in the context of the UN's efforts to develop a comprehensive and co-ordinated approach to SSR, the OSCE should reflect on its engagements. A more explicit and coherent approach to SSR/SSG would strengthen the OSCE's role as a regional organization under Chapter VIII of the United Nations Charter.

He concluded by saying that the OSCE Code of Conduct had pioneered the concept of the democratic control of armed forces. To remain competitive in the current complex environment, there was a need to reflect on building on the Code. That could take place without undermining it, but rather by strengthening its relevance as a normative foundation – by complementing it with an OSCE approach to SSG.

The moderator opened the floor for discussion:

A delegation stated that the security framework had steadily eroded in recent years. A fragmentation of security was becoming obvious. New separations were emerging. Especially the NATO missile defence programme in Europe was a testimony to the utopian ambition to create absolute security. But that project involved more risks than benefits and therefore had absolutely no future. The delegation said that it would need firm guarantees that that shield was not designed against its mechanism of deterrence. Such guarantees in hand, it would be open to further discussion. In that context, the delegation referred to the Code of Conduct, saying that a participating State did not build its security by neglecting the security needs of other participating States. States must combine efforts to raise the level of security in the region. Only the practical implementation of jointly prepared solutions led to the desired end state. The example presented showed how relevant and topical the Code of Conduct still was.

Another delegation said that the OSCE Code of Conduct on Politico-Military Aspects of Security was a unique standard- and norm-setting instrument in the framework of the OSCE's third generation of confidence- and security-building measures. Its provisions invited participating States to embrace the democratic control of armed and security forces at the national and regional levels.

The delegation said it had been and was still a strong supporter of the Code of Conduct. After the Seminar on the OSCE Code of Conduct on Politico-Military Aspects of Security for the Baltic Sea Region, held in Riga, the sponsors had assessed the possibilities for an outreach of the principles and provisions of the Code targeted towards the region of the OSCE Partners for Co-operation. First consultations and bilateral talks by key sponsors and the CPC with potential Mediterranean and Asian Partners for Co-operation had shown both willingness and reservations regarding an undifferentiated and untargted adaptation of the provisions of the Code of Conduct, without giving consideration to individual, national and regional needs, as well as historical, cultural and religious particularities.

In analogy to the OSCE small arms and conventional ammunition regimes, an outreach to partner regions called for a change. The delegation spoke against a mere promotion of a “one-size-fits-all” tool. More “user-friendly” guiding principles for implementation must be developed. Following the successful elaboration of the OSCE Best Practice Guides for Small Arms and Conventional Ammunition, the delegation proposed that a similar approach be explored: Development of a best practice guide for the implementation of the principles of democratically legitimate control of armed and security forces, in close co-operation with States in the potential area of application. The delegation said it was willing to provide proactive support, adequate expertise and funding, as well as to invite interested participating States, Partners for Co-operation and other organizations to share particular ideas to identify best practices in order to elaborate substantive guiding principles for a needs-based and tailor-made outreach.

Another delegation asked Dr. Lambert how he would assess the new challenges arising from new technologies, which gave criminal elements new capacities. How could the principles of the Code of Conduct be efficiently implemented within that demanding context? Especially the element of time seemed to play an important role. The delegation thanked the speaker of the delegation that spoke before him for their frankness and stressed its willingness to exchange information.

Another delegation said that the Code of Conduct had repeatedly proven its usefulness in overcoming the creation of “blocs” and divisions within the OSCE area. The delegation confirmed its commitment to continue supporting the Code of Conduct within the limits of its means. It was convinced that gender questions in the framework of security subjects were an implicit and integral part of the Code of Conduct. Such questions could be covered by a separate part of the Questionnaire.

The representative of another delegation said that new areas of action for the OSCE lay in applying the Code of Conduct also within civil society. In that way, questions of human rights would be directly addressed. An overarching umbrella for SSR activities was needed. In 1994, the consensus on the Code of Conduct had been seen as a kind of miracle. The question to be asked at the present time was whether it would be wise or too risky to open up the Code of Conduct in order to develop it further.

A representative of the ODIHR pointed out that the OSCE had an obligation to protect human rights and in that context also the rights of members of armed forces. The concept of “citizens in uniform” was not interpreted in the same way by all the participating States. Therefore the gender discussion had gained importance when it came to assessing security and stability. The ODIHR confirmed its willingness to assist in the implementation process of the Code of Conduct.

A delegation confirmed its commitment to the Code of Conduct and expressed its support for the ODIHR’s opinion of the importance of outreach and its evaluation of the topicality of the gender question. The delegation asked Mr. Kiss how – at the parliamentary level – the outreach of the Code of Conduct could be supported.

Another delegation stressed that paragraph 12 of the Code of Conduct was of particular importance. The OSCE should actively observe and report on violations of the rules of the Code of Conduct.

Another delegation confirmed its commitment to the Code of Conduct. It actively applied the democratic control of the armed forces and maintained an independent office to receive and treat complaints. The delegation asked Mr. Kiss whether he thought that those offices had to be covered by the Code of Conduct.

Another delegation said that its country considered the Code of Conduct to be very important. It reflected the values of the OSCE and served the goal of the creation of peace and stability by promoting the democratic control of armed forces. The delegation wished to stress the fact that the provisions of the Code must also be applied intra-State, with a special focus on CSBMs and arms control. The OSCE should assign priority to those subjects.

Final remarks and answers by Mr. Kiss

Concerning the gender question, Mr. Kiss illustrated how the Austrian Armed Forces had adapted the selection process in order to give women a fair chance to be accepted, and he explained that there were still problems regarding the separation of gender within Armed Forces premises.

He stated the German principle of the *innere Führung*, which was perfectly in line with the provisions of the Code of Conduct.

He furthermore underlined the special importance of democratic control of armed forces in the case of a professional army.

Final remarks and answers by Mr. Karlsbergs

Mr. Karlsbergs said that the coherence of the OSCE was not the subject of the current debate. Furthermore he did not share the opinion regarding growing divisions within the OSCE. The values that had been developed were growing, not only in the area between Vancouver and Vladivostok, but worldwide. The transparency applied to the missile defence programme had reached an unparalleled level.

Summing up, he saw the implementation of the Code of Conduct as a path and not as a revolution. It was necessary to be patient and to persevere at the same time.

Final remarks and answers by Dr. Lambert

Dr. Lambert thanked the participants for the lively discussion. Such discussions were also part of the implementation efforts. He referred to the cross-dimensional character of implementation. The ODIHR was already applying that cross-dimensional approach. Outreach must also be oriented towards parliaments and civil societies. Implementation required political will. In order for the Code of Conduct to remain relevant, new risks also had to be addressed in implementing it. He also made mention of the Reference Guide of the Code of Conduct, which might be a helpful tool for implementation efforts. Referring to the discussion on divisions and fragmentations and how to overcome them, he proposed that the Code should be used as a transmission belt, which could be employed for everything, according to the political will.

Final remarks and answers by Ambassador Winkler

The Code of Conduct provided a very solid normative basis and was instrumental in the area of SSR/SSG. The DCAF stood ready to collaborate and to help the OSCE implement the Code of Conduct.

Final remarks by the moderator

Colonel Eischer thanked the participants for their insightful speeches and the lively discussion full of substance. Following the interesting debate, he was full of confidence that the implementation of the Code of Conduct was on its way to a great and relevant future in the service of peace and stability. He closed the session.

WORKING SESSION 2

Report of the Working Session Rapporteur

Evaluation discussion on the implementation and effectiveness of the Code of Conduct including the 2012 annual exchange of information pursuant to the Questionnaire

The moderator, Lt. Colonel Detlef Hempel, FSC Co-ordinator for the OSCE Code of Conduct on Politico-Military Aspects of Security, opened working session 2 by stressing the importance of the task set by the Ministerial Council meeting in Vilnius.¹

The representative of the CPC, Mr. Fabian Grass, gave a summary of the statistical analysis of the 2012 Annual Information Exchange of the Code of Conduct. Among the highlights was the fact that the overall response rate had been both high and stable, with 53 participating States compliant.² Section 1 of the Questionnaire had the highest completion rate, with information on counter-terrorism being particularly well reported. Section 2 had not been as comprehensively attended to. In particular, relatively low levels of information had been given concerning the rights of armed forces personnel. Finally, Section 3 had the fewest replies. Several participating States had provided additional voluntary information on private military security companies and 27 gave information on women, peace and security/UNSCR 1325 (2000).³ Lt. Colonel Martin Mc Inerney, the FSC Chairperson's Co-ordinator for UNSCR 1325, subsequently elaborated on the voluntary information on that subject, citing additional statistics. Given that a substantial number of the participating States were submitting such information, he proposed that consideration be given to mandating inclusion of information on UNSCR 1325 in the Questionnaire, and requested that future analyses be of a more qualitative nature.

In the open discussion there was some, but not universal support for a more qualitative analysis and a broadening of the scope of the information exchange. To maintain the neutrality of the CPC, it was further suggested that an independent academic institution might perform a pilot analysis. It was contended that individual participating States should perform their own comparative analysis and that the focus should be on improving the information currently being provided before mandating additional topics, especially given the labour-intensity of the proper completion of the existing Questionnaire. Furthermore, it was argued that the current version conformed to the provisions of the Code, and that should continue to be the case. Participating States recognized that that presented a paradox because negotiations to change the Code were expected to be difficult. Nonetheless, there remained an appetite among many delegations to evolve and update the Code and/or Questionnaire to avoid stagnation and because the Code has an important role to play in dealing with the root causes of tension and conflict, at both the State and the non-State levels. Lastly, there was

1 See MC.DEC/7/11/Corr.1, dated 7 December 2011.

2 Of these, three are still using the old version of the Questionnaire format.

3 See FSC.DEC/5/11, dated 13 July 2011, and FSC.DEC/2/09, dated 1 April 2009.

discussion on the alignment of the reference guide and the Questionnaire, plus associated analyses.

Mr. Mevludin Nuhodzic, President of the Committee for Security and Defence of the Parliament of Montenegro, gave a presentation on “National Experiences: Legislation on the Democratic Oversight of the Security and Defence Sector in Montenegro and the Relevance of the Code of Conduct”. With assistance from the OSCE Mission in Montenegro, very positive results had been obtained in developing legislation on the security apparatus and embedding the democratic control of the armed forces into the constitution. The process had been designed to ensure that oversight of defence and security is vested in the Parliament, embodied in the Defence Committee, which has a broad and independent mandate. The process was cited as an element that was crucial for reform and for society at large. Throughout this exercise, the principles of the Code of Conduct, the Helsinki Final Act and the Paris Charter had been included at its core. The balance between countering terrorism and human rights was emphasized and the benefits of developing such international norms were illustrated, especially their centrality to functioning democratic societies.

Finally, Colonel Hans Lüber, Military Adviser of the Swiss Delegation to the OSCE, gave a report on the Seminar on the OSCE Code of Conduct on Politico-Military Aspects of Security for the Baltic Sea region, which had reaffirmed the fundamental purposes of the Code of Conduct and its value as a politico-military instrument. New initiatives discussed included: improving outreach, possibly through the production of a best practice guide and liaison with the Parliamentary Assembly; better inclusion of the Code in the work of field missions; ways of overcoming the challenges of broadening the understanding of the Code and its relevance to the contemporary environment; continuation of discussions on the annual information exchange and its subsequent analysis; and co-operation with other organizations. The need for greater levels of outreach, including to countries outside the OSCE, was echoed by some participating States. In particular, the Mediterranean region was mentioned as a potential area for outreach and the translation and dissemination of the Code of Conduct in Arabic was suggested.

Concluding the working session, the CPC undertook to maintain a list of initiatives to aid future work on the subject, and the moderator commended the level and quality of engagement by participating States in this inaugural annual discussion.

**CONCLUDING REMARKS BY THE CHAIRPERSON
OF THE FORUM FOR SECURITY CO-OPERATION AT THE
ANNUAL DISCUSSION ON THE IMPLEMENTATION OF THE CODE
OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

Excellencies,
Dear colleagues and friends,

We have successfully concluded today's discussion. However, let me remind you that this was not the first time, nor will it be the last, that we have discussed these important issues. Recently, we had a member of the Defence Committee of the German *Bundestag* addressing the issue of democratic control over armed forces; we also had a regional seminar in Riga looking into several aspects of the Code of Conduct that brought some new ideas for further work.

Today's important discussions were another excellent opportunity to elaborate on and discuss the challenges and the relevant issues surrounding the Code of Conduct and its implementation. The focus of this day has been on the discussions regarding what we have, where we are and what we could do in the future.

It was mentioned that the Code of Conduct is a hidden jewel that is valuable in its fundamentality, and has a great potential. We should seek the best ways to show it, and also to present it, to others and to look for its more qualitative sides rather than only quantitative ones.

It was acknowledged during the discussions that the Code of Conduct has its strengths and weaknesses. It has not lost its relevance and is fundamental. The Code of Conduct has even served on several occasions as a basis for security sector reform. Common values, complexity and important principles are well embedded in the Code. However, it is a challenge to keep up with implementing all its aspects and norms in a qualitative manner. The Code of Conduct could be well suited for reaching out to the Partners for Co-operation, international organizations, regions, parliamentarians and our societies. We are the owners of this document and we should take advantage of it.

During the discussions, it was suggested that we do not need new security-building instruments, but should improve existing ones. The view was expressed that a regional approach is not enough. There is a need for a more vector-based approach – multi-institutional and multidimensional involvement in the implementation of the Code of Conduct. The idea of the Code of Conduct as an instrument for security sector reforms and security sector governance was raised several times. Among other concrete suggestions, particular emphasis was placed on the issue of women, peace and security, which might become an integral part of the Code of Conduct. We had a debate on broadening the information exchange; however, universal agreement was not reached. In addition, we talked about adapting and modernizing the Code of Conduct itself. We heard about the recent practical application of the Code in Montenegro and its beneficial outcomes. Finally, there was a recap of the seminar in Riga concerning the purpose of the Code of Conduct and various initiatives.

Colleagues,

In conclusion, let me once more express our thanks to everybody involved in organizing this event. We very much look forward to the follow-up to the discussions in the FSC. As was mentioned today, the Code of Conduct is a perfect toolbox, in which every participating State can find appropriate tools for promotion and improvement, for the common good and security.

**SURVEY OF SUGGESTIONS
MADE DURING THE ANNUAL DISCUSSION ON
THE IMPLEMENTATION OF THE CODE OF CONDUCT ON
POLITICO-MILITARY ASPECTS OF SECURITY**

Vienna, 11 July 2012

Reference	Suggestions	Remarks
Information Exchange	Undertake a qualitative analysis of the annual exchange of information	FSC.DEL/94/12 FSC.DEL/96/12 FSC.GAL/96/12 FSC.NGO/1/12
	Include issues pertaining to women, peace and security (UNSCR 1325) and private military and security companies into the Questionnaire	FSC.DEL/94/12 FSC.NGO/1/12 FSC.GAL/96/12
	Assessment of the impact of the Reference Guide on the reporting of participating States in the annual information exchange	FSC.GAL/96/12 FSC.NGO/1/12
	Undertake a pilot project for a qualitative analysis of the information exchanged on women, peace and security (UNSCR 1325)	FSC.GAL/96/12
Outreach activities	Develop an OSCE Best Practices Guide for the democratic control of armed forces	FSC.DEL/95/12 FSC.NGO/1/12
	Strengthen outreach of the Code of Conduct to other regions, in particular the Mediterranean region	FSC.DEL/95/12 FSC.NGO/1/12 SEC.GAL/135/12
	Enhance outreach to members of parliament as end-users of the Code of Conduct	FSC.DEL/96/12
Implementation	Invite OSCE-field missions to include the Code of Conduct in their activities	FSC.DEL/94/12 FSC.NGO/1/12
	Facilitate technical assistance to participating States	FSC.DEL/94/12 FSC.NGO/1/12
	Use verification activities to raise the implementation of the Code of Conduct	FSC.DEL/96/12

Reference	Suggestions	Remarks
Other suggestions	Complement the Code of Conduct by developing an OSCE concept for security sector governance	FSC.DEL/87/12 FSC.GAL/96/12
	Enhance co-operation with the United Nations and other international organizations	FSC.DEL/87/12 FSC.DEL/96/12 FSC.NGO/1/12
	Use the Code of Conduct as an instrument for confidence-building and conflict prevention	FSC.DEL/94/12
	Draw on the Code of Conduct as a basis for discussion on inter-State principles, such as the indivisibility of security, co-operative security or the commitment not to strengthen one's security at the expense of others	SEC.GAL/135/12 FSC.GAL/96/12
	Establish a "Group of Friends" on the Code of Conduct	FSC.DEL/96/12 FSC.NGO/1/12
	Consider the role of non-State actors, organized crime, cyber security, border guards, justice sector within the framework of the Code of Conduct	FSC.NGO/1/12 FSC.GAL/96/12
	Strengthen the Code of Conduct in the second dimension of the OSCE	FSC.NGO/1/12
	Better implement the Code of Conduct in peacekeeping and security missions	FSC.NGO/1/12