



**PERMANENT MISSION OF FINLAND
TO THE OSCE
VIENNA**

FSC.EMI/99/08
15 April 2008

ENGLISH only

WET5001-5

VERBAL NOTE

The Permanent Mission of Finland to the OSCE presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to convey Finland's Annual Information Exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security in accordance with Decision 4/03 of the Forum for Security Co-operation.

The Permanent Mission of Finland to the OSCE avails itself of this opportunity to renew to all the Permanent Missions and Delegations and to the Conflict Prevention Centre the assurances of its highest consideration.

14 April 2008

Encl.



To the
Permanent Missions and Delegations to the OSCE
The Conflict Prevention Centre (CPC)

Vienna



OSCE Code of Conduct on Politico-Military Aspects on Security

FINLAND

*Annual Information Exchange on the Implementation
of the Code of Conduct*

Valid as of 15 April 2008

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

FINLAND's information, year 2008

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end

a) List of International agreements, including all United Nations conventions and protocols related to terrorism, to which the participating state is a party

Conventions and protocols ratified by Finland

Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September 1963

Convention on the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York on 14 December 1973

International Convention against the Taking of Hostages, done at New York on 17 December 1979

Convention on the Physical Protection of Nuclear Material, done at Vienna on 3 March 1980

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988

Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991

International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997

International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999

Ratification preparations underway in Finland

The International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on 13 April 2005, will be ratified during year 2008.

The Amendments to the Convention on the Physical Protection of Nuclear Material, CPPNM Amendments, done at Vienna 4-8.7.2005, will be ratified during year 2008.

The 2005 Protocol to the Convention for Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005 SUA Protocol), done at London on 14 October 2005: ratification preparations are intended to start soon.

The 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005 Fixed Platform Protocol), done at London on 14 October 2005: ratification preparations are intended to start soon.

The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, done at Warsaw on 16 May 2005: ratification preparations are intended to start soon.

b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities

Participation in other multilateral agreements to prevent and combat terrorist activities

Finland has signed and ratified the Council of Europe Convention on the Prevention of Terrorism, done at Warsaw on 16 May 2005. The Convention will come into force for Finland on 1 May 2008.

Finland has signed and ratified the European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977. A Protocol to amend the Convention was adopted on 13 February 2003 by the Committee of Ministers. Finland signed the Protocol when opened for signatures on 15 May 2003 at Strasbourg.

Cooperation in multilateral fora

Finland underlines the importance of international cooperation and collective action in the combat against terrorism and participates in such action within the framework of the EU, the UN, the Euro-Atlantic Partnership Council (EAPC) of NATO, the OSCE, the Council of Europe

and other international organizations. Finland remains committed to working for the full implementation of the UN Global Counter-Terrorism Strategy in cooperation with other members of the UN, and expresses its continuing support for the Counter-Terrorism Implementation Task Force. Furthermore, Finland continues to take an active part in efforts to reach agreement on the Comprehensive Convention on International Terrorism as soon as possible.

As an EU Member State, Finland fully subscribes to the EU Counter-Terrorism Strategy and the Strategy for Combating Radicalization and Recruitment to Terrorism, both adopted in December 2005. These Strategies have been taken duly into account in the preparations of Finland's new Internal Security Program, to be launched in 2008.

In 2006-2007, the Council of Europe Committee of Experts on Terrorism (Codexter) was chaired by a director from the Finnish Ministry for Foreign Affairs.

c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above

On 17 January 2008, Finland ratified the Council of Europe Convention on the Prevention of Terrorism. It enters into force on 1 May 2008, at which time the relevant Finnish legislation, including the Penal Code, will be amended (Acts 1370/2008, 1371/2008 and 1372/2008). The aforementioned amendments will, *inter alia*, criminalize public incitement and recruitment to, as well as training for, terrorism.

A Government Bill (188/2002) for the enactment of new provisions on terrorist offences, to be added, *inter alia*, to the Penal Code, was submitted to Parliament in October 2002. The Bill was passed in January 2003, subject to certain changes made on the basis of the comments given by the Law Committee. The amendments (17/2003 & 18/2003) were ratified by the President of the Republic with effect as of 1 February 2003.

The above-mentioned amendments include the incorporation of a separate Chapter (34a) concerning terrorist offences in the Penal Code. The new Chapter provides for the sentences applied to terrorist offences and their planning, to the directing of a terrorist group, to the promoting of a terrorist group, and to the financing of terrorism. The Chapter also contains a provision defining terrorist offences, a provision on the right of prosecution and a provision on corporate liability. Also the provision concerning the financing of terrorism (see paragraph 1.(d) below) was transferred, subject to slight modifications, from the existing Chapter 34 to the new Chapter 34a.

d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups)

Legislative

In June 2007, Finland implemented a declaration system for cross-border movements of cash of EUR 10 000 or more when the EU Council Regulation 1889/2005 and the Finnish Act on the controls of cash entering or leaving the European Community (653/2007) entered into force.

The Government Bill 25/2008 for the new Act on preventing and clearing of money laundering and terrorist financing has been submitted to Parliament in March 2008. The Act will implement Directive 2005/60/EC of the European Parliament and of the European Council of 26 October 2005 on the prevention of the use of financial system for the purpose of money laundering and terrorist financing and Commission Directive 2006/70/EC on the implementing measures for Directive 2005/60/EC. If passed, the new Act will have a more extensive scope than the previous Act on preventing and clearing of money laundering (68/1998, as amended by Act 365/2003).

Other national efforts to prevent and combat terrorism

Finnish authorities have finalized a new Proposal for an Internal Security Program on 28 March 2008. The Proposal, to be made public on 15 April 2008, will contain a description of the central challenges for Finland's internal security as well as proposals for necessary measures, goals, and methods of monitoring the implementation of the Program. The Finnish Government is expected to approve the Proposal during the spring of 2008. The preceding Internal Security Program was initiated in 2004: its focus was especially on the improvement of cooperation between public authorities with the aim of increasing the effectiveness of internal security measures and improving quality of services.

On 29 February 2008, an inter-ministerial Working Group was launched to consider the need for establishing a domestic asset-freezing mechanism for counter-terrorism purposes and, if necessary, to prepare proposals for new legislation. The mandate of the Working Group extends to 1 March 2009. The Group includes representatives from the Ministry of Justice, the Ministry of the Interior, the Ministry of Finance, the National Bureau of Investigation, the Financial Supervision Authority, the Security Police, the National Board of Customs, and the Office of the Prosecutor General. The Working Group is chaired by a representative from the Ministry for Foreign Affairs.

On 15 May 2002, the police issued internal instructions for cases of hijacking of ships and other serious violations of the law of the sea including acts defined as terrorism. The instructions concerning aircraft hijackings were revised on 1 March 2002.

Other actions taken include measures to improve security in transport and communications and in energy supply as well as to intensify border control and emergency preparedness, including in the health sector.

During the summer 2004, the defence administration participated in the RENEGADE -exercise (an aircraft-hijacking situation) in cooperation with other authorities. In addition the Law concerning the provision of assistance to the police by the Defence Forces has been

amended. According to the new provision the police is entitled to receive enhanced military support from the Defence Forces in situations involving terrorism.

The defence administration is examining further national and international measures to participate in combating terrorism, through, for example cooperation in the EU and the NATO's Partnership for Peace -programme. On a national level, as of the areas for further co-operation the defence administration together with the Ministry of Social Affairs and Health is establishing a center for excellence to counter biological threats.

Finland supports the Proliferation Security Initiative to counter illicit trafficking of WMD and related material and has organized a national tabletop exercise between all the relevant national authorities. The Defence forces have taken part in a number of international PSI exercises as well. Finland has also joined the Global Initiative to Combat Nuclear Terrorism (GICNT) in 2007.

e) Roles and missions of armed and security forces in preventing and combating terrorism

Armed forces

The essential tasks of the Finnish Defence Forces are the surveillance of the land and sea territory and airspace, the protection of the country's territorial integrity and the defence of the country. The Defence Forces may support other authorities in responding to non-military threats such as major disasters, and situations involving terrorism. As has been described above under 1 d), necessary legislative amendments to allow for enhanced military support from the Defence Forces to the police in situations involving terrorism are completed.

There are no plans to revise the Defence Forces' essential tasks. A substantial part of preventing and combating terrorism *per se* falls to the mandate of the police, legal and other authorities. In spite of this as well as the fact that combating terrorism has not been defined as a separate task for the FDF, the Defence Forces are contributing effectively to the national and international efforts against terrorism by participating in international military cooperation and peace support operations (gathering and sharing intelligence, assisting in the promotion of stability). The threat of terrorist strikes against troops must be taken into account during international crisis management and peacekeeping operations. The defence forces also take part in international and national Proliferation Security Initiative exercises to interdict trafficking of WMD and related material. The Defence Forces' essential tasks, surveillance of the land and sea territory and airspace and the protection of territorial integrity are also an integral part of the comprehensive preparedness against terrorism.

Security forces

No forces belonging to this category

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

(a) The military posture;

(This reply also partly covers some aspects of Question 3)

The highest executive authority concerning defence matters is the **Council of State** (the Cabinet in formal session). Parliament has empowered the Council of State to resort to regulatory powers and to issue orders according to the emergency conditions. Further authorizations are prescribed by the Act on the State of Defence. Both powers are brought into effect by decrees, which as a general rule must be immediately presented to the Parliament for deliberation.

The Finnish concept of 'total national defence' includes military defence, economic defence, civil defence, social welfare and health care, functioning of technical systems in society, public order and security, and defence information activity. In addition to these governmental aspects, 'total national defence' is supported by a wide array of voluntary non-governmental, cultural and educational work.

The principal acts governing total national defence are the Emergency Powers Act and the State of Defence Act. Under these Acts, Parliament delegates its authority to the Council of State in respect of those powers introduced under exceptional conditions in different fields of total national defence. The Emergency Powers Act includes an obligation on public authorities to establish precautionary measures for dealing with exceptional conditions.

The highest executive authority in matters of total national defence rests with the Council of State. The tasks of total national defence are the responsibility of the **Cabinet Foreign and Security Policy Committee**, the **Ministry of Defence** and the **Security and Defence Committee** set up to assist the Cabinet Committee and the Ministry.

The members of the Security and Defence Committee are the permanent secretaries from the ministries of major importance to the national defence, the Chief of the Defence Staff, the Chief of the Operations and the Chief of the Frontier Guard. The Committee has no executive powers. It works as an advisory board for the Cabinet Committee on Foreign and Security Policy and for the Ministry of Defence in matters concerning national defence.

The role of **the Finnish Defence Forces** is defined in the Act on the Defence Forces, passed by the Parliament. The Ministry of Defence establishes the guidelines and the Chief of Defence (CHOD) is responsible for the activity of the Defence Forces.

According to the Constitution, the **President** of the Republic is the Supreme Commander of the Defence Forces. The Chief of Defence presents matters related to the military command and military appointments and the Minister of Defence takes part in the decision-making process. The President appoints officers. The highest nominations are proposed by the Council of State on the submission of the Defence Minister.

The President makes decisions concerning war and peace with the consent of Parliament. The President also gives the order for mobilization at a meeting of the Council of State. The

President also decides Finland's participation in military crisis management operations at the Council of State's proposal.

The President is elected for six-year terms by the direct popular vote.

The sphere of authority of the **Ministry of Defence** (MoD) is the defence policy, military defence, harmonization of the 'Total National Defence' within the defence administration as well as the military crisis management and engagement in military crisis management operations. It acts in close co-operation with other relevant ministries.

The MoD is also responsible for the defence materiel procurement as well as for the preparation of defence legislation, the policies concerning the military infrastructure, the personnel, environment and administrative development.

Finland can participate in military crisis management operations implemented by the UN, the OSCE, the EU or other international organization, or by a group of states. Finland may participate in crisis management operations mandated by the United Nations (UN) Security Council or, exceptionally, in other military crisis management operations, the purpose of which is to maintain or restore international peace and security, support humanitarian assistance operations, or protect civilians, in view of the purposes and principles of the Charter of the United Nations and other rules of international law (military crisis management).

The decision to participate in a specific military crisis management operation will be taken, on the basis of a government proposal, by Finland's President. Before proposing a decision on Finnish participation, the Government shall hear the Foreign Affairs Committee of Parliament. Should the proposed decision concern a military crisis management operation that is particularly demanding, or an operation not mandated by the UN Security Council, the Government shall hear Parliament by means of submitting it a report prior to the said proposal (Plenary procedure). If the proposed decision concerns the ordering of no more than ten persons to a military crisis management operation, the Government shall submit a report to the Foreign Affairs Committee of Parliament before proposing the decision.

The President of the Republic shall also make the decision, on the basis of the Government's proposal for a decision, on the placing of a military unit on standby (standby unit). Before deciding to propose the setting up of a standby unit, the Government shall hear Parliament by means of submitting it a report. Before deciding to propose the contribution of Finland to a military crisis operation with such a unit, the Government shall hear the Foreign Affairs Committee of Parliament.

After a preparatory discussion on the possible future operation by a joint session of the President of the Republic and the Cabinet Committee on Foreign and Security Policy, the Ministry of Defence may, on the basis of the discussion, take measures to prepare and make provision for the participation already before the formal participation decision. The Ministry of Defence may also decide on minor changes to the participation during the operation.

The **Ministry of Interior** is in charge of the Finnish Frontier Guard.

The sphere of authority of the **Ministry for Foreign Affairs** is the Finnish foreign and security policy. These policies are implemented in close co-operation with other relevant ministries.

It is important that the Government's policies enjoy the support of the Parliament and the public at large. The Government's security and defence policy, including with regard to military posture home and abroad, is regularly submitted for guidance to Parliament as well as to the general public in the form of Government reports. The latest report was submitted by the Council of State to the Parliament in September 2004.

(b) Defence Expenditures

Besides legislation, the Parliament also decides on the defence budget. The defence budget proposal is prepared at the responsibility of the Ministry of Defence by the Council of State as part of the overall State budget and according to the same procedures. As such, the defence budget is a public document and subject to open debate prior to its final approval by the Parliament.

3. Description of

(a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

All forces and services mentioned above are subordinated to politically nominated ministers of the cabinet, which in turn is accountable to the Parliament. The parliamentary committees regularly call in the ministers in their respective fields of competence to hearings on issues of concern. The parliamentary committees are also entitled to monitor the actions of the executive bodies. Individual MP's may pose questions in writing, to which the competent minister has the obligation to reply and also an oral questioning procedure is practiced.

All forces and services mentioned above base their action on relevant legislation, which defines the basis and limitations of their powers. No action may arbitrarily infringe on the fundamental rights of individuals, which are extensively enshrined in the Constitution since a reform in 1995. In case of violations a range of adequate legal and other recourse is available.

The respective forces and services are subjected as follows:

- armed forces; same authorities and procedures as mentioned in answer to question 2.
- paramilitary forces; the Frontier Guard is subordinated to the Ministry of the Interior and through that linked to the parliamentary control.
- internal security forces; no forces belonging to this category.
- intelligence services; no separate governmental intelligence exists. Military intelligence operates within the General Staff under the Ministry of Defence; The Security Police

operates under the Ministry of Interior. These services are based on the relevant laws and controlled by the respective ministries, Council of State and Parliament.

- police; all police activities are based on law and controlled by the Ministry of the Interior and through that linked to the parliamentary control.

(b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

The Parliamentary *Ombudsman* has been charged with legal supervisory competence, which extends over the activities of all authorities and other bodies performing public functions. He/she may act on complaints or at his/her own initiative. Also the Counselor of State supervises the legality of government. The State Financial Inspectors have the right to control the use of budgetary finances.

(c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

i) Military

As of the reform in 2007, the tasks of the Defence Forces are 1) the military defence of Finland, 2) providing support for other authorities and 3) participating in international military crisis management.

The main principles of Finland's defence are the following:

- military non-alliance
- general conscription
- territorial defence covering the entire country
- training conscripts for wartime units in the reserve and providing the units with the necessary material in peacetime (production of wartime units)
- dispersed mobilization based on the preparedness of peacetime headquarters, training centers and military establishments
- development of the peacetime command and the administrative system primarily to meet the wartime requirements
- responding to the military threats of various degrees by controlling the readiness of the Defence Forces.

The Army plays a decisive role in defending the country and repelling aggression. Navy and Air Forces have important roles in territorial surveillance and in the protection of territorial integrity. The most important peacetime tasks of the Air Force are surveillance of and guarding the airspace. Violations will be repelled by force if necessary. In wartime, the main task of the Air Force is fighter interception.

The Navy is responsible for maritime surveillance and identification, and repelling territorial violations as well as for the protection of vital sea lines of communications and repelling attacks at sea.

The controls to ensure that the armed forces act solely within the constitutional framework are presented in answer to question 2.

(d) Public access to information related to the armed forces;

Parliamentary and administrative proceedings concerning defence matters are subject to the general rule on the publicity of official documents to which public access is guaranteed by law – The Act on the Openness of Government Activities. This access may only be limited on grounds of national security or on other grounds specified in law, which, *inter alia*, regulate classification of documents and handling of classified documents.

Mass media, the Internet as well as the publicity activities by the Ministry of Defence and the Defence Forces themselves are means to disseminate public information on defence matters. Lately the MoD has enhanced the possibilities of the general public to access defence information via a major project on developing communication through new technologies and providing access to Ministry's database. The website works on three different languages: Finnish, Swedish and English. Further information on defence matters is available at the MoD website at www.defmin.fi and at the website of the Defence Forces at www.mil.fi

The MoD Information Unit also replies to individual questions and letters from the public. Articles in the major daily papers and TV appearances are a frequent way to communicate to the public on the activities of the MoD as well the Defence Forces.

It is highly significant for the Finnish policy of openness that the public not only has access to information but also understands the wider framework of our defence planning and the relevant background information related to the armed forces. This is demonstrated for example by distributing to the general public the Government report to Parliament on 'the Finnish Security and Defence Policy 2004'.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law

In Finland, military crisis management is regulated by the Act on Military Crisis Management which was approved in 2006. The aim of the legislative reform was to take into consideration the development of international crisis management activities, in order for Finland to be able to participate in full in crisis management tasks, especially within the framework of the United Nations, European Union and North Atlantic Treaty Organisation's Partnership for Peace.

When taking a decision on Finland's participation, it is necessary to consider the rules of international law and especially the aims and principles of the UN Charter. The Act takes into

consideration the role of the UN Security Council as a provider of mandates for the operations of other organisations as well as the fact that, alongside of the UN, the implementing party of an operation can be some other international organisation or group of countries. In general, Operations in which Finland participates must be authorised by the UN Security Council. Exceptionally, Finland can participate also in an operation that does not have a UN mandate or a UN mandate cannot be obtained due to the Security Council being incapable of reaching a decision or where a mandate is not sought based on for example the wishes of a party involved or the insignificance of the operation, or where the mandate is received after the operation has begun. Even in such case, the implementation of an operation can be beneficial and necessary from the point of view of international security. In this case, its implementation can be based on a request put forward by the host nation or parties involved.

According to law, the number of crisis management personnel can be at most 2,000 persons. The Act also includes regulations concerning soldiers' right to use force in crisis management missions.

Finland participates in the NATO-led KFOR operation in Kosovo. Finland has deployed two companies and elements to the Multinational Task Force Center (MNTF C). In addition to this Finland have staff officers both in MNTF(C) HQ and HQ KFOR Main. The current number of Finnish troops is 400.

Finland participates in the EU-led operation "ALTHEA" in Bosnia and Herzegovina. Finland has deployed troops to the Multinational Task Force North (MNTF N) enabling units. In addition to this Finland has deployed staff officers to TF HQ and EUFOR HQ and liaison and observer teams. The current number of Finnish troops is 54.

Finland participates also in the NATO-led ISAF operation in Afghanistan. Finland has deployed troops to the PRT (Maymana, Mazar-e-Sharif) HQ ISAF The current number of Finnish troops is 103. Finnish troops are in Mazar-e-Sharif (93) and in Kabul (10).

Finland participates in EUFOR Chad operation. The total strength is 49 personnel.

5. Description of

(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;

i) Military

Liability for military service is based on the **Constitution**, the reformed Conscription Act of 2007 and the Conscription Decree of 2007. Every male Finnish citizen is by law liable for military service and therefore subject to call-up. The period of liability is for male citizens between the ages of 18 to 60.

Under the Conscription Act of 2007, Regional Offices organize call-ups in every municipality,

beginning no earlier than on 15 August and ending no later than on 15 December. The call-up is applied to 18 to 29 year-old men (only once). Information on and a notice of the call-up are sent by the Regional Office. A medical examination is also done on the man in a municipal health centre in advance to check his ability for military service.

The call-up takes one day during which general information is given. After the medical examination done by a physician, the fitness for military service is determined and the decision for military service is made or a three-man call-up board grants exemption from military service. The board consists of one senior officer, another officer of a lower rank and one representative from the municipality.

In general, military service is carried out within the two years following call-up, at the age of 19 or 20 but at the latest before the end of the year when a man turns 30.

Since 1995, it has also been possible for women to perform military service on a voluntary basis. There are no call-ups for women but Regional Offices provide information and medical examinations.

A female conscript has the rights and duties equal to those of a male one. The difference is that within 45 days from starting military service she has a right to leave without having to give an explanation or her superior can terminate the service but only for well-justified reasons. After the end of the 45-day period she is equally liable for service as any man till the end of the age of 60.

ii) Paramilitary

Annually some 700 conscripts complete their basic military training at the Frontier Guard Units. Conscript service at the Frontier Guard Units is similar to service in Units of the Defence Forces. Conscripts are selected through the call-up organization explained above.

iii) Security forces

No forces belonging to this category.

(b) Exemptions or alternatives to compulsory military service, if applicable;

Military service is compulsory for men, but on statutory grounds that have been provided in acts and decrees, there are some alternatives to the exemption from military service. For women the military service is possible on a voluntary basis.

A limited or permanent exemption for health reasons can be granted by the military authorities if the health or physical fitness does not fulfil the requirements for military service. A medical certificate is required.

Those registered as permanent residents on the autonomous Åland Islands have a right not to do military service. No alternative service is arranged, yet. No application is required.

Those registered as Jehovah's witnesses have a right to get deferment (in 3-year intervals) and finally be exempted from peacetime service at the age of 29. Special applications for deferment and the final exemption are required.

According to the reformed Non-Military Service Act (1446/2007) a man who for religious or ethical reasons is unable to perform any kind of military service within the Defence Forces will be exempted from military service in peacetime and he will be liable for civilian service instead. A special application for exemption is required.

A Finnish man who has dual (or multiple) citizenship as well as a man who has been granted Finnish citizenship under the age of 30 are also required to perform military service, but if they have performed it in their second or previous country, they can be exempted totally or partly from peacetime military service in Finland. A free-form application is required.

A Finnish man who has dual (or multiple) citizenship can be exempted from military service in peacetime if he lives permanently abroad, has no family ties in or connections to Finland, has no property in Finland and will receive no legacy from Finland. A free-form application is required.

The legislation for all the above-mentioned cases is based on:

- Conscription Act 1438/2007
- Conscription Decree 1443/2007
- Act on Women's Voluntary Military Training 194/1995
- Decree on Women's Voluntary Military Training 266/1995
- Act on the Provision of Health Care in the Defence Forces 322/1987
- Civil Service Act 1446/2007
- Act on the Exemption of Jehovah's Witnesses 645/1985
- Decree on the Exemption of Jehovah's Witnesses 36/1986
- Act on the Autonomy of the Åland Islands 1144/1991

Furthermore, there is a Nordic Multilateral Agreement between Finland, Sweden, Norway and Denmark (44/68) and two bilateral international agreements between Finland and the United States (25/39) and between Finland and Argentina (43/63), all concerning national military service for those who have citizenship in the countries referred to in the agreement. The main idea of these agreements is that a person with dual or multiple citizenship of the countries in question is liable for military service only in that country where he has his permanent residence (except Argentina).

(c) Legal and administrative procedures protecting the rights of all forces personnel;

Legal and administrative procedures protecting the rights of personnel in the Finnish Defence Forces are based, in general, on law. Protection of the personnel in regular employment is very much the same as with all state civil servants. Detailed provisions are laid down in the State Civil Servants Act. The only major differences between personnel employed by the Defence Forces and other state civil servants are that defence personnel can be transferred to

another office without their own consent and that there are certain restrictions on political activities of military personnel (one cannot be a member of a political party nor be put up as a candidate for parliamentary elections).

Legal protection of conscripts is based on clear rules of competence and procedures and on the supervisory function of the higher authorities. The constitution proclaims the basic norms and authorization to issue more specific rules and regulations.

When conscription is carried out, no person may, without an acceptable reason, be placed in a different position due to age, origin, language, religion, conviction, opinion, state of health, disability, gender, sexual orientation or any other reason related to the individual.

The conscript has been guaranteed a wide possibility to appeal or complain about the actions of his/her military superiors. A conscript who is dissatisfied with the actions taken by his/her military superiors may have these actions investigated by a higher military superior. In case a military superior has imposed a disciplinary punishment on a conscript, he/she may appeal to a general Court of First Instance.

If, instead of military disciplinary proceedings, a military offence is charged in a court of law, a general court of first instance deals with it. After the judgment of the Court of First Instance the procedure can be continued to Court of Appeal. The only difference when compared to civil proceedings is that the composition of both the Court of First Instance and the Court of Appeal include also military members.

In addition to the above-mentioned, there is a possibility to have any act by military personnel as well as complaints about general facilities or medical care etc. in the Defence Forces to be investigated by the Parliamentary *Ombudsman*. These complaints can be made in writing or directly to the *Ombudsman*, as he/she regularly visits several garrisons every year. During these visits, conscripts can discuss with the *Ombudsman* privately.

In every Finnish garrison there is a Conscript Committee whose main purpose is to look after and develop the service conditions of conscripts. The members of the Committee are chosen by election among those conscripts who serve in that garrison. Only conscripts have the right to vote in these elections.

Finnish conscripts are also free to join the Union of Conscripts, which is a national organization for lobbying and representing the interests of conscripts.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations

The aim of the training is to ensure that conscripts are fully familiar with the Code of Conduct in accordance with Article 83 of the 1977 Protocol I additional to the Geneva Convention. The training includes the basics of the Code of Conduct, the set of rules for the soldier and

internationally recognized distinctive emblems. Each soldier is given a copy of the Soldier's Manual, which deals with the essential matters from the soldier's point of view. Familiarization with the Code of Conduct takes place, as part of the training in security policy, during the basic training period for all conscripts. The combatant's training during the special training period includes the Code of Conduct in the activities of the soldier.

The Public Information Division of the Defence Staff has compiled the teaching material on security policy, which also includes the material for teaching the Code of Conduct. This material covers instructions for the teacher, slides and videotape. All company-level units have used this material.

Training of Crisis Management Personnel

Crisis management personnel are composed of regular personnel and persons recruited from the open labour market, who are mainly reservists. The service in crisis management duties of the entire personnel, including regular personnel of the Defence Forces, takes place on a voluntary basis.

In accordance with the Act on Military Crisis Management, personnel taking part in crisis management missions are given special training before transfer to the operation area. Personnel in training for participation in peacekeeping operations receive special instruction regarding humanitarian rights, the legal rule of war and combating trafficking in humans as well as special rules of behaviour, which include among other things zero-tolerance for the part of trafficking in humans.

The Finnish Rapid Deployment Forces, which were established in Pori Brigade in 1996, give special three-month PSO training for the conscripts who have voluntarily applied to serve their military service in the Rapid Deployment Forces and who are also willing to serve in peace support missions after their military service. In both cases of peace support training, the IHL is trained taking into account especially the situations, which peacekeepers may face during their mission.

6.2. Training of regular personnel

6.2.1. Officers basic training and education, BA and MA degrees

The first degree, or the officer's examination

After training, an officer should have a good command of the Code of Conduct and understand the requirements set for a combat situation and for the planning and command of a company- or battalion-level unit of his own branch in combat. The training in the Code of Conduct is part of the basic course on management of legal and conscription matters and the exercises in leadership and tactics.

Advanced training and education

After training, an officer should have a good command of the Code of Conduct and understand

the requirements set for a combat situation and for the operational planning and command of a formation in combat. The training in the Code of Conduct is part of the course on the general administration including legal affairs and the exercises in operational skills and tactics.

The teaching material includes: *Gunnar Rosen – Juhani Parkkari, The Laws of War, 2004; Frédéric de Mulinen, Handbook on the Law of War for Armed Forces, International Committee of the Red Cross, 1987; Basic Rules of the Geneva Conventions and their Additional Protocols, International Committee of the Red Cross, 1983; Alma Baccio-Astrada, Manual on the Rights and Duties of Medical Personnel in Armed Conflicts, 1982; Krigets Lagar, SOU, Sweden 1979.*

Further training and education

After training, an officer should have a good command of the Code of Conduct and understand the requirements set for the operational planning and command of troops in combat. The training on the Code of Conduct is part of the exercises in operational skills and tactics.

The teaching material includes: *Gunnar Rosen – Juhani Parkkari, The Laws of War, 2004; International Human Rights Documents on the Code of Conduct.*

6.3. Advanced training in the Code of Conduct

Persons participating in the continuation training in the Code of Conduct are those involved in operational planning, in teaching the Code of Conduct or otherwise in need of the training.

The legal advisors at the Defence Staff, Service HQs and Command HQs are the experts on the Code of Conduct.

About 80 officers and civilians from the Defence Forces participate annually in a course on the Geneva Conventions arranged twice per year by the Finnish Red Cross.

The Defence Forces send on an annual basis a few participants to the following courses on the Code of Conduct:

- a course in San Remo arranged by the International Institute of Humanitarian Law
- a workshop on the Code of Conduct arranged by the Swiss General Staff and the Swiss Military College
- a course on the Law of Armed Conflict for senior officers of armed forces medical services arranged by the International Committee of Military Medicine.

6.4. Legal advisors

In the Finnish Defence Forces there are over 20 legal advisors working under the Principal Legal Advisor. The legal advisors who are civilian officials work either in the Defence Staff or in various headquarters on command level in all parts of Finland. These advisors have a

status similar to any other civil servant of government.

During crises or wartime, the number of legal advisors would be five to ten times the number of normal times (peacetime). These advisors are regular Finnish lawyers from every sector of society and they are part of the reserve of the Finnish Defence Forces.

Most legal advisors act as a general legal advisor performing various judicial duties. One important part of these duties is teaching and advising IHL. Legal advisors participate and have influence in the functions and duties of the Finnish Defence Forces at all levels from strategic planning to tactical and technical level. - All peacetime legal advisors can be contacted through the Legal Division of the Defence Staff.

7. Any other information

7.1. The constitution and the position of IHL in national law

According to the Constitution the acceptance by the Parliament of international obligations and their denouncement is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by Parliament under the Constitution. The acceptance by the Parliament is required also for the denouncement of such obligations. The provisions of treaties and other international obligations, in so far as they are of a legislative nature, are brought into force by an Act. Otherwise, international obligations are brought into force by a Decree issued by the President.

Finland follows the so-called dualistic tradition; *i.e.* treaties become internally applicable law only through a domestic legislative act. The incorporation is normally a statute of blanco, a legislative act, which merely refers to the treaty. The hierarchical level of the statute in blanco is either both an Act of Parliament and a decree issued by the President or merely a decree, depending on the consideration mentioned above.

Finland adheres to most of the Conventions of IHL as well as to the human rights conventions. Finland has ratified the four Geneva Conventions and the Additional Protocols and II and the declaration provided for in Article 90 of Protocol I was made when the Protocols were ratified. Finland has also ratified the Rome Statute of the International Criminal Court.

Without trying to list all the humanitarian treaties to which Finland is a party, it should be noted that the Geneva Conventions were incorporated both through an Act of Parliament and a decree (7-8/1955). The same applies to the Additional Protocols (81-82/1980).

In addition, the preparations for the ratification of the Third Additional Protocol to the Geneva Conventions of 1949 are underway.

7.2. Implementing institutions

The Finnish National Committee for International Humanitarian Law was established in 1979. In 1993 the group became an official and permanent body of the Ministry for Foreign Affairs chaired by the Director General for the Legal Affairs Division. The Committee is composed of representatives of the MFA, the Ministries of Education, Interior, Justice, Social Affairs and Health, Labour and Defence as well as the armed forces' General Staff, the National Defence College, the Finnish Red Cross, Amnesty International (Finnish branch) and the Finnish Society of Humanitarian Law. The professor of international law at the University of Turku currently represents the academic society in the committee.

The Committee coordinates the implementation and dissemination of IHL in Finland, prepares for the International Conferences of the Red Cross and Red Crescent and other conferences related to IHL, and monitors new developments in IHL and considers their implications for Finland. At the 30th Conference of the International Red Cross and Red Crescent Movement, held in Geneva in November 2007, Finland committed itself to a total of ten pledges, relating to:

- Public dissemination of, training on, and national implementation of IHL (in line with the 2005 EU Guidelines on promoting dissemination and training of IHL; joint EU pledges);
- Promoting respect for fundamental procedural guarantees for all persons detained in relation to an armed conflict (a joint EU pledge);
- Arms control (promoting the internationalization of standards of export of arms and addressing the humanitarian implication of cluster munitions; joint EU pledges);
- Disaster relief (support for the aims pursued by the International Red Cross and Red Crescent Societies in its draft guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance; a joint EU pledge);
- Further enhancing cooperation with National Red Cross and Red Crescent Societies (a joint EU pledge);
- Continuing to support the integration of migrants in Finland and to fight against ethnic discrimination together with the Finnish Red Cross;
- Strengthening understanding and awareness of the Red Cross' neutral and independent approach to humanitarian action; and
- Continuing to promote a shared understanding of how IHL should be applied to computer network attacks during armed conflict.

7.3. Legal acts (concerning IHL)

1. Finnish Penal Code (as amended)
2. Act on the Use of Certain Internationally Protected Signs and Emblems (covers status of the Finnish Red Cross) (to be amended in 2008 in order to implement Protocol III to the Geneva Conventions)
3. Law of the Finnish Red Cross and Decree (new law adopted in March 2000)
4. Law relating to civil defence
5. Act on the Jurisdiction of the International Tribunal for the Prosecution of Persons

Responsible for Crimes committed in the Territory of the Former Yugoslavia and on Legal Assistance to the International Tribunal

6. Protocol V on Explosive Remnants of War, annexed to the Convention on Certain Conventional Weapons (new law adopted on 12 June 2006)

Additional information concerning the Finnish Defence Forces is available in the Internet: www.mil.fi and a selection of Finnish legislation is being translated into English and published as completed at www.finlex.fi

In the following is a list documents reflecting Finland's defence policy and politico-military aspects of security:

1. Facts about The Finnish Defence Forces (<http://www.mil.fi/english/>), published by the Defence Staff, Public Information Division, P.O. Box 919, 00101 Helsinki, Finland, tel +358-9-18122424, fax +358-9-18122439 or 18122438.

2. Finnish Security and Defence Policy, Government Report to Parliament 24 September 2004. Helsinki 2004. ISBN 952-5354-60-1.
(http://www.defmin.fi/index.phtml/lang/3/topmenu_id/7/menu_id/326/fs/1)