

DCAF Geneva Centre
for Security Sector
Governance

IMPLEMENTATION OF THE OSCE CODE OF CONDUCT DURING COVID-19

STUDY REPORT PREPARED BY DCAF AT
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DEPARTMENT OF DEFENCE, CIVIL
PROTECTION AND SPORT



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Executive Summary

Beyond the human tragedy of the COVID-19 pandemic, the crisis disrupted economic and social systems in ways that exposed many of the inherent fragilities and risks of an interconnected world. Health crises such as this blur the line between public welfare and national security, as the trend over the past decades has been to gradually expand the roles and responsibilities of the armed forces for the purposes of internal security in emergency contexts. However, armed forces must always comply with national constitutional frameworks and international norms on the use of force, such as those originating from the Organization for Security and Co-operation in Europe (OSCE). The 1994 OSCE Code of Conduct on Politico-Military Aspects of Security (hereinafter, the CoC), which provides normative guidance for the deployment of armed forces in emergencies, was thus applicable to the COVID-19 crisis.¹ This study examines the internal use of armed forces to manage the pandemic between 2020 and 2022, and the responses of OSCE participating States (pS) in these years to the 2009 CoC Questionnaire (and with it the 2010 Reference Guide, referred to collectively as the Information Exchange mechanism in this text). The study uses a qualitative and descriptive approach, based largely on desk research that explored official primary and secondary sources issued by or related to the OSCE.

Researchers examined the responses submitted by pS to the OSCE CoC Questionnaire in 2020, 2021, and 2022. Only 4 of 57 pS mentioned COVID-19 in their 2020 submission, while 21 mentioned it in 2021, and 17 in 2022. The fact that COVID-19 was barely discussed in 2020 and was referenced so frequently in 2021 likely results from reporting delays; meaning, some pS submit their responses in the spring following a reporting year, and these submissions are typically prepared months prior. However, there are pS who submit their responses for the ongoing reporting year. It is important to note that this can translate into inconsistencies among pS as to the timeframes on which they report. But given that COVID-19 began sweeping across the globe in the spring of 2020, it is unsurprising that many pS first mentioned COVID-19 in their 2021 submissions.

In all the years under study, the impact of COVID-19 was most commonly cited by pS within the context of Section I (Inter-state elements), and specifically in relation to the need for security sector actors to shift activities online, or to delay and even cancel in-person activities (such as inspection visits or trainings) as a result of pandemic-related restrictions. But few pS mentioned the internal deployment of armed forces or other security actors in response to COVID-19, or any changes to the constitutional and legal responsibilities and roles of security forces or oversight institutions. It is possible that pS were constrained by the relative rigidity of the CoC Information Exchange mechanism regarding the issues on which they should report. It may also be the case that those tasked with

¹ 1994 OSCE Code of Conduct on Politico-Military Aspects of Security. Available at: <https://www.osce.org/files/f/documents/5/7/41355.pdf>

preparing these submissions do so by using a template, and therefore incorporate very little information that falls outside the direct scope of the Questionnaire. Only two pS – Switzerland and the United Kingdom (UK) – provided any information about the constitutional and legal responsibilities and roles of military, paramilitary, and security forces (OSCE CoC, para. 21), and the deployment of armed forces in internal security missions (OSCE CoC, paras 36 and 37) during the COVID-19 pandemic. Switzerland did so in 2020, 2021, and 2022 by introducing a novel question at the end of Section I; while the UK offered this information in its 2022 submission alone, in the context of Section II (Intra-state elements), Question 2.3.

A 2020 report by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), entitled *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, provides more information on the pS that declared a state of emergency in response to the pandemic, and the restrictive measures they adopted. It also describes the constitutional frameworks and newly introduced legislation that facilitated these emergency declarations for some pS.² In many pS, the pandemic response involved the passage of complex legislative packages, regulations, and administrative decisions that were drafted quickly and adopted with little or no public debate, some of which were repeatedly amended over short periods of time. Out of the 20 pS that declared a state of emergency, 11 sought formal derogations from international human rights standards, related to the freedom of assembly and association, the freedom of movement, the right to liberty and a fair trial, and rights to privacy, education, and property. In 14 pS, a special public health emergency was declared, because these countries lacked the constitutional provisions permitting them to declare a state of emergency. Restrictive measures were adopted in 23 pS without any kind of emergency declaration, and ranged from curfews and curbs on movement, to quarantines, to deterrence through high fines or imprisonment. The ODIHR also found that the military had been mobilized in pS for various tasks, including logistics, transportation, and medical support, but also governance and internal security.³

A number of overarching conclusions can be drawn by looking collectively at the responses provided by pS to the OSCE CoC Questionnaire in their annual submissions from 2020 to 2022 and the findings of the ODIHR report. **First**, considering how many pS noted that OSCE activities had been postponed or cancelled due to the COVID-19 crisis, many of the OSCE's core aims, including to create transparency through dialogue and facilitate verification exercises, were clearly affected in 2020, 2021, and 2022. **Second**, while the OSCE CoC Information Exchange offers opportunities for pS to address emerging security challenges like COVID-19 in their annual submissions, most did not deviate from the standard reporting template they use every year. **Third**, even when the annual submissions of pS to the OSCE did not cite the impact of COVID-19, the ODIHR report shows that many of these

² ODIHR, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic* (Warsaw: OSCE, 2020).

³ *Ibid.*

countries had in fact adopted various measures in response to the pandemic, including the use of armed forces for internal security mission.

The nature of the COVID-19 pandemic was such that it represented security challenges for all pS, and the OSCE can thus serve as a platform for dialogue and information sharing about the best practices developed in addressing these challenges. For example, Switzerland – which was one of the few pS to provide detailed and elaborate responses to the OSCE – shared key pandemic-related information by adding a new section to the OSCE CoC Questionnaire, demonstrating the potential for the Information Exchange to incorporate novel questions in the context of emerging security challenges. Indeed, pS could amend the Questionnaire to better address health crises, extreme weather events, natural disasters, and more; any of which could prompt the deployment of armed forces. Yet, few pS have made full use of the Information Exchange mechanism, raising the question of how they can be encouraged to do so, in order to prepare more effectively as a collective for future security challenges.

Introduction

Background

The spread of COVID-19 and the concomitant public health emergency was an experience that came with a steep learning curve for states and societies. An overwhelming number of COVID-19 infections pushed both health systems and entire state apparatuses to their limits, causing disruption beyond the human tragedy, affecting economic and social systems. This exposed the fragility and risks inherent in an increasingly interconnected world in which vulnerabilities and shocks reverberate across borders, sectors, and institutions.

The line between public health and national security can be particularly blurred in health crises, as most governments rely on the capacity of armed forces to provide logistical support and medical assistance to civilian authorities, and to maintain law and order. Over the past decades, the deployment of militaries for internal security purposes has led to a gradual expansion of the roles and responsibilities of security sectors. Hence, security providers, both armed forces and police, assumed a prominent role in implementing the multitude of measures adopted by pS to keep the COVID-19 virus at bay, including curfews, restrictions on movement, and mandatory business closures. While broadening the mandate of armed forces in this way follows a logical imperative, it also comes with significant risks, and a failure to account for these risks may endanger both the general population and the rights and fundamental freedoms of armed forces themselves. Furthermore, normalizing the deployment of military forces for internal security purposes fundamentally reshapes individual and collective experiences of security, which in the context of the pandemic, are also influenced by the severity of the virus and its reliance on social closeness, as well as the convergence of public health and national security concerns.

Modern armed forces are large and well-organized, with clear chains of command, and are extensively trained. It is natural that they are expected to support civilian authorities in times of crisis, and military personnel were thus on the frontline of the COVID-19 pandemic, exchanging their guns for food boxes. In this capacity, armed forces must still comply with national constitutional frameworks and international norms on the use of force, such as those originating from the OSCE. As a security organization, the OSCE does not deal directly with health and healthcare, but the 1994 OSCE Code of Conduct on Politico-Military Aspects of Security (the CoC) provides normative guidance for the deployment of armed forces in emergency situations, which applied in the context of the COVID-19 crisis when pS introduced some type of emergency regime that, in some cases, included the use of their armed forces for specific missions.

The parts of the CoC most relevant to the COVID-19 crisis are paragraph 21, addressing the importance of the constitutional framework that governs the roles and responsibilities of the armed forces, as well as paragraphs 36 and 37, which contain provisions for the assignment of armed forces

in internal security missions (see Table 1, below). Together, the text of these paragraphs sets the thematic focus of this study. In addition, the CoC contains provisions that pertain specifically to a state of emergency. For example, any pS deploying armed and security forces in a state of emergency must clearly define their roles and missions, as well as the obligation of these forces to act within the relevant constitutional framework.

Paragraph	Text in the OSCE Code of Conduct on Politico-Military Aspects of Security
21	Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.
36	Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.
37	The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

Table 1. The text of paragraphs 21, 36, and 37 of the CoC

By a decision of the OSCE’s Forum for Security Co-operation (FSC), pS are obliged to exchange information on their implementation of the provisions of the CoC on an annual basis. They can use the Information Exchange mechanism to share lessons learned and best practices regarding the deployment of armed forces, especially during a crisis situation. Yet, very few pS took this opportunity when the COVID-19 pandemic emerged.

A short review of the existing literature

In 2019, when DCAF conducted comprehensive research analysing the extent to which pS provided responses that directly addressed the questions in Section II of the CoC (Intra-state elements), the findings indicated that annual reports of pS to the OSCE provide an unrivalled wealth of information.⁴ That study analysed the compliance of pS with the OSCE Code of Conduct, but of course it could not examine the use of armed forces during the COVID-19 crisis specifically. In fact, there is scarce literature examining the CoC and the use of armed forces during the COVID-19 pandemic. However, a

⁴ Dawn Lui, ed., *Information Exchange on the Code of Conduct on Politico-Military Aspects of Security: Intra-State Elements* (Geneva: DCAF, 2019).

2021 briefing note produced by DCAF through its Global Challenges programme, which has a dedicated workstream on Global Health and SSG/R, analysed the impact of COVID-19 on armed forces around the world. The authors explored how the pandemic influenced the mandate of armed forces and their operations, including in many states in the OSCE region, and how this impacted the rights of personnel deployed to assist civilian authorities.⁵ Another DCAF study in the same workstream, published in 2020, analysed the impact of COVID-19 on good SSG/R but did not bring a focus to institutions like the OSCE.⁶ A briefing note was also published by the European Parliament in 2020, assessing the role of the armed forces of EU member states in the fight against the virus and concluding that these forces were integral to the remarkable efforts made by countries in Europe (and around the world) to respond to the pandemic. The note highlighted that the COVID-19 crisis proved the value of investments in military preparedness, equipment, and training, which paid off when the crisis hit and capacities to protect citizens could be deployed in multiple scenarios. Still, it argued that increased international cooperation and solidarity is needed going forward, to ensure more uniform responses and greater respect for international human rights.⁷

An academic paper published in 2020 examined secondary sources, and not the responses of pS to the CoC Questionnaire, to evaluate the compliance of pS that deployed armed forces for internal security missions during the pandemic. On the basis of these secondary sources, the authors claimed that most of the measures taken by pS in the context of the COVID-19 crisis were compliant with OSCE norms and commitments, albeit with some weaknesses – such as a failure to clearly define the role and mission of armed forces and to implement safeguards related to the principles of necessity, proportionality, and non-discrimination.⁸ The ODIHR published its lengthy report, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, that year as well, providing a detailed and primary sourced overview of measures taken by pS to manage the pandemic, as well as specific information on the constitutional and legal frameworks used by these states to deploy armed forces internally.⁹ That 2020 report by ODIHR was analysed extensively by the research team for this study, to complement data gathered from the 2020–2022 OSCE CoC Questionnaires.

⁵ Luka Glušac and Ajla Kuduzović, 'Impact of COVID-19 on Armed Forces', Briefing Note (Geneva: DCAF, 2021).

⁶ Dawn Lui, 'Impact of COVID-19 on Security Sector Governance', Briefing Note (Geneva: DCAF, 2020).

⁷ Tania Latici, 'The role of armed forces in the fight against coronavirus', Briefing PE 649.501– April 2020 (Brussels: European Parliamentary Research Service).

⁸ Alexandre Lambert, Filip Ejduš, and Thomas Schmidt, 'Deployment of Armed Forces During the Coronavirus Crisis: Compliance with the OSCE Code of Conduct', *OSCE Insights* (2020): 71–84.

⁹ ODIHR, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*.

Scope and Objectives

This study is based on a qualitative analysis of the responses of pS to the OSCE CoC Questionnaire on the use of armed forces in the context of the COVID-19 pandemic, in order to evaluate compliance with and implementation of the CoC during the crisis, as well as the efficiency of the OSCE CoC Information Exchange mechanism. To achieve this, the study was guided by three key objectives:

1. Collect, analyse, and compare the responses of OSCE pS to the CoC Questionnaire during COVID-19.
2. Assess the extent to which pS responses aligned with OSCE CoC principles.
3. Examine the extent to which the OSCE CoC Information Exchange mechanism is fit for purpose to share national responses on the pandemic and other emerging security challenges.

In this way, the study offers a chance to review the compliance of pS with the CoC during times of crisis and draw valuable lessons for the future. At the same time, this study assesses whether implementation of the CoC is sufficient and provide pS with the necessary framework for knowledge sharing and cooperation.

Why is DCAF undertaking this study?

For years, DCAF – Geneva Centre for Security Sector Governance has actively engaged with the OSCE as a partner, and it was at the request of the Swiss Chairmanship 2019/I of the OSCE FSC that DCAF produced a study examining the CoC Information Exchange mechanism on the 25th anniversary of the adoption of the OSCE CoC.¹⁰ This research contributed towards efforts to ensure that the Information Exchange is utilized to its fullest extent as a confidence-building mechanism. More recently, DCAF has carried out research on the impact of COVID-19 on security sector governance at large,¹¹ and the armed forces specifically.¹² This current study allows DCAF to review the effectiveness of the OSCE CoC Information Exchange mechanism during the COVID-19 crisis and draw lessons for future crises. Therefore, it will be a valuable resource for OSCE stakeholders who partake in regular activities around the CoC and efforts to enhance its implementation and efficiency.

Methodological considerations

This study takes a qualitative and descriptive approach, based mostly on desk research examining official primary and secondary sources issued by or related to the OSCE. The research team first identified four questions from Section II of the OSCE CoC Questionnaire that reflected the thematic focus of this project (see Table 2, below); concerning existing legal structures and processes in pS

¹⁰ Lui, Information Exchange on the Code of Conduct on Politico-Military Aspects of Security.

¹¹ Lui, 'Impact of COVID-19 on Security Sector Governance'.

¹² Glušac and Kuduzovic, 'Impact of COVID-19 on Armed Forces'.

(Questions 2.1, 2.2, and 2.3) and the implementation of political norms and rights (Question 4.3). These questions align with paragraphs 21, 36, and 37 of the OSCE CoC (see Table 1, above). The responses of pS to these four questions in submissions from 2020, 2021, and 2022 were extracted and analysed, after submissions in languages other than English were first translated using online translation tools. The initial data collection process took place between January and May 2022. After this period, the research team conducted ad-hoc data collection, depending on when new questionnaires were submitted.

Section II	Intra-State Elements
Question 2.1	What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police and private military and security companies?
Question 2.2	How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for carrying out these procedures?
Question 2.3	What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?
Question 4.3	How does your State ensure that the Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Table 2. Questions from Section II of the OSCE CoC Questionnaire that were analysed for this research

As more data was collected, the research team found there was a need to expand the scope of the investigation as the early thematic focus of the study was not capturing the extent to which pS truly discussed the impact of COVID-19 in their responses to the CoC Questionnaire. The team decided to cast a wider net by scrutinizing each of the submissions by pS from 2020, 2021, and 2022 in their entirety. It is important to highlight that some pS submit their responses in the spring following the reporting year. More precisely, some pS submit their answers for the 2020 reporting year in 2021, while other pS submit their responses for the ongoing reporting year. This translates into inconsistencies among pS as to the timeframes on which they report. As such, to avoid any confusion, the research team categorized submissions by the reporting year they address. In addition, they explored secondary sources, including recently published reports, and determined that the 2020 report of the ODIHR, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, should be closely analysed as it clearly complemented the data gathered from responses to the CoC Questionnaire.

Structure of the study

The following sections provide an overview of the annual submissions by OSCE pS to the CoC Information Exchange in 2020, 2021, and 2022. The analysis presented here explores the extent to which pS cited the impact of COVID-19 in a given reporting year, in a structure that follows that of the OSCE CoC Questionnaire itself: Section I, inter-state elements; Section II, intra-state elements; Section III, public access and contact information; and the women, peace and security agenda. The second part of this report offers an analysis of the states of emergency imposed by pS, examined through the lens of information conveyed in the 2020 ODIHR report. This study concludes by offering some general observations and potential questions to guide future action.

Analysis of responses to the CoC Questionnaire, 2020-2022

The reports submitted annually by OSCE pS from 2020 to 2022, in response to the CoC Questionnaire, were analysed to assess the extent to which they mentioned the impact of COVID-19. The findings are detailed here, along with some preliminary conclusions about each of these reporting years. Taken together, several overarching observations can also be derived from the data, and are put forth at the conclusion of this section.

Overview of responses by pS relating to COVID-19, 2020-2022

As Table 3 (below) shows, **47** pS submitted responses to the OSCE CoC Questionnaire in 2020, but just **4** of them mentioned COVID-19 specifically (indicated by an X; see Andorra, Czech Republic, Switzerland, Ukraine). On top of this, **2** pS mentioned *epidemics*, *pandemic*, or the *epidemiological situation* (Bulgaria, Czech Republic) that year, and **1** mentioned *health and human life* (Poland). Yet, **40** pS did not mention COVID-19 or public health crises more generally.

In 2021, **50** pS submitted responses to the CoC Questionnaire, of which **21** mentioned COVID-19 (Albania, Andorra, Austria, Belgium, BiH, Bulgaria, Czech Republic, Estonia, Finland, France, Georgia, Ireland, Italy, Lithuania, Moldova, Montenegro, Russia, Slovenia, Switzerland, Tajikistan, and the US), while **1** referred to the *epidemic and the pandemic situation* (Spain). Still, **28** pS made no mention of COVID-19 or the crisis.

In 2022, **48** pS submitted responses to the CoC Questionnaire, with **17** mentioning COVID-19 (Albania, Andorra, Austria, Belgium, BiH, Bulgaria, Croatia, Estonia, Finland, France, Georgia, Italy, Kazakhstan, Lithuania, Slovenia, Switzerland, and the UK) while **31** did not.

57 participating States	2020	2021	2022
Albania	✓	✓ (X)	✓ (X)
Andorra	✓ (X)	✓ (X)	✓ (X)
Armenia	✓	✓	✓
Austria	✓	✓ (X)	✓ (X)
Azerbaijan	✓	No report	✓
Belarus	✓	✓	✓
Belgium	✓	✓ (X)	✓ (X)
Bosnia & Herzegovina	✓	✓ (X)	✓ (X)
Bulgaria	✓	✓ (X)	✓ (X)
Canada	No report	✓	✓
Croatia	✓	✓	✓ (X)
Cyprus	✓	✓	✓
Czech Republic	✓ (X)	✓ (X)	✓
Denmark	✓	✓	✓
Estonia	✓	✓ (X)	✓ (X)
Finland	✓	✓ (X)	✓ (X)

France	No report	✓ (X)	✓ (X)
Georgia	No report	✓ (X)	✓ (X)
Germany	✓	✓	✓
Greece	No report	✓	✓
Holy See	✓	✓	No report
Hungary	✓	✓	✓
Iceland	✓	✓	✓
Ireland	✓	✓ (X)	✓
Italy	No report	✓ (X)	✓ (X)
Kazakhstan	✓	✓	✓ (X)
Kyrgyzstan	No report	No report	No report
Latvia	✓	✓	✓
Liechtenstein	✓	✓	✓
Lithuania	✓	✓ (X)	✓ (X)
Luxembourg	✓	✓	✓
Malta	✓	✓	No report
Moldova	✓	✓ (X)	✓
Monaco	✓	✓	No report
Mongolia	No report	No report	No report
Montenegro	✓	✓ (X)	✓
Netherlands	✓	✓	✓
North Macedonia	✓	✓	No report
Norway	✓	✓	✓
Poland	✓	✓	✓
Portugal	✓	✓	✓
Romania	✓	✓	✓
Russian Federation	✓	✓ (X)	✓
San Marino	✓	No report	✓
Serbia	✓	✓	✓
Slovakia	✓	✓	✓
Slovenia	✓	✓ (X)	✓ (X)
Spain	✓	✓	✓
Sweden	✓	✓	✓
Switzerland	✓ (X)	✓ (X)	✓ (X)
Tajikistan	✓	✓ (X)	✓
Türkiye	No report	✓	✓
Turkmenistan	No report	No report	No report
Ukraine	✓ (X)	No report	No report
United Kingdom	✓	✓	✓ (X)
United States	✓	✓ (X)	✓
Uzbekistan	No report	No report	No report
<i>Total pS submissions (COVID-19)</i>	47 (4)	50 (21)	48 (17)

Table 3. Submissions by pS in response to the CoC Questionnaire, 2020–2022 (reporting years)

Figure 1 (below) depicts this data in another form, illustrating how many submissions from each year did or did not mention COVID-19, and how many pS did not submit responses. The highest number of submissions mentioning COVID-19 were recorded in 2021, which is probably due to the fact that some of these annual reports are submitted in the spring following a reporting year. Given that COVID-19 did not become a widespread crisis until the spring of 2020, it is unsurprising that pS did not integrate information about COVID-19 into their responses in 2020, but did so in 2021.

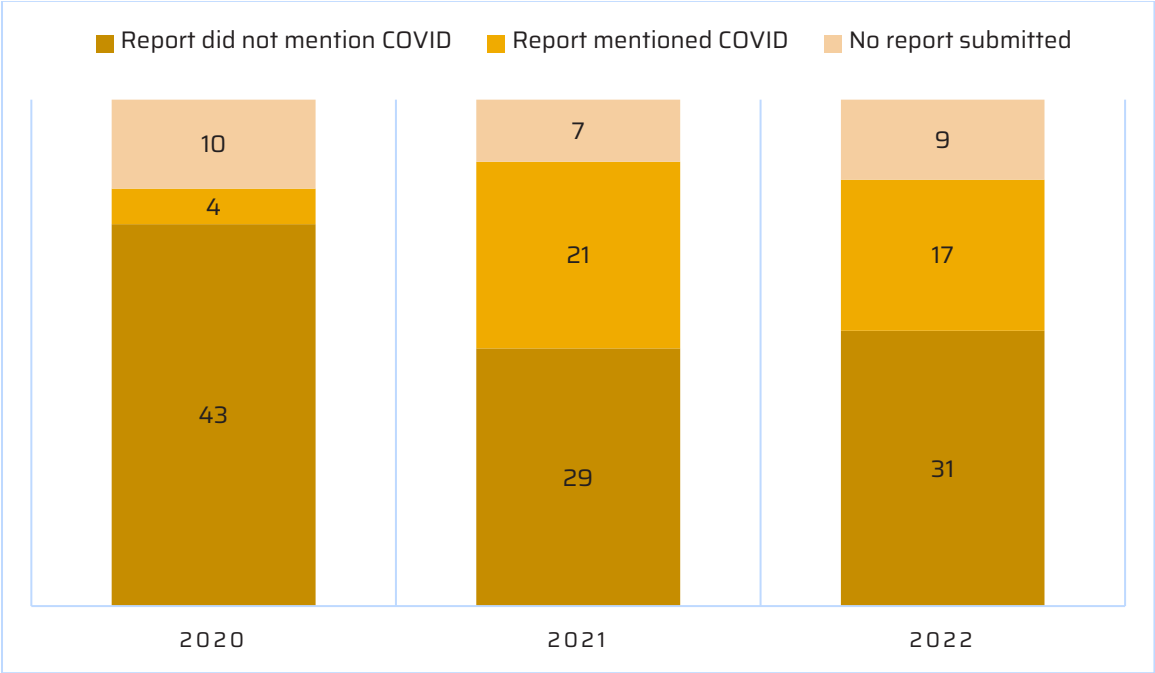


Figure 1. Submissions by pS mentioning COVID-19 in response to the CoC Questionnaire, 2020–2022

It is important to note, too, that there are discrepancies in the reporting timeframes applied by each pS. For example, some may submit responses in the spring of 2021 that capture activities from the 2020 calendar year only, while others may submit responses in the spring of 2021 that capture all activities up to the date of submission (i.e., including the first months of 2021). This reporting on different timeframes can make it difficult to draw comparisons and identify trends among pS, and contributes to a lack of clarity about what these annual responses mean collectively. Notably, the number of pS that submitted responses in the years under study remained relatively constant (47–50 out of 57). There were four pS that did not offer submissions at all in this time, however (Kyrgyzstan, Mongolia, Turkmenistan, and Uzbekistan).

pS responses to the 2020 Questionnaire

In 2020, of **47** submissions by pS to the CoC Questionnaire, **4** mentioned COVID-19, **2** mentioned epidemics or the pandemic, and **1** mentioned health and human life. These mentions of COVID-19 or related concepts occurred within the context of different questions on the CoC Questionnaire, and in one case, a pS even created a new section in order to report on measures adopted in response to COVID-19. The analysis below follows the structure of the Questionnaire and examines each response by pS that referred to COVID-19 or the crisis more broadly in their 2020 submissions.

Section I: Inter-state elements

In Section I, Questions 1.1–1.4 relate to **measures to prevent and combat terrorism**. It was in response to Question 1.3 – which inquires as to **the role of military, paramilitary, and security forces and the police**¹³ – that **Bulgaria** mentioned epidemics, explaining that these forces provide *‘support when necessary to other government organisations and local authorities to prevent and overcome the consequences of terrorist attacks, natural disasters, industrial accidents, ecological crises and epidemics’*. In response to Question 1.4, a catchall for ‘any additional relevant information’,¹⁴ **Andorra** mentioned COVID-19 as a cause of delays in implementing its national risk assessment.

In its 2020 submission, **Switzerland** took the initiative to insert a new question, *Question 1.5*, detailing *‘measures to combat the coronavirus (COVID-19)’*. This gave them a space to outline a series of ordinances adopted by the Federal Council in response to the pandemic crisis, which was officially categorized as ‘extraordinary’ under the terms of Article 7 of the Epidemics Act of Switzerland. Such a designation enables the Federal Council to issue time-limited ordinances and rulings to counter existing or imminent threats of serious disruption to public order or internal or external security. Swiss armed forces were thus mobilized to support civilian authorities at both the cantonal and federal levels, under civilian command and in support of hospitals as well as in support of the cantonal police forces and the border guard. Switzerland emphasized in its submission that all these measures taken by the Federal Council were based on the Swiss Constitution and the Epidemics Act, in conformity with human rights obligations under international law and also in line with paragraphs 24 and 25 of the OSCE Copenhagen Document (1990) and paragraph 28 of the OSCE Moscow Document (1991).

¹³ **Section I: Inter-State elements, 1. Account of measures to prevent and combat terrorism**, Question 1.3: What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

¹⁴ **Section I: Inter-State elements, 1. Account of measures to prevent and combat terrorism**, Question 1.4: Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to: Financing of terrorism; Border controls; Travel document security; Container and supply chain security; Security of radioactive sources; Use of the Internet and other information networks for terrorist purposes; Legal co-operation including extradition; Safe havens and shelter to terrorists and terrorist organizations.

In response to Question 2.1 in Section I, concerning the **stationing of armed forces on foreign territory**,¹⁵ **Bulgaria** again mentioned the COVID-19 crisis indirectly, noting that the MoD can dispatch and employ Bulgarian forces outside of Bulgarian territory for a variety of purposes, including sending *'military medical teams and field hospitals for medical support of combat activities and/or prevention and coping with the consequences of epidemics and other mass diseases threatening the lives of a significant portion of the population in the respective area'*.

Later in Section I, Question 3.2 regarding the **implementation of other international commitments** related to the CoC elicited responses mentioning COVID-19 from two pS.¹⁶ The **Czech Republic** cited COVID-19 restrictions as the reason it had not participated as a guest OSCE observer to the Dayton Peace Agreement, and **Ukraine** noted that *'verification activities were carried out only at the beginning of the year due to the COVID-19 pandemic and related quarantine measures'*. It is important to mention that Ukraine submitted their answers for the 2020 reporting year in 2021.

Section II: Intra-state elements

Poland discussed 'health and human life' in Section II, Question 3.1, which captures **procedures related to different forces personnel**,¹⁷ such as the Polish Territorial Defence Forces (TDF) – a new branch of the armed forces introduced in 2016. The tasks of the TDF *'encompass among others fighting with natural disasters and alleviating their consequences, supporting protection, rescue actions and protection of health and human life, participation in crisis management tasks and cooperation with other institutions responsible for national defence'*.

Women, peace and security

In addition, in response to the Indicative List of Issues Pertaining to Women, Peace and Security to be provided in the CoC Questionnaire,¹⁸ the **Czech Republic** pointed to the *adverse epidemiological situation* (in Part I) as a reason that certain trainings had to be conducted via e-learning tools or were cancelled due to the difficulty of transferring the content online. **Ukraine** noted (also in Part I) that the Assistant to the Head of the State Border Guard Service of Ukraine for Gender Issues, the Assistant Rector of the National Academy of the State Tax Service of Ukraine, and six representatives from the National Academy had taken part in an online webinar discussing the *security sector in a pandemic*.

¹⁵ **Section I: Inter-State elements, 2. Stationing of armed forces on foreign territory**, Question 2.1: Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

¹⁶ **Section I: Inter-State elements, 3. Implementation of other international commitments related to the Code of Conduct**, Question 3.2: Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

¹⁷ **Section II: Intra-State elements, 3. Procedures related to different forces personnel**, Question 3.1: What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

¹⁸ Indicative List of Issues Pertaining to Women, Peace and Security (WPS) to be Provided in the Questionnaire on the OSCE Code of Conduct (FSC.DEC/5/11, 13 July 2011).

The **Czech Republic** also mentioned (In Part 4) that the unveiling of a Women's Training Centre had been postponed indefinitely due to the *pandemic situation*, and that the Czech Ministry of Defence (MoD) Chief Inspector of Human Rights Protection had participated in an online international conference focused on the *impact of the Covid-19 pandemic* on military missions and on ombuds institutions for the armed forces.

Preliminary observations

Because the responses of pS to the CoC Questionnaire were largely submitted in early 2020, and may have reported only on time delimited data and in some cases on outcomes from 2019, it is logical that only a small number of states mentioned COVID-19 specifically in these submissions, and that other references to pandemics or health crises were more general and were discussed in the context of tasks sometimes assigned to security forces. Nonetheless, several pS did make direct mention of COVID-19 and its impact on CoC-related activities, including Andorra, Czech Republic, Switzerland, and Ukraine; though, Switzerland stood alone in providing a detailed chronology of steps it took in response to COVID-19. Generally, few pS discussed COVID-19 in the responses they submitted to the Information Exchange mechanism in 2020.

pS responses to the 2021 Questionnaire

In 2021, **50** of 57 pS submitted responses to the CoC Questionnaire. COVID-19 was mentioned by **21** of these pS (Albania, Andorra, Austria, Belgium, BiH, Bulgaria, Czech Republic, Estonia, Finland, France, Georgia, Ireland, Italy, Lithuania, Moldova, Montenegro, Russia, Slovenia, Switzerland, Tajikistan, and the US), while **one** more pS referred more generally to epidemics or the pandemic situation (Spain). Still, **28** pS did not mention COVID-19 or the public health emergency more broadly.¹⁹

Section I: Inter-state elements

In response to questions in Section I relating to **measures to prevent and combat terrorism**, some pS discussed COVID-19 as a reason OSCE meetings and trainings were conducted online or planned activities were delayed, and in the context of certain government restrictions. Both **Italy** and the **US** mentioned COVID-19 in response to Question 1.1, which asks about the **agreements and arrangements related to preventing and combating terrorism** to which a pS is a party.²⁰ For example, **Italy** noted that a number of meetings and seminars for the Rome-Lyon Group (RLG) dedicated to combatting terrorism, organized crime, and international trafficking were either held in a

¹⁹ Armenia, Belarus, Canada, Croatia, Cyprus, Denmark, Germany, Greece, Holy See, Hungary, Iceland, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Sweden, Türkiye, and the UK.

²⁰ **Section I: Inter-State elements, 1. Account of measures to prevent and combat terrorism**, Question 1.1: To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

virtual format or were cancelled and postponed due to the COVID-19 emergency; and also that a fortnightly video conference series was launched during this period by the International Security Association (ISA), focused on topics chosen from among those attracting the most interest at the time. In its submission, Italy discussed the hybrid threats and challenges raised by COVID-19 as well, and how social divisions and uncertainties can create security vulnerabilities. The **US** mentioned that its participation in meetings of various international organizations and platforms had also been virtual as a result of the COVID-19 crisis, and specifically referred to several counterterrorism dialogues and discussions, including UN Security Committee meetings that had focused on terrorist financing and the impact of COVID-19 on terrorism.

Three pS cited COVID-19 in Section I, Question 1.3, on **the roles and missions of military, paramilitary, and security forces, and police, in preventing and combating terrorism**. The response of **Bulgaria** mentioned that the mission of its armed forces to support international peace and security includes support when necessary to other government institutions and local authorities to prevent and overcome the consequences of terrorist attacks, natural disasters, industrial accidents, ecological crises, and epidemics. **Finland** noted that, despite the COVID-19 crisis, implementation of its National Action Plan to prevent violent radicalization and extremism had advanced nonetheless. On the other hand, **Ireland** explained that further consultations on the development of its integrated National Security Strategy had been constrained by pandemic-related restrictions.

There were also five pS that mentioned COVID-19 in the context of Section I, Question 1.4, where pS can provide 'any additional relevant information' for the Section. Here, **Albania** noted that its Counterterrorism Directorate staff had participated in 13 online trainings in 2020, while the Terrorist Financing Investigation Unit had participated in 7 online trainings, representing decreased participation by these government actors in trainings compared to 2019, as a result of the pandemic. **Andorra** mentioned that the on-site inspection procedure of the Andorran Financial Intelligence Unit (UIFAND) had been modified pursuant to the health emergency arising from COVID-19, and that '*a review and amendment of this [procedure]*' was meant to '*expressly envisage and comply with the different recommendations of the authorities in order to minimise the impact of the virus spread and to protect both UIFAND members and reporting entities*'. Moreover, Andorra referenced the adoption of several Technical Communiqués by UIFAND related to combating the financing of terrorism, including to raise awareness of the threats, vulnerabilities, and best practices identified during the COVID-19 crisis. Conversely, **BiH** noted that the authority responsible for overseeing implementation of treaties in the field of radioactive and nuclear material security had not conducted an inspection of nuclear material in BiH in 2020 due to the pandemic, although these inspections are typically performed yearly. The responses of **Austria** to this question indicated that its government had introduced temporary border controls at land crossings and along sections of the land border to support measures taken by the health authorities in the context of the pandemic. And **Italy** observed that the ongoing social and health emergency, coupled with government restrictions aimed to combat the spread of the virus, had

led to an increase in the spread of radicalizing information and incitement to protest government decisions, both online and in the streets.

Switzerland again inserted a novel question in Section 1 (Question 1.5) to capture *measures to combat the coronavirus*, under which it listed the ordinances adopted by the federal government in response to COVID-19 in chronological order. This included decisions to deploy the Swiss Armed Forces in support of the Swiss Customs Administration, cantonal police forces, and cantonal health authorities, as well as the deployment of civil protection in support of health services. Voluntary militia personnel were also authorized to assist civilian hospitals, providing medical assistance and increasing intensive care capacities. According to the Swiss submission, these measures were all *'prescribed by law'* and *'strictly necessary and proportionate to respond to the epidemic and its consequences. They are thus in conformity with Switzerland's human rights obligations under international law, in particular the Article 4 of the [ICCPR] and Article 15 of the [ECHR]'*.

Several pS discussed training operations and the domestic deployment of armed forces to deal with COVID-19 in response to Section I, Question 2.1, regarding the **stationing of armed forces in foreign territory** and particularly **on the territory of other pS**. For instance, **Albania** reported that its participation in EUTM Mali training had stopped in May 2020, in accordance with COVID-19 Adaptation Plans to reduce at-risk and nonessential mission personnel. **Belgium** explained that several factors including the COVID-19 pandemic had influenced the scope of its military operations, among them support missions in the context of the pandemic, and that domestic operational engagements in 2021 would continue to prioritize support for the fight against COVID-19. **Bulgaria** noted that the National Assembly and Council of Ministers could give permission to send Bulgarian military medical teams and field hospitals to other pS for various reasons, including to prevent or manage *'the consequences of epidemics and other mass diseases threatening the lives of a significant portion of the population in the respective area'*.

Questions 3.1 and 3.2 in Section 1 are concerned with the **implementation of other international commitments** relating to the OSCE CoC. Here, pS generally reported having postponed verification activities and relevant inspections as a result of COVID-19. In the context of Question 3.1, which asks pS for information on how they **ensure that arms control commitments are implemented in good faith**,²¹ three states cited pandemic-related challenges. **Albania** shared that it had not organized any arms control activities at all in 2020 due to the unprecedented constraints imposed by COVID-19. Similarly, **Montenegro** reported that the emergency situation caused by the pandemic had led the Montenegrin Verification Centre (within the Ministry of Defence) to limit or cancel most of the activities it had planned to improve compliance with international obligations in the field of arms control on the national level, and that meetings and conferences were organized online. The **Russian Federation**

²¹ **Section I: Inter-State elements, 3. Implementation of other international commitments related to the Code of Conduct**, Question 3.1: Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

also noted that the Open Skies Treaty had not been fully implemented in 2020 due to the COVID-19 pandemic.

Another ten pS mentioned COVID-19 within the context of Section I, Question 3.2, regarding **how pS pursue arms control measures with a view to enhancing security and stability in the OSCE area**. This was the highest number of mentions of COVID-19 in response to a single question in the years under study. In this context, **Belgium** noted that the BENELUX Arms Control Agency had postponed most of its verification activities due to the pandemic. Similarly, **BiH** reported that no inspection had been conducted in accordance with the Agreement on Sub-Regional Arms control in 2020 as a result of the COVID-19 emergency, per a decision of the Sub-Regional Consultative Commission. While two specified area inspections (from North Macedonia and Croatia) were received according to the 2011 Vienna Document, other activities within this framework were cancelled. Further, BiH was scheduled to conduct one observation flight and receive four observation flights over its territory in 2020 through the Agreement on Open Skies, but all these activities were cancelled due to the pandemic as well. The COVID-19 crisis also prevented **Bulgaria** from conducting inspections, evaluation visits, and monitoring flights under any of the three documents comprising the European arms control architecture in 2020 (the 2011 Vienna Document, the Treaty on Open Skies, and the Treaty on Conventional Armed Forces in Europe). **Estonia** reported that arms control activities were heavily disrupted by the pandemic, too, and that very few verification activities had taken place. **Italy** and **Lithuania** both referred specifically to March 2020 in their 2021 submissions, with **Italy** noting that its arms control activities had been restricted as of March 2020 due to the COVID-19 emergency and **Lithuania** reporting that it had suspended all verification activities on 13 March 2020, until the end of that year. **Moldova** cited the pandemic as the reason bilateral training inspections with other OSCE pS had been suspended. In **Montenegro**, the COVID-19 crisis meant that activities associated with the inspection regime settled on for 2020 were not executed, nor was a handover document officially signed for two QPAK mobile laboratories and one QPAK+ mobile laboratory from the Federal Ministry of Defence of the Republic of Austria for use in testing the chemical stability of gunpowder and rocket fuel. Moreover, the country noted it had rescheduled practical training for safe storage and management of ammunition from April 2020 to April 2021. **Slovenia** observed more generally that the majority of its activities were affected by the COVID-19 emergency. And **Tajikistan** reported that pandemic-related restrictions prevented any inspection teams from operating on its territory in the past year.

Section II: Intra-state elements

In Section II, Questions 1.1 and 1.2 relate to **national planning and decision-making processes** in each pS. In response to Question 1.1, concerning **the process for approving military posture and**

defence expenditures,²² four pS mentioned COVID-19 or related terms. **Austria** noted that its National Security Council had recommended in June 2020 that the Austrian Armed Forces be streamlined to prepare for new threats and challenges, including disaster relief, missions abroad, climate driven catastrophes, cyberattacks, pandemics, blackouts, and terrorism. The submission by **Canada** explained that decisions on military posture are taken by the Executive, giving the Cabinet a large role to play in this process, including in times of crisis. **Ireland** reported that its ability to conduct Reserve Defence Force (RDF) inductions during 2020 had been ‘severely impacted’ by the COVID-19 public health emergency; which is especially relevant during a crisis because the RDF consists of the First Line Reserve, Army Reserve, and Naval Service Reserve, who are available at short notice to supplement the permanent force in times of emergency. The submission of **Spain** mentioned its new National Defence Directive 1/2020, which took note of new security challenges, including pandemics.

There was one pS that mentioned COVID-19 within the context of Section II, Question 1.2, about **how pS ensure that their own military capabilities account for the security concerns of other pS as well as the need to contribute to overall security and stability**.²³ Here, **Montenegro** noted that it had been participating in the EUTM in Mali but had withdrawn the Montenegrin officer from rotation in April 2020 due to the pandemic.

Another pS mentioned COVID-19 in Section II, Question 3.3, concerning **procedures related to different forces personnel**, and specifically **the legal and administrative procedures to protect the rights of these personnel**.²⁴ **BiH** reported that the Military Commissioner had engaged in special work during the reporting period to monitor the epidemiological measures enforced at military locations (of the Armed Forces of BiH) to protect the health of military personnel during the pandemic.

Section III: Public access and contact information

In Section III, Questions 1.1 and 1.2 concern the **public accessibility of the CoC**, prompting two pS to report here that they had been forced to conduct activities online and to note the importance of keeping the public informed about pandemic-related measures. In response to Question 1.1, asking **how the public is informed about the provisions of the CoC**,²⁵ **Bulgaria** noted that the Ninth Annual Discussion on implementation of the CoC had been held online because of the COVID-19 crisis. And **Montenegro** mentioned COVID-19 in the context of Question 1.2 – where pS can provide

²² **Section II: Intra-State elements, 1. National planning and decision-making process**, Question 1.1: What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

²³ **Section II: Intra-State elements, 1. National planning and decision-making process**, Question 1.2: How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

²⁴ **Section II: Intra-State elements, 3. Procedures related to different forces personnel**, Question 3.3: What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

²⁵ **Section III: Public access and contact information, 1. Public access**, Question 1.1: How is the public informed about the provisions of the Code of Conduct?

additional information about how citizens are made publicly aware of the CoC in their states²⁶ – explaining that the public had been continuously informed in 2020 about military assistance in the fight against the pandemic, despite the constraints of the crisis. The Montenegrin Ministry of Defence also made a promotional video detailing the assistance provided by its forces to citizens during the pandemic, and managed to successfully organize and conduct a Summer Military Camp for the fifth time in 2020, respecting all health measures.

Once again, **Switzerland** inserted a new question in this section, Question 2.2, to capture ‘any other information’ about public access to the CoC. They mentioned that travel restrictions imposed in response to the COVID-19 pandemic had led to the cancellation of ‘the Expert Meeting in Vienna scheduled for June 2020, and Parliamentary Assemblies scheduled for July and for October the same year’. A CoC Conceptual Workshop, planned for October 2020, also had to be postponed due to the pandemic and was conducted virtually in January 2021.

Switzerland included an Annex on the Montreux Document and the ICoC Association (ICoCA) in its 2021 submission as well, noting that the sixth plenary meeting of the Association had taken place remotely in November 2020 as a result of the COVID-19 emergency. However, the challenges of the pandemic reportedly did not alter the goals of the ICoCA as laid out in its Strategic Plan 2019–2023.

Women, peace and security

Five pS made note of COVID-19 in the context of providing information on the women, peace and security agenda.²⁷ In **Austria**, a course focused on UNSCR 1325 and dealing with conflict-related sexual violence as well as gender-specific protections was conducted in an online format for the first time due to the pandemic. **BiH** noted that the COVID-19 crisis led its Agency for Gender Equality to ‘postpone numerous planned activities’, though the Agency did participate in online international forums and gatherings on women, peace and security, including those discussing ‘*intervention measures in support of particularly vulnerable women during the COVID-19 pandemic*’. Still, planned trainings on police integrity and gender had to be postponed. **Finland** similarly noted that training activities were severely disrupted in 2020 by the pandemic, but emphasized that this had not negatively impacted the ratio of men to women trained. But in **Lithuania**, where COVID-19 meant that trainings were organized remotely and had a limited number of openings, a female officer could not participate. **Montenegro** reported that education and awareness raising among officers on the women, peace and security agenda had been very limited in 2020, occurring only through online meetings as a result of measures taken to fight the pandemic.

²⁶ **Section III: Public access and contact information, 1. Public access**, Question 1.2: What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

²⁷ Indicative List of Issues Pertaining to Women, Peace and Security (WPS) to be Provided in the Questionnaire on the OSCE Code of Conduct (FSC.DEC/5/11, 13 July 2011).

Preliminary observations

Even though many more pS mentioned the impact of COVID-19 in their 2021 submissions to the Information Exchange mechanism, compared to submissions from 2020, most of these references to the pandemic related to planned activities that were postponed, cancelled, or conducted online. Few pS, if any, discussed the role played by, or the internal deployment of, security sector actors in managing the COVID-19 crisis. And, for the most part, pS did not outline the scope of any restrictive measures adopted in response to COVID-19. As the analysis offered in the next section demonstrates, these general observations also apply to the reports submitted by pS in 2022.

pS responses to the 2022 Questionnaire

In 2022, **48** pS submitted responses to the CoC Questionnaire, with **17** referencing COVID-19 (Albania, Andorra, Austria, Belgium, BiH, Bulgaria, Croatia, Estonia, Finland, France, Georgia, Italy, Kazakhstan, Lithuania, Slovenia, Switzerland, and the United Kingdom), and **31** making no such mention of COVID-19 or the public health situation more generally.²⁸

Section I: Inter-state elements

Only **Italy** mentioned COVID-19 within the context of Section I, Question 1.1 – concerning **the agreements and arrangements related to preventing and combating terrorism to which a pS is a party** – in its 2022 submission, noting that many meetings had been conducted virtually due to COVID-19 restrictions in 2021 and the first months of 2022. Italy also emphasized the continued need for a focus on European security given that COVID-19 had created new opportunities for organized and criminal groups.

There were two pS that referenced COVID-19 in passing in their responses to Question 1.3, on **the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism** in these states. **Bulgaria** noted that epidemics should be integrated into national security considerations in peace time, and **Finland** observed that implementing its Action Plan on preventing violent radicalization and extremism had advanced despite the COVID-19 crisis.

As was true for submissions in 2021, a number of pS mentioned COVID-19 in response to the ‘catchall’ question in Section I, Question 1.4, which captures **any additional relevant information on national efforts to prevent and combat terrorism**. Of the six pS that cited the pandemic in this context in their 2022 submissions, only Georgia had not done so in 2021. **Albania** again noted that many trainings, workshops, and meetings had been held online or in a hybrid format due to COVID-19. And **Andorra** again cited a Technical Communiqué; this time CT-04/2020, which outlined the

²⁸ Armenia, Azerbaijan, Belarus, Canada, Cyprus, Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Luxembourg, Moldova, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Spain, Sweden, Tajikistan, Türkiye, and the US.

responses of public authorities, non-governmental organizations, and the public and private sectors to the COVID-19 crisis. It also mentioned publication of the Moneyval report on ML/FT trends during the pandemic, which was aimed at raising awareness of reporting entities with respect to Moneyval's preliminary conclusions on the threats, vulnerabilities, and best practices identified amidst the crisis.

Austria reported that temporary border controls introduced due to COVID-19 had been lifted. **Belgium** also mentioned the pandemic in the context of border control, explaining that the COVID-19 emergency had delayed implementation of a new Entry-Exit System (EES). The submission of **BiH** discussed the increased spread of propaganda containing extremist and terrorism-related rhetoric that emerged due to the impacts of the COVID-19 crisis. It also reported that IAEA inspectors had not conducted an inspection of nuclear material in the country in 2021 as a result of pandemic restrictions. Similarly, **Italy** noted that arms control activities had been restricted since March 2020. **Georgia** observed that dependence on the internet and social media had increased globally during the previous year, in parallel with the spread of COVID-19 and restrictions imposed to fight the pandemic.

Just as it did in previous years, **Switzerland** inserted a novel question into Section 1 (Question 1.5), specifically dedicated to its response to COVID-19, and provided a chronological timeline of decisions and actions taken in response to the pandemic, including any restrictions and protection measures.

Two pS mentioned COVID-19 in response to Section I, Question 2.1, about **the stationing of armed forces on foreign territory, in other pS**, in much the same way they both had in the previous year. **Belgium** noted that COVID-19 had influenced decisions about the scope of military operations and said defence support on its national territory had been prioritized to meet needs related to the pandemic and natural disasters, and **Bulgaria** discussed its deployment of military medical teams and field hospitals in order to prevent or cope with the consequences of epidemics and other public health crises.

In the context of Section I, Questions 3.1 and 3.2 on the **implementation of other international commitments related to the CoC**, only **Albania** mentioned COVID-19 in response to Question 3.1, which asks for information on **how pS ensure that commitments in the field of arms control are implemented in good faith**. Albania noted that it had neither organized nor held any arms control activities in 2021 due to the 'unprecedented challenges imposed by COVID-19'.

Seven pS discussed COVID-19 in response to Question 3.2, however, concerning **how pS pursue arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area**. Here, for the second year in a row, **Belgium** reported that the BENELUX Arms Control Agency had been forced to postpone most of its verification activities due to the pandemic, and **BiH** explained that it had not carried out Vienna Document Article IX Compliance and Verification inspections and evaluation visits because of the COVID-19 crisis and had cancelled all Open Skies observation flights in 2021. **Bulgaria** reiterated that COVID-19 had significantly impacted the practical implementation of its verification activities as well, so that it had not conducted inspections, evaluation visits, or monitoring flights under any of the three documents

comprising the European arms control architecture. **Kazakhstan** reported that it had also been forced to refrain from undertaking and adopting inspection activities, or organizing international seminars on the 2011 Vienna Document goals and arms control courses, due to COVID-19. **Estonia** noted that verification activities continued to be affected by the pandemic, but that it had opened its borders to verification activities and contact visits on 30 April 2021. **Slovenia** observed that a majority of activities relating to arms control, disarmament, confidence and security-building activities in line with OSCE policy were still affected by pandemic restrictions. Only **Lithuania** stated that it had resumed all the verification activities that were suspended as a result of the pandemic, on 19 May 2021.

Section II: Intra-state elements

Just one pS mentioned COVID-19 in response to Section II, Question 1.1, in its 2022 submission. This question asks about **the national planning and decision-making process to determine or approve military posture and defence expenditures** in pS, and **Austria** noted as it had in its 2021 submission that the Austrian National Security Council had recommended the Austrian Armed Forces be streamlined to respond to new threats and challenges, including disaster relief, missions abroad, climate driven catastrophes, and pandemics.

The **UK** also mentioned COVID-19 in the context of Section II, Question 2.3, concerning **how pS control military, paramilitary, and security forces to ensure they act solely within the constitutional framework**. Emphasizing that the national response to COVID-19 had been a priority throughout 2020 and 2021, the UK explained that a COVID Support Force (CSF) had been established in March 2020, comprising 20,000 armed forces personnel from all three services in support of activities such as planning, logistics, and medical tasks. These military personnel provided strategic support and capacities across all regions of the country, and played a key role in developing a national COVID-19 testing programme and supporting frontline NHS healthcare workers. Military Air Transport also delivered 49,240 vaccines to personnel overseas. Hundreds of military personnel also supported efforts to administer vaccines.

There was also one pS that mentioned COVID-19 in response to Section II, Question 3.3, asking about **the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts**. For a second year in a row, **BiH** noted here that the Military Commissioner was monitoring the epidemiological measures put in place at military locations to protect the health of personnel in the context of the COVID-19 crisis. BiH reported that the MoD and military leadership had taken all necessary measures to limit any spread of the virus among military personnel, and that medical teams within commands and units had contributed to developing these measures. Notably, complaints regarding the application of these epidemiological measures were among those most commonly submitted to the Office of the Military Commissioner of BiH.

Section III: Public access and contact information

In Section III, Question 1.1, which inquires as to **how the public is informed about provisions of the CoC**, two pS mentioned COVID-19. **Bulgaria** noted that the Tenth Annual Discussion on implementation of the CoC was held online because of the pandemic, as it had about the Ninth Annual Discussion in its previous submission. In **Croatia**, the epidemiological situation and pandemic-related measures kept most planned promotional activities of the MoD and armed forces that involved direct contact with the public from being carried out in 2021, so these activities and other presentations mostly took place online.

Only **France** mentioned COVID-19 in Section III, Question 1.3, concerning **how pS ensure public access to information related to their armed forces**.²⁹ In its response to this question, France explained that the Ministry of the Armed Forces conducts a weekly press briefing, during which an expert or senior authority from the Ministry may be invited to present a topic of interest to the press – including the fight against COVID-19. A summary of the briefing is then distributed by e-mail (in particular, to media) and posted on the Ministry's website, and video of the briefing is uploaded to the Ministry's YouTube channel.

Women, peace and security

Five pS mentioned COVID-19 within the context of providing information on the women, peace and security agenda. **Austria** noted, as it had the previous year, that several courses it developed to meet the call of UNSCR 1325, dealing with conflict-related sexual violence and gender-specific protection needs, were conducted online in 2021 due to COVID-19. In **Belgium**, where the MoD had implemented a strategy in 2018 and 2019 to attract more women to the security sector, this initiative was not undertaken in 2020 as a result of the pandemic. **BiH** reported that members of its armed forces and police had also participated in mostly online external trainings on gender equality during the pandemic, organized by international or non-governmental organizations. It also discussed how intervention measures in support of women, the safety of whom was especially endangered by the COVID-19 crisis, had found a foothold in its Action Plan for implementation of UNSCR 1325 (2018–2022), which was promoted as a public policy that envisaged the improvement of gender-responsive approaches and support, including in the context of crisis and emergencies. While COVID-19 caused delays in the implementation of this Action Plan in BiH, and affected the continuity of regional and international cooperation, the country's Agency for Gender Equality and other institutions continued to participate in relevant forums and gatherings through online platforms. **Bulgaria** took a wide-angle view, noting that the pandemic had exposed significant shortcomings in the systematic integration of gender perspectives across the political, economic, social, and technological spheres, and had demonstrated that structural inequalities not only continue to exist but are often institutionalized and

²⁹ **Section III: Public access and contact information, 1. Public access**, Question 1.3: How does your State ensure public access to information related to your State's armed forces?

interpreted as a part of organizational or occupational culture. Meanwhile, **Lithuania** reported that it had not trained a specialist to advise and train women in armed conflict and work in international operations (missions) as an advisor on equal opportunities for woman and men because the Adviser on Gender Focal Point course had been organized remotely due to the COVID-19 pandemic.

Preliminary observations

In comparison to submissions from 2021, fewer pS specifically noted the impact of COVID-19 in their responses to the CoC Questionnaire in 2022. Those that did mention the pandemic mostly did so in relation to the postponement, cancellation, or modification of OSCE-related events and activities. Few pS discussed the role played by, or any internal deployment of, security sector actors in support of managing the health crisis. Further, most pS reported very little about the scope of restrictive measures adopted as a result of COVID-19.

General observations on responses to the CoC Information Exchange mechanism during the COVID-19 pandemic

Across the three reporting years under study (i.e. 2020, 2021, and 2022), pS that mentioned the impact of COVID-19 did so mostly in Section I, concerning intra-state elements. Many noted that activities for the OSCE, such as in-person verifications or information exchanges, were postponed or cancelled during the pandemic; affecting much of the OSCE's core business, as the regular means by which transparency is facilitated were severely impacted by restrictions imposed in response to COVID-19. While most of the pS that mentioned COVID-19 in the context of postponements or cancellations tied this to OSCE activities specifically, some also situated these delays and cancellations within the broader scope of all government or security related activities. Few mentioned other actions adopted in response to COVID-19, though there were several exceptions. For example, in its 2021 submission, **Austria** reported that it had introduced *temporary border controls* to support measures taken by its health authorities in response to the pandemic, and reported in the next year (2022) that these controls had been lifted. In its 2022 submission, the **UK** mentioned the establishment of a COVID Support Force (CSF) in March 2020, which made 20,000 armed forces personnel from all three services available to support pandemic-related activities, including planning, logistics, and medical tasks. And **Switzerland** provided a chronology of actions taken by security forces in response to COVID-19 in all three years, by introducing an additional section into their reports.

While it is clear that the OSCE CoC Information Exchange mechanism offers opportunities for pS to report on their responses to a health emergency such as the COVID-19 pandemic, many did not do so in 2020, 2021, or 2022, and those that did generally failed to provide information about the measures their governments adopted or the roles played by the military or other security forces. Only Switzerland provided regular updates on its pandemic response, in the section it added to its CoC Questionnaire submission beginning in 2020, specifically dedicated to listing and explaining relevant measures.

While it is understandable that most pS did not mention the impact of COVID-19 in their 2020

submissions, as these reports mostly capture activities carried out in the previous year, this does not explain why the impact of the pandemic was not more prevalently cited in submissions in subsequent years. It seems this may be partly attributable to the fact that pS tended to incorporate few significant changes or updates to these submissions, year-on-year, so that the substantive content has remained largely the same in each successive submission. This may be due to the Information Exchange mechanism itself, which can be viewed as rather rigid in terms of what should be included in these annual submissions; and it may also be the case that those tasked with preparing annual responses to the CoC Questionnaire do so according to an existing template, and do not stray beyond it.

Ultimately, this research demonstrated that every pS takes a different approach to responding to the CoC and has a different understanding of the scope of activities the Information Exchange is intended to capture. But the fact that more detail regarding the measures adopted by pS in response to COVID-19 was not captured in these years raises the question of how the Information Exchange mechanism can be improved. Indeed, the limited scope of responses submitted by most pS should generate concerns about the extent to which these annual submissions to the Information Exchange fulfil the objective of contributing to greater understanding between pS regarding their policies and planning in the security sector. But, more importantly, it must be asked to what extent pS are in compliance with the CoC itself given such a lack of information in their annual responses regarding measures adopted to combat COVID-19, leaving it largely unknown as to whether these measures did actually comply with the Code.

Even if pS reported only minimally about the deployment of armed forces in the context of the COVID-19 crisis, the Information Exchange mechanism remains a valuable tool for facilitating transparency and confidence building between pS. By submitting these annual responses, pS continue to demonstrate their commitment to the principles enshrined in the CoC, and they contribute to a growing wealth of information on the politico-military aspects of security in their states. At the same time, the CoC remains an important guiding document, as it outlines principles and norms that ensure security forces are under democratic civilian control and do not exceed their mandate in times of peace or in times of crisis.

The COVID-19 pandemic has provided unique insights into the degree to which the Information Exchange mechanism has been responsive to the socio-political context of this time. What this study has shown is that, at the end of the day, the Information Exchange is what pS make of it and its utility depends on their contributions. When pS provide extensive information regarding their security architecture, the mechanism is at its most useful because it serves as a repository for transparency and confidence building between pS. Security cooperation will always be a work in progress, but it is clear that any and all efforts which can facilitate an exchange of information between pS will continue to contribute in very valuable ways to encouraging the norms of responsible and cooperative behaviour in the security sector that are enshrined in the CoC.

States of emergency declared by pS in the context of COVID-19, based on the 2020 ODIHR report

The COVID-19 pandemic tested democracies worldwide, depleting national health systems, social services, local governments, and security agencies of resources and exposing the fragility of international organizations and multilateral cooperation. In response to the crisis, some pS declared a state of emergency, though all of them have been able to relax emergency measures as of early 2023, as the pandemic has abated considerably. Not every pS found it necessary to introduce a state of emergency, which derives from a governmental declaration made in the context of an extraordinary situation that poses a fundamental threat to a state, and these states merely adopted individual measures to restrict or deter specific behaviours. Armed forces were also deployed within the European part of the OSCE region, as the 2020 ODIHR report details.³⁰

The *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic* report complements the data gathered and analysed in the previous section. The report relied similarly on data received from pS, along with other pertinent information collected by ODIHR from a variety of sources, including first-hand testimonies collected primarily through personal (online) interactions with partners, such as governments, international organizations, academic bodies, civil society, and people living in OSCE pS.

Categorizing the responses of pS to the COVID-19 pandemic

Because the ODIHR report focused solely on the first year of the pandemic (2020), it helps fill in some of the gaps in data collected from responses to the CoC Questionnaire, providing more information on the initial measures adopted by pS when the pandemic emerged. In analysing the ODIHR report, researchers noted that pS could be divided into three groups based on the extent to which they imposed emergency or other measures in response to the COVID-19 crisis. A first group declared a *state of emergency and derogations from international human rights mechanisms*, a second declared a *special emergency status with no derogations*, and a third adopted *only restrictive measures*, as shown in Figure 2 (below). It is possible that some pS were unable to declare a state of emergency or a special emergency status, if their constitutions do not contain provisions explicitly permitting such a declaration.

It must be underlined that, generally speaking, the pS that declared a state of emergency or special emergency status also adopted restrictive or deterrent measures. However, the choice of some pS to declare an official emergency provided them the power and legal mechanisms to adopt and implement certain extraordinary measures. For example, declaring a state of emergency allowed pS to derogate

³⁰ ODIHR, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*.

from international human rights standards within a defined legal framework. Meanwhile, pS that instead implemented individual measures did so on the basis of existing or newly introduced public health legislation, which was in many cases adopted quickly and without significant oversight.

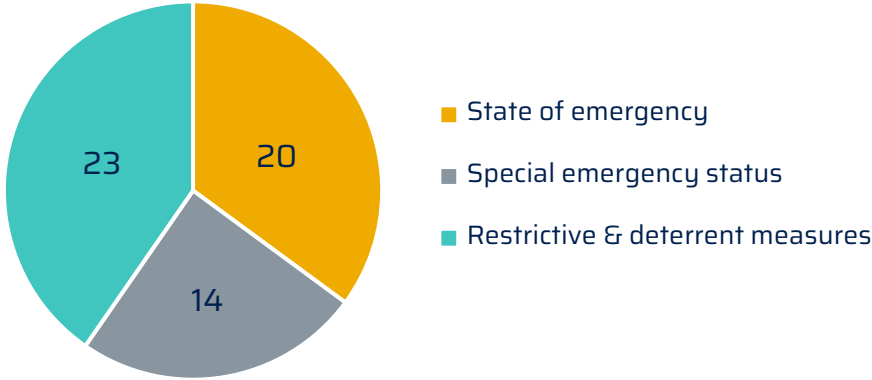


Figure 2. The responses of pS to the COVID-19 pandemic, by category

According to the ODIHR report: 20 of 57 pS declared a state of emergency based on existing national legislation; 14 declared a special public health emergency; and the remaining 23 only adopted restrictive measures, based on existing legislation or on new legislation enacted specifically to respond to the COVID-19 crisis.

State of emergency

The 20 OSCE pS that declared a state of emergency based on existing constitutional provisions were Albania, Armenia, BiH, Bulgaria, Canada, Czech Republic, Estonia, Finland, Georgia, Italy, Kazakhstan, Kyrgyzstan, Luxembourg, Moldova, North Macedonia, Portugal, Romania, San Marino, Serbia, and Slovakia. Of these, 11 sought formal derogations from international human rights standards, related to the freedom of assembly and association, the freedom of movement, the right to liberty and a fair trial, and rights to privacy, education, and property. International covenants stipulate that any derogations or restrictive measures that interfere with the exercise of human rights and fundamental freedoms should be temporary and proportionate to their aims, as well as necessary and limited in duration as required by the emergency situation. For example, derogations formally sought by **Estonia** from Articles 9, 12, and 22 of the ICCPR as well as from Article 2 Protocol 4 and Article 4 of the ECHR, and by **Armenia** from Articles 9 and 12 of the ICCPR as well as Article 5 of the ECHR, were in effect for 30 to 60 days.

Special emergency status

A special public health emergency was declared in 14 pS, such as in **France**, which declared a ‘State of Health Emergency’ as provided for in Law nr. 55-385 (1955). Additionally, in **Germany**, an

'epidemic situation of national significance' was proclaimed on the basis of its federal Infectious Disease Prevention Act, and **Hungary** declared a 'state of danger' based on its Fundamental Law. In some cases, the legal bases used to enact lockdowns and restrictive measures were less clear, however, as with the introduction in **Lithuania** of the special status of 'quarantine'. In **Switzerland**, it was not a state of emergency that was declared but an 'extraordinary situation', based on its Constitution and Epidemics Act, along with the adoption of additional primary legislation. The other pS that declared a special emergency status of some sort were Andorra, Latvia, Malta, Montenegro, Netherlands, Poland, Slovenia, Spain, and Ukraine.

Restrictive and deterrent measures

The 23 pS that only adopted restrictive measures were Austria, Azerbaijan, Belarus, Belgium, Croatia, Cyprus, Denmark, Greece, Holy See, Iceland, Ireland, Liechtenstein, Monaco, Mongolia, Norway, Russian Federation, Sweden, Tajikistan, Turkey, Turkmenistan, the UK, the US, and Uzbekistan. **Croatia** is a good example of a pS with a constitution that does not employ the term 'state of emergency', so it adopted restrictive measures mostly on the basis of existing health safety and disaster legislation, including statutes on civil protection and the prevention of infectious diseases, albeit with some amendments. **Ireland** is another country that lacks the constitutional framework to formally declare a state of emergency (or equivalent) and relied both on existing public health safety and disaster legislation that confers the authority to implement restrictive measures as well as the adoption of additional legislation aimed at responding to the COVID-19 pandemic. The **UK** also adopted restrictive measures based on a newly introduced Coronavirus Bill, published in March 2020, which granted emergency powers to the authorities to prevent the pandemic from spreading.

All pS instituted curfews, lockdowns, movement restrictions, and quarantines in response to COVID-19, but some introduced deterrence measures as well, such as high fines or even imprisonment. Among the pS that imposed these measures of deterrence were those that declared a state of emergency or a special emergency status, such as **Canada**, which reinforced these measures with fines up to CAD 1 million, as well as with imprisonment for up to six months for violations of the 14-day quarantine or up to 3 years for putting other individuals at risk. In **Belgium** and **Poland**, individuals were fined for not respecting lockdown measures, and in **Romania**, pandemic-related offenses were sanctioned by imprisonment of six months to seven years. **France** introduced a three-strikes system, announcing significant fines and six months imprisonment for three lockdown violations in a 30-day period. As the pandemic unfolded, however, ODIHR noted that many states made efforts to amend measures that had become unnecessary or disproportionate, and several courts held that the continued application of certain emergency measures was in fact disproportionate. In **BiH**, for example, the curfew for persons under 18 and above 65 years old was lifted in line with a ruling from its Constitutional Court.

Deployment of armed forces

The ODIHR report noted that pS across the European part of the OSCE region experienced a militarization of the public sphere during the COVID-19 crisis. State officials and politicians often used war metaphors in their political discourse to describe the dire situation caused by the pandemic, paving the way for both the warranted and unwarranted use of armed forces in managing the crisis. Historically, armed forces have played a central role in containing pandemics, from the 1918 Spanish flu to the 2009 H1N1 pandemic, so it is not surprising that some pS used these forces to tackle the challenges of COVID-19. In some pS, this involved large-scale operations, such as Operation Resilience in **France** or Operation Restrict in the **UK**.

During the pandemic, the use of armed forces in most pS was 'in conformity with constitutional procedures' (Article 36 of the CoC), but the measures and actions taken by these forces were not reflected in annual OSCE CoC Questionnaire responses at the beginning of the crisis, with the exception of those submitted by **Switzerland** and the **UK**. However, the ODIHR report detailed the wide variety of tasks for which armed forces were mobilized, ranging from logistics and transportation, to medical support, to research and development, to governance support and internal security. Parliamentarians in **Bulgaria** voted to allow the military to curb social movements during the pandemic, for instance. In **Romania**, the military was used to support the establishment of mobile hospitals and administer vaccines. And in **North Macedonia**, **Slovakia**, and **Spain** military personnel administered COVID-19 testing.

General observations on the 2020 ODIHR report

Categorizing pS according to whether they declared a state of emergency, imposed a special emergency status, or adopted restrictive measures proves useful in understanding the legal frameworks within which these states adopted pandemic-related measures, and thus complements the responses submitted by pS annually to the CoC Questionnaire. While some pS were able to declare a state of emergency or special emergency status based on provisions within their constitution, others had to introduce new legislation to implement restrictive measures because their constitutions did not provide for these extraordinary declarations. The fact that some pS introduced measures of deterrence (such as high fines or imprisonment) to enforce COVID-19 restrictions, even in the context of emergency declarations, raises questions about the proportionality of such measures and their impact on human rights. Differences in legal frameworks across OSCE pS can clearly impact their ability to respond to emergencies, including pandemics.

Concluding comments

The COVID-19 pandemic had an unprecedented impact on societies and their institutions, leading governments around the world to deploy all available resources, including armed forces. As the ODIHR report detailed, more than one-third of OSCE pS declared a state of emergency or introduced special emergency regimes, while others applied restrictive lockdown measures. Furthermore, across the European part of the OSCE region, armed forces were mobilized to provide transportation, medical support, research and development, governance support, and internal security. It is challenging to draw conclusions regarding the use of armed forces by pS in the context of COVID-19 because so few mentioned the pandemic in their OSCE CoC Questionnaire responses, but several conclusions nonetheless emerge from the research undertaken thus far and are elaborated below.

Annual responses to the CoC Questionnaire

Because COVID-19 did not emerge in most of the world until the spring of 2020, it is not unexpected that pS would not mention the pandemic in their responses to the CoC Questionnaire submitted that year, but instead discussed the impact of COVID-19 in responses submitted in 2021. There are also some discrepancies in the timeframes on which pS reports, as some capture only activities from the previous calendar year while others include activities up to the date of submission, usually in the spring. As a consequence, the annual responses of pS account for different periods of time, which makes it more challenging to analyse these responses collectively. Still, less than half of pS mentioned COVID-19 even in their 2021 and 2022 submissions.

Across all the reporting years under study, pS mentioned the impact of COVID-19 most often in the context of Section I (inter-state elements) of the CoC Questionnaire, and especially in reference to ways the pandemic-related restrictions forced security sector actors to shift their activities online, or to delay or cancel in-person meetings or verification activities. Only a few pS discussed COVID-19 within the context of Section II (intra-state elements) or Section III (public access), though some did discuss the pandemic in response to questions related to their implementation of the women, peace and security agenda. Little to no information was provided by pS concerning the internal deployment of armed forces in response to the COVID-19 crisis (OSCE CoC §36 & §37), or regarding any amendments to the constitutional and legal responsibilities and roles of security forces or oversight institutions (OSCE CoC §21). Therefore, the extent to which decisions by pS to deploy armed forces for these purposes were in conformity with constitutional procedures remains unknown, as does whether any such deployment was clearly prescribed and subject to effective oversight and control.

The lack of information provided by pS concerning measures they adopted in response to COVID-19, and the resulting ambiguity about whether these measures comply with the CoC, raises two key questions: 1) Are the annual responses of pS to the Information Exchange mechanism fulfilling the objective to contribute to a greater understanding between pS regarding their policies and planning in

the security sector?; and, 2) To what degree can it be said with confidence that pS are in compliance with the CoC?

Just two pS (Switzerland and the UK) provided responses to the CoC Questionnaire that discussed in detail how their armed forces had provided support to civilian authorities during the COVID-19 crisis. Switzerland offered the most comprehensive responses concerning pandemic-related measures it had introduced by adding a novel question to Section I (inter-state elements) of the CoC. The UK noted that a COVID Support Force (CSF) had been established, comprised of 20,000 armed forces personnel, to support COVID-19 activities such as planning, logistics, and medical tasks. It is possible that other pS did not mention the impact of COVID-19 in responses to the CoC Questionnaire because they view the Information Exchange mechanism as rather rigid in terms of which substantive matter should be included in annual submissions, and if templates are used to prepare these annual submissions, it is also possible that pS prefer to remain within these confines and are not apt to incorporate novel information that falls outside the normative framework of the Questionnaire.

This scarcity of information related to the deployment of armed forces by pS in response to the pandemic does not detract from the value of the Information Exchange mechanism, which remains a robust tool for facilitating transparency and confidence building between OSCE pS, and beyond. By submitting responses on a yearly basis, pS not only demonstrate their commitment to the principles enshrined in the CoC but contribute towards a growing wealth of data on the politico-military aspects of security in their states. As this study has shown, the utility of the Information Exchange mechanism depends on the contributions of pS; and those which have provided detailed information about their security architecture should continue to do so. Switzerland is a perfect example of this, as it chose to create a novel question that would allow it to report on the use of armed forces during the pandemic in precisely the spirit of transparency and confidence building that the Information Exchange is intended to foster. Any efforts to facilitate this kind of information exchange will contribute in crucial ways to normalizing responsible and cooperative behaviour in the field of international multilateral security, in line with the CoC.

ODIHR report

The findings of the 2020 ODIHR report allowed researchers to categorize pS according to whether they declared a state of emergency (20), adopted a special emergency status (14), or only implemented restrictive measures (23) in response to the COVID-19 crisis. It is notable that 11 of the 20 pS that declared a state of emergency also formally derogated from international human rights mechanisms. The introduction of severe restrictive measures, including high fines and imprisonment, was also observed in pS. The 2020 ODIHR report also found that the armed forces of pS were mobilized for a variety of tasks to help civilian authorities respond to and manage the pandemic, ranging from logistics and transportation, to medical support, to research and development, to governance support and internal security.

A comparison of the annual submissions of pS pursuant to the Information Exchange and information derived from the ODIHR report reveals that these two data sets paint very different pictures of the political and security landscapes of OSCE pS during COVID-19. Relying solely on the annual responses of pS to the CoC Questionnaire, one would believe that the most pressing problems faced by pS were postponed or cancelled meetings, or having been forced to conduct activities online. This is a far cry from the impression made by the ODIHR report, which may instead leave one wondering about the legitimacy of restrictive measures imposed by pS in response to the pandemic.

Arguably, these two data sets serve different purposes, though, and each with a different audience in mind. Annual submissions to the Information Exchange mechanism are shared by pS, usually through their ministry of defence, to enhance security cooperation and further encourage norms of responsible and cooperative behaviour. The ODIHR report, on the other hand, was published as part of internal efforts to respond to the human rights challenges caused by the COVID-19 crisis, across the OSCE. In other words, the Information Exchange is meant to facilitate transparency among OSCE pS regarding the politico-military aspects of their security architectures. The ODIHR, an office of the OSCE, provides support, assistance, and expertise to pS and civil society to promote democracy, the rule of law, human rights and tolerance, and non-discrimination, and wrote its report with a focus predominantly on the human rights aspects of COVID-19.

The CoC and the Questionnaire

This study demonstrates that pS generally respond to the CoC Questionnaire in a similar manner every year, and do not necessarily take into account current events impacting the politico-military aspects of security provision. Yet, it is plainly evident that emerging security challenges such as COVID-19 impact all states, and some pS did recognize the importance of sharing details of their legislative response to the pandemic and information concerning the deployment of their armed forces in this context. Most did not, however, and a failure by these pS to mention measures adopted in response to COVID-19, especially over several years, indicates that they do not understand the need to share this kind of information; despite the cover note to the 2009 CoC Questionnaire, which stipulates that the purpose of the Information Exchange is to demonstrate the commitment of pS to transparency, and thus contribute to implementation of the CoC.

The methodological approach of this study also highlights a disconnect between the 1994 CoC and the 2009 CoC Questionnaire. For this research, the three paragraphs of the CoC identified as most relevant to the COVID-19 crisis were paragraph 21, concerning the importance of the constitutional framework that governs the roles and responsibilities of the armed forces, as well as paragraphs 36 and 37, which contain provisions for the assignment of armed forces in internal security missions. In contrast, the four questions from the CoC Questionnaire considered most relevant to this study were Section II, Questions 2.1, 2.2, and 2.3, related to the existing legal structures and processes in pS, and Section II, Question 4.3, about the implementation of other political norms, principles, decisions and international humanitarian law. The fact that the CoC Questionnaire does not directly reflect the

provisions of the CoC certainly makes it reasonable to ask whether these two documents are entirely comparable in their scope.

Furthermore, this study has highlighted that pS seem to have very different ideas of what is expected in their responses to the CoC Questionnaire, as well as timelines for submitting their responses. While the 2010 Reference Guide offers a list of topics to be discussed under each question, it is apparent from having examined the annual submissions of pS over three years that there is no common understanding of the scope and depth required by each question. It was for this reason that researchers expanded this study to include responses to all the questions on the CoC Questionnaire, which only confirmed that pS provided widely varying answers in response to every question.

The future of the Information Exchange mechanism

Despite a lack of clarity regarding the scope of the CoC and the corresponding Questionnaire (and the 2010 Reference Guide), the OSCE Code of Conduct and the Information Exchange mechanism nevertheless serve as a vital platform for dialogue and for sharing best practices on how to address security challenges. In the context of this study, Switzerland was one of the few pS to provide detailed and elaborate responses to the Information Exchange, and did so by introducing an additional question within Section I of the CoC Questionnaire, thereby demonstrating the potential for the Information Exchange mechanism to incorporate new questions in response to emerging security challenges. More generally, pS could consider amending the Questionnaire to better address growing security challenges that could involve the deployment of armed forces, such as health crises, extreme weather events, and natural disasters. It would be beneficial if future research were to further examine how the OSCE CoC Information Exchange mechanism could be expanded and adapted to meet the requirements of modern emergencies and security challenges, and also strengthened as a confidence-building tool among OSCE pS.

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