

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTRY OF DEFENCE OF THE KINGDOM OF DENMARK

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF FINLAND

AND

THE MINISTRY FOR FOREIGN AFFAIRS OF ICELAND

AND

THE MINISTRY OF DEFENCE OF THE KINGDOM OF NORWAY

AND

THE GOVERNMENT OF THE KINGDOM OF SWEDEN

ON

NORDIC DEFENCE COOPERATION

The Ministry of Defence of the Kingdom of Denmark, the Ministry of Defence of the Republic of Finland, the Ministry for Foreign Affairs of Iceland, the Ministry of Defence of the Kingdom of Norway and the Government of the Kingdom of Sweden, hereinafter referred to as "the Participants",

Respecting the spirit of partnership and cooperation that exists between the Participants, and desiring to further develop mutual relations in the field of defence in a way that is based on mutual respect, confidence and understanding;

Acknowledging any obligation that may follow from the Participants' membership in the European Union (EU) and/or the North Atlantic Treaty Organization (NATO);

Having regard to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA) done at London on 19 June 1951, and the Agreement among the States parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace Regarding the Status of their Forces (PfP SOFA), done in Brussels on 19 June 1995;

Recognising the Participants' longstanding cooperation as represented by the Nordic Armaments Cooperation (NORDAC), the Nordic Coordinated Arrangement for Military Peace Support (NORDCAPS) and Nordic Supportive Defence Structures (NORDSUP) as well as regular meetings of the Nordic Ministers of Defence and the annual meetings of the State Secretaries/Permanent Secretaries, Chiefs of Defence and other representatives of defence establishments;

Acknowledging the Agreement between the Kingdom of Denmark, the Republic of Finland, the Kingdom of Norway and the Kingdom of Sweden concerning Support for Industry Cooperation in the Defence Materiel Area done in Turku on 9 June 2001;

Wishing to develop and further explore areas of cooperation based on a political ambition of a comprehensive, enhanced and long-term approach to defence related issues;

Hereby desiring to establish a comprehensive framework for all Nordic Defence Cooperation activities within the areas of policy, capabilities and operations;

have reached the following understanding:

SECTION 1 PURPOSE AND OBJECTIVES

1. The purpose of the Nordic Defence Cooperation (NORDEFECO) is to strengthen the Participants' national defence, explore common synergies and facilitate efficient common solutions. This Memorandum of Understanding (MoU) provides the framework for comprehensive Nordic Defence Cooperation between the Participants.
2. The objectives of Nordic Defence Cooperation include, but are not limited to:
 - a. A comprehensive, enhanced and long-term approach to defence related issues;
 - b. Identify, discuss and strive for a common understanding of defence related strategic and policy issues of common interest;
 - c. Increase operational effect and quality of the armed forces;
 - d. Strive for an optimum resource allocation and cost-efficiency in defence related areas;
 - e. Enhance interoperability within existing standards and the capability to act jointly;
 - f. Develop cooperation in the area of multinational operations, defence related security sector reform and capacity building in support of international peace and security;
 - g. Achieve technological benefits;
 - h. Promote the competitiveness of the defence industry; and
 - i. Strengthen cooperation on any other possible future area of cooperation.

SECTION 2 SCOPE

1. The Participants will, on the basis of this MoU, enhance the Nordic Defence Cooperation and identify new possible initiatives for cooperation in the areas of policy, capabilities and operations.
2. General conditions applicable to all or parts of the Nordic Defence Cooperation will be concluded. Additional subordinate agreements or arrangements relating to areas and/ or activities will be concluded as deemed necessary between the Participants. These agreements and arrangements will be concluded under the auspices of this MoU. In case of inconsistency between the MoU and any subordinate agreement or arrangement concluded under the auspices of this MoU, the text of the MoU will prevail.
3. The working procedures regarding the Ministers meeting, Nordic Defence Policy Steering Committee and Nordic Military Coordination Committee will be laid down in a separate Terms of Reference as decided by the Nordic Defence Policy Steering Committee.
4. The Nordic Defence Cooperation is characterised by its transparency as well as non-exclusiveness and it is open for all Nordic countries to attend. Nothing in this MoU will imply any obligation for the Participants to commit themselves to participating in certain activities or projects. Unless otherwise agreed, each

Participant retains the right to withdraw at any stage from activities and projects conducted under the auspices of this MoU.

5. This MoU or any subordinate agreements or arrangements will not preclude other bi- or multilateral agreements or arrangements between all or some of the Participants.
6. This MoU is not intended to conflict with national legislation of the Participants or with international law. In case of conflict, international law or national legislation will prevail. The Participants will notify each other in the event of any conflict arising.

SECTION 3 ORGANISATION

1. The Nordic Defence Cooperation has an annually rotating chairmanship. At the political level the Ministers of Defence normally meet twice a year. The State Secretaries/Permanent Secretaries normally meet once every year. At the highest military level/equivalent level, the Chiefs of Defence meet on a regular basis, normally twice a year, to discuss Nordic Defence Cooperation. At the ministerial level Nordic Defence Cooperation will be steered by the Nordic Defence Policy Steering Committee. At the military level the Nordic Military Coordination Committee will manage the Armed Forces' cooperation.

The Nordic Defence Policy Steering Committee

2. The Nordic Defence Policy Steering Committee (NORDEF PSC) will steer, identify, develop, implement and monitor activities under the auspices of this MoU.
3. The functions of Nordic Defence Policy Steering Committee cover, but are not limited to the following:
 - a. Identify and decide on defence related strategic and policy issues of common interest;
 - b. Ensure coherence of the Nordic Defence Cooperation;
 - c. Provide guidance to the Nordic Military Coordination Committee; and
 - d. Task the Nordic Military Coordination Committee to prepare, recommend and implement decisions.
4. The Nordic Defence Policy Steering Committee will consist of members from the Ministries of Defence or other relevant bodies of the Participants and will normally meet in different sessions (policy, capabilities and operations). At the Participant's discretion, the members of the Nordic Defence Policy Steering Committee may be assisted by strategic level national military representatives and/or experts.

The Nordic Military Coordination Committee

5. The Nordic Military Coordination Committee (NORDEF MCC) will coordinate, implement and monitor the Armed Forces cooperation.
6. The functions of Nordic Military Coordination Committee cover, but are not limited to the following:
 - a. Ensure the coordination and management of the comprehensive cooperation as well as identify and propose new cooperation measures;
 - b. Establish required organisational structures and processes for the cooperation on military level as necessary;
 - c. Identify and forward policy related matters to the Nordic Defence Policy Steering Committee and
 - d. Provide military advice to the Nordic Defence Policy Steering Committee with the aim to further develop the cooperation.
7. The Nordic Military Coordination Committee will consist of national representatives from the strategic military level or other relevant bodies of the Participants. The Nordic Military Coordination Committee may meet in different sessions; capabilities and operations. Representatives to the Nordic Military Coordination Committee may be assisted by experts at their own discretion.

SECTION 4 FINANCIAL PROVISIONS

1. Unless otherwise agreed, each Participant will cover its own expenses derived from activities and projects conducted under the auspices of this MoU.

SECTION 5 SECURITY AND PROTECTION OF CLASSIFIED INFORMATION

1. Any classified information and material that may be exchanged or generated in connection with this MoU will be used, transmitted, stored, handled and safeguarded in accordance with the provisions of the Nordic Security Agreement between Denmark, Finland, Norway and Sweden of 1 September 1995, or any successor agreement or arrangement.

SECTION 6 STATUS OF FORCES

1. The Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of their Forces, done in Brussels on 19 June 1995 (NATO/PfP SOFA), with regard to reservations and statements made by States Parties to this Agreement, will, together with its Additional Protocol, apply to the status of forces of the Sending State while conducting activities or projects under the auspices of this MOU on the territory of the Receiving State.

SECTION 7 COOPERATION WITH OTHERS THAN THE PARTICIPANTS

1. Nordic Defence Cooperation activities or projects with others than the Participants to this MoU will be based upon a pragmatic approach, as a result of a defined needs assessment. The Participants to a specific activity or project will jointly formulate the provisions under which such cooperation may be performed.

SECTION 8 AMENDMENTS AND SUPPLEMENTS

1. This MoU may be amended and supplemented at any time by mutual written consent by the Participants. Amendments and supplements will come into effect upon the date of the latest signature and will be numbered consecutively.

SECTION 9 DISPUTES

1. Any dispute regarding the interpretation or application of this MoU will be resolved through negotiations between the Participants at the lowest level possible, and will not be referred to any national or international tribunal or other third party for settlement.

SECTION 10 FINAL PROVISIONS

1. This MoU will come into effect thirty days after its signature.
2. On the date of coming into effect of this MoU the Memorandum of Understanding between the Ministry of Defence of the Kingdom of Denmark, the Ministry of Defence of the Republic of Finland, the Ministry for Foreign Affairs of the Republic of Iceland, the Ministry of Defence of the Kingdom of Norway and the Government of the Kingdom of Sweden concerning Nordic co-ordinated arrangement for military peace support (NORDCAPS) of 8 November 2006 and Memorandum of Understanding between the Ministry of Defence of the Kingdom of Norway and the Government of the Kingdom of Sweden and the Ministry of Defence of the Republic of Finland and the Ministry of Defence of the Kingdom of Denmark and the Ministry for Foreign Affairs of Iceland on Nordic Supportive Defence Structures (NORDSUP) of 11 November 2008 will terminate. The Framework agreement between Denmark, Finland, Norway and Sweden concerning armaments cooperation (NORDAC) of 7 November 2000 will be terminated by an agreement between the parties and the termination will enter into force on the same date as this MoU comes into effect.

3. On the date of coming into effect of this MoU, the following documents concluded under the auspices of the arrangements mentioned in section 10.2 will terminate:
 - a. Technical Arrangement between Defence Command Denmark, the Ministry of Defence of Finland, the Headquarters Defence Command Norway and the Swedish Armed Forces concerning the Establishment, Operation, Funding and Administration of the Planning Element as part of the Nordic Co-ordinated Arrangement for Military Peace Support of 7 April 2003; and
 - b. Co-operation Agreement between Defence Command Denmark, the Defence Staff of the Finnish Defence Forces, Headquarters Defence Command Norway and the Swedish Armed Forces concerning Armaments Co-operation of 15 February 2001.
4. Agreements and arrangements not mentioned in section 10.3 that have been concluded under the auspices of the arrangements mentioned in section 10.2 will stay in effect, until reviewed and decided on their possible termination.
5. Any reference in agreements and arrangements mentioned in section 10.4 to organisational structure is to be interpreted as a reference to the organisational structure according to this MoU.
6. The personnel of the NORDCAPS Planning Element (PLE) will continue to take care of the tasks of the PLE until all knowledge of the PLE has been safeguarded and the tasks of the PLE have been handed over to the relevant bodies of the new structure as decided by the Nordic Military Coordination Committee. All existing sub-groups below the military coordination level of NORDAC, NORDCAPS and NORDSUP will continue to exist until otherwise decided by the Nordic Military Coordination Committee.
7. All decisions, tasking and guidance for the PLE personnel and the sub-groups mentioned in section 10.6 will continue to apply until otherwise decided by the Nordic Military Coordination Committee.
8. This MoU will remain in effect for an indefinite period of time.
9. Each Participant may withdraw from this MoU by giving at least 12 months written notice to the other Participants. Alternatively, the Participants may by mutual written consent terminate this MoU at any time.
10. If the MoU is terminated, or if any of the Participants withdraw from the MoU, the Participants will initiate negotiations to settle all outstanding issues in accordance with this MoU.

Signed in Helsinki, on 4 November 2009, in five originals, drawn up in the English language, one for each Participant.

For the Ministry of Defence of the Kingdom of Denmark

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Søren Gade
Minister of Defence

For the Ministry of Defence of the Republic of Finland

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Jyri Häkämies
Minister of Defence

For the Ministry for Foreign Affairs of Iceland

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Thordur Aegir Oskarsson
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For the Ministry of Defence of the Kingdom of Norway

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Grete Faremo
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Sten Tolgfors
Minister for Defence