

# Act on Peace Support Operations 2000

## Chapter 1. Organizing peace support activities

**Section 1.** (750/2000) **Scope of application.** Finland may participate in military crisis management and peace support (hereinafter *peacekeeping activities*) based on a decision by the United Nations (UN) or the Organization for Security and Co-operation in Europe (OSCE) that aims at preserving international peace and security or protecting the execution of humanitarian aid and the civilian population.

This Act shall apply, as applicable, to the participation of a Finnish peacekeeping organization in the execution of humanitarian aid or protection of same on request by a special organization or agency of the UN.

This Act shall not apply to participation in coercive military measures governed by articles 42 and 51 of the Charter of the UN.

**Section 2.** (1465/1995) **Decision on participation.** On the proposal of the Government, the President of the Republic shall decide on Finland's participation in peacekeeping activities and on the termination of participation, in each case separately. Before introducing the proposal to deploy a peacekeeping force, the Government shall consult the Foreign Affairs Committee of Parliament. Furthermore, the Government shall consult the Foreign Affairs Committee of Parliament if major changes are planned in the tasks of the Finnish force.

If the rules of engagement of the peacekeeping force are planned to be wider than in traditional peacekeeping, the Government must consult Parliament by submitting a report detailing the rules of engagement in the operation in question prior to introducing the proposal. The procedure shall be the same if a widening of the rules of engagement of the peacekeeping force is planned during the peacekeeping operation. (750/2000)

The Ministry of Defence may decide upon minor increases or decreases in the peacekeeping activity.

**Section 3. (750/2000) *Organization, chain of command, internal order and authority.*** The Finnish peacekeeping organization may consist of peacekeeping forces, separate units, military observers and individuals. Operationally, the peacekeeping organization shall fall within the authority of the executor of the peacekeeping operation, and otherwise within the purview of the Ministry of Defence. In the practical execution of peacekeeping activities, the organization shall form part of the Defence Forces and shall be subordinate to the Defence Staff as provided in this Act or, unless the authority of the Supreme Commander provides otherwise, as the Ministry further specifies.

The Ministry of Defence shall confirm the strength and the type of unit and the administrative position and authority of the elements of the peacekeeping organization.

Internally, the peacekeeping organization shall observe military order.

**Section 4. (1465/1995) *Budgeting and the strength of the organization.*** Finland shall participate in peacekeeping activities within the framework of the appropriations provided for this purpose in the State budget for the Ministry for Foreign Affairs and the Ministry of Defence. Costs incurred by Finland's participation in the peacekeeping activities shall be reimbursed according to the general reimbursement policy of the UN or the OSCE, or as agreed separately.

The total strength of the peacekeeping organization, excluding rotation personnel and personnel in training, may not exceed 2,000 persons.

**Section 5. (1465/1995) *Training and organizational duties.*** In order to create the readiness required by the peacekeeping activities referred to in this Act, peacekeeping training may be provided nationally in Finland or in some other country, or by the UN, the OSCE or other international organization or arrangement in which Finland participates.

The Defence Forces shall manage peacekeeping training and the readiness, organization and implementation tasks related to peacekeeping activities as specified by the Ministry of Defence within

the bounds of the appropriations provided in the State budget.  
(750/2000)

Peacekeeping training may also be provided for foreign military units or individuals in Finland. Finnish military units or individuals may also participate in peacekeeping training abroad.

**Section 6. Commitment to training or service.** In order to be accepted for the training referred to in section 5 above, individuals must voluntarily commit themselves to be ready for active duty and when called up, to report for said training or for service in the peacekeeping organization at seven days' notice.

The period of commitment is one year, which may be extended for a maximum period of one year at a time. The training may not last more than 45 days per year, including the days of entry and repatriation to the place of training.

If a person who has signed the commitment neglects to report for training or service without good cause, or if a person's training or service is terminated because he/she has not performed his/her duties or has acted contrary to them, the Defence Staff may claim compensation from the individual concerned for the costs incurred by the arrangement of his/her training or service. (750/2000)

In addition to the persons referred to in paragraph 1 above, salaried personnel of the Defence Forces may be ordered to participate in the training in the course of their normal duties. Persons undergoing their compulsory military service in accordance with the Conscription Act may also be ordered, as a service obligation, to participate in peacekeeping training for a short period of time. (1465/1995)

## **Chapter 2. Peacekeeping personnel**

**Section 7. Peacekeeping personnel.** The peacekeeping personnel consists of personnel belonging to the peacekeeping organization plus the rotation personnel.

Peacekeeping personnel are employed by the State, the Ministry of Defence and the Defence Forces being the employer's representatives as specified by the Ministry. (750/2000)

**Section 8.** (1465/1995) ***Rights and responsibilities.*** The rights and responsibilities of the peacekeeping personnel are governed by this Act, or determined by the Ministry of Defence in accordance with this Act. Also applicable are service obligations as specified by the executor of the peacekeeping operation under section 3 paragraph 1.

**Section 9.** (1465/1995) ***Qualification requirements.*** The Ministry of Defence decides upon the qualification requirements for peacekeeping personnel.

**Section 10. *Beginning and duration of the service (contract).*** The Commander of a peacekeeping force, and any person serving in such a force with the military or service rank of general, shall be appointed by the President of the Republic at a presidential session of the Government and on the proposal of the Government. The service contract shall begin on the date specified and remain valid until further notice. Other personnel shall be appointed for a maximum period of one year at a time by the Ministry of Defence or the relevant authority in the Defence Forces for duties specified by the Ministry. The service shall begin when the person concerned reports for duty as specified by the Defence Staff. (750/2000)

Unless otherwise ordered by the Defence Staff, the Commander of the peacekeeping force may, before the termination of a person's service in the force, decide to extend this person's contract for a fixed period of time, up to a maximum of six months. (750/2000)

A person can be ordered to report for service, or his/her service can be extended, only if his/her consent has been obtained through the commitment referred to in section 6 above or in some other way. (1465/1995)

**Section 11. Regular termination of service.** The service of the Commander of the peacekeeping force, or of any person serving in such a force with the military rank of general, may be terminated by the President of the Republic at a presidential session of the Government and on the proposal of the Government. The service of the Commander of a peacekeeping force shall also be terminated when the force is disbanded. (750/2000)

The service of peacekeeping personnel other than the Commander of the peacekeeping force shall be terminated when the periods specified in section 10 paragraphs 1 and 2 expire or when participation in the peacekeeping operation in question is terminated. (1465/1995)

**Section 12. (750/2000) Extraordinary termination of service.** The Defence Staff may decide that service referred to in section 11 paragraph 2 be terminated if participation in the peacekeeping operation in question is reduced.

Furthermore, the competent authority referred to in section 10 paragraph 1 above may order service referred to in section 11 paragraph 2 to be terminated if the person concerned, for special reasons, requests resignation, or if he/she does not fulfil his/her duties or acts contrary to them, or if he/she is otherwise considered unsuitable for service, or if his/her ability to perform his/her duties has decreased substantially due to illness, injury or other reason. The Commander of the peacekeeping force shall also have the right, under the same conditions, to terminate the service of a person serving in the peacekeeping force.

**Section 13. (750/2000) Effect of repatriation on the termination of service.** In the cases referred to in sections 11 and 12, service shall continue until the person in question has been repatriated to Finland as specified by the Defence Staff. The Defence Staff may, at the request of the person in question or for other special reasons, order the service to be terminated before the repatriation to Finland referred to above, and also to empower the Commander of the peacekeeping force to terminate in similar manner the service of a person serving in the peacekeeping force.

**Section 14. Penal responsibility.** Peacekeeping personnel and personnel in training referred to in section 5 shall be subject to the provisions concerning soldiers in Chapter 45 of the Penal Code. However, the provisions concerning crimes committed in time of war, as referred to in the Military Court Proceedings Act (326/83), shall not apply to crimes committed by peacekeeping personnel in the mission area. All disciplinary measures provided for in the Military Discipline Act (331/83) may be imposed on the peacekeeping personnel. (1148/1990)

The time period for dealing with the committal order concerning an arrested person shall be extended from that provided in Chapter 1 section 14 paragraph 1 of the Enforcement Act (450/87) to include the time used for the transport of the person in question from the mission area to Finland, or for the transport of members of the court from Finland to the mission area. If called for by local conditions, the Ministry of Defence may give orders diverging from the provisions of the Military Discipline Act and the Military Discipline Decree concerning the authority of disciplinary measures, proceedings and control of disciplinary matters, and the execution of sanctions. Unless otherwise ordered by the court, it is not necessary to arrange for a person in the peacekeeping personnel serving abroad to participate in the court proceedings of a disciplinary appeal in Finland if the sanction imposed was an admonition or a disciplinary fine. (376/1990)

In the prosecution of a military chaplain in a general court of law, the provisions of the Church Code (635/64) shall also apply.

**Section 15.** (1465/1995) **The competent court.** For personnel referred to in section 14, the District Court of Helsinki shall be the competent court referred to in section 5 paragraph 1 of the Military Court Proceedings Act. The court may also hold a trial in the mission area if needed.

**Section 16.** (750/2000) **Compensation for damages.** A member of the peacekeeping personnel shall be entitled to compensation from the State for damage caused to his/her property outside Finland while on duty or in circumstances connected with his/her service, provided that

possession of the damaged property in the mission area of the peacekeeping operation was necessary for the performance of that person's duties.

If the injured party has himself/herself contributed to the damage, or if any circumstance unrelated to the incident causing the damage also contributed to the damage, said compensation may be reduced or the right to compensation revoked. Also, any other compensation that the injured party may be entitled to under another act or under a voluntary insurance policy may be deducted from said compensation.

The compensation for damages may cover expenses incurred in repairing the damaged property and any other expenses incurred through the damage, as well as depreciation in value or the full value of property lost or destroyed. Compensation paid to an injured party entitled to same under this section must not exceed FIM 30,000, including any reductions made under paragraph 2. However, a higher level of compensation may be paid if the damaged property was damaged in the course of its use for a purpose that significantly aided the efforts of the peacekeeping organization or for saving a human life.

Compensation shall be granted and paid by the Defence Staff. Compensation must be applied for in writing from the Defence Staff within one year of the incident causing the damage. Documentation from the peacekeeping force, the military police or the police of the country in question on the investigation of said incident must be appended to the compensation application.

The right of the injured party to receive compensation from the party responsible for the damage shall be transferred to the State on the date when the Defence Staff decides to grant compensation and up to the level of the amount granted.

In cases other than those referred to in paragraph 1, the provisions of the Compensation for Damages Act (412/74) shall apply. Members of the peacekeeping personnel shall be considered soldiers as referred to in Chapter 4 of that act.

**Section 17.** (1465/1995) **Conditions of the service contract.** In addition to the provisions of this Act, decisions by the Ministry of Defence shall apply to the pay and daily allowances, health care and other fringe benefits, cost remuneration and other conditions of service of the peacekeeping personnel, as well as to benefits paid to persons in the training referred to in section 5 and for the commitment period for persons who have committed themselves to training as per section 6 paragraph 1.

**Section 18.** (1212/1990) **Compensation for injury and illness.** A member of the peacekeeping contingent, or a person undergoing the training referred to in section 5 shall be entitled to the compensation specified in the Military Accidents Act (1211/90) for military injuries or illness during service.

**Section 18a.** (1148/1990) **Group insurance.** If a person in service as referred to in this Act dies, financial compensation equivalent to that payable under group life insurance shall be paid in accordance with the group life insurance compensation payable upon the death of a State civil servant agreed on in the State collective bargaining agreement on civil servant salaries.

If a person in service as referred to in this Act dies and his beneficiaries are entitled to compensation from the UN or the OSCE on the basis of the same service, the compensation referred to in paragraph 1 shall only be paid insofar as it exceeds the compensation referred to in this paragraph. (1465/1995)

Compensation shall be granted and paid on application by the State Treasury, in accordance with the regulations and orders applying to the granting and payment of financial compensation upon the death of a person employed by the State, as applicable.

**Section 19. Pension rights.** The pension accumulated through the service referred to in this Act is provided for in the State Employees Pensions Act (280/66) and the State Employees Survivors Pensions

Act (774/68). The time served in the service referred to in this Act shall accumulate military pension under the State Employees Pensions Act.

**Section 20. Service benefits.** The service referred to in this Act counts as State service with regard to age increments, promotions, annual holiday and other benefits.

**Section 20a.** (1465/1995) **Holiday remuneration.** Holiday remuneration in accordance with the Annual Holidays Act (272/73) shall be paid to all personnel except those referred to in section 21 paragraph 1 upon termination of the service referred to in this Act.

**Section 21. Leave of absence.** If a person who is already a State employee is accepted for service in a peacekeeping organization as referred to in section 3 or for training as referred to in section 5, he/she must be granted leave of absence without pay or exempted from his/her duties for the duration of said service or training. (1465/1995)

Persons with a permanent post or an employment relationship in the Defence Forces or the Frontier Guard shall receive fixed pay or pay for their normal working time for the duration of the training referred to in section 5. (1148/1990)

**Section 21a.** (508/1998) **Continuing a permanent post or employment relationship.** A permanent post or employment relationship held by a person accepted for service or training as referred to in this Act cannot be terminated because of said service or training, nor can this person be given notice during same. After the service or training has been completed or terminated without completion, the person in question must be reinstated in his previous permanent post or employment relationship or comparable duties as provided for in the Act on the Continuation of the Employment and Civil Service Contracts of Persons Liable for Military Service Called to Service (570/61), as applicable.

**Section 22. Taxation.** The provisions of the Income Tax Act (1535/92) and the Act Respecting Tax Deducted at the Source of Income

(627/78) and agreements with foreign countries shall apply to income from service under this act. (1465/1995)

On the basis of decisions taken under section 17 of this Act, daily allowances and fringe benefits enjoyed by peacekeeping personnel and persons undergoing training as referred to in section 5 are not liable for taxation.

### **Chapter 3. Special provisions**

**Section 23. Administrative procedure.** The Administrative Procedures Act (598/82) shall apply to administrative matters under this Act.

**Section 24. Reclamation.** A benefit unduly paid under section 16 paragraph 1 or on the basis of a decision taken under section 17 can be reclaimed by deducting it later from a similar benefit or from the salary paid by the State to the person in question. The amount deducted from pay or daily allowances under paragraph 1 must not exceed the maximum allowed by the legislation on distraint.

In initiating reclamation, the person in question must be notified of its justification and the amount to be reclaimed.

Reclamation must be initiated as provided for in this section or otherwise initiated within three years of the end of the calendar year in which the unduly paid amount was paid. If this time limit is exceeded, the right to reclamation shall be forfeit.

**Section 25. Request for rectification.** A person who considers that he/she has not been paid such a benefit as he/she is entitled to on the basis of a decision taken under section 17, or who considers that such a benefit or a benefit based on a decision taken under section 16 paragraph 1 has been unduly reclaimed from him/her under section 24 paragraph 1, may submit a request for rectification in writing to the authority granting said benefits or responsible for reclaiming them.

If a request for rectification is not submitted within three years of the end of the calendar year in which the benefit should have been paid or was reclaimed, the right to the benefit shall be forfeit.

**Section 26.** (750/2000) **Appeal.** A person dissatisfied with a decision taken under section 6 paragraph 3, section 10 paragraph 1 or 2, section 12, section 13 or section 25 paragraph 1, or with a decision on a request for rectification taken under section 25 paragraph 1, may appeal the decision in the manner provided for in the Act on the Application of Administrative Law (586/96). However, any decision taken in a peacekeeping organization subordinate to the Ministry of Defence or the Defence Staff shall be appealed to the Helsinki Administrative Court.

No other decisions taken under the provisions of this Act may be appealed. (508/1998)

**Section 27.** (750/2000) **Enforcement provisions.** More specific provisions on the enforcement of this Act may be issued by decree by the Ministry of Defence.

**Section 28.** (1465/1995) **Authority in matters concerning this Act.** Unless otherwise provided in this Act, authority in matters concerning this Act shall rest with the Ministry of Defence.

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This Act enters into force on December 31, 2000.