

402/1974

Act on the Defence Forces

Passed on May 31, 1974 in Helsinki

The following is enacted in accordance with the decision of Parliament:

Section 1

The administrative and military organization of the Defence Forces shall conform with the provisions laid down in this Act.

Provisions on military service in the Defence Forces are laid down in the Conscription Act.

Section 2

The Defence Forces have a duty to:

- 1) undertake surveillance of the nation's land and sea areas and air space in cooperation with other supervision supervisory authorities;
- 2) secure the nation's territorial integrity, using force if necessary;
- 3) defend the nation and its judicial system and the livelihoods and basic rights of its citizens;
- 4) maintain and develop the nation's military defence readiness;
- 5) provide military training;

5a) support voluntary national defence training as provided by decree or by a decision of the Ministry of Defence or, according to circumstances, the Defence Staff, and otherwise to promote the will to defend the nation and activities that improve the physical condition of citizens;

6) provide executive assistance to maintain public order and security where necessary, as separately provided for;

6a) participate in rescue operations by making available equipment, human resources and special expertise required for such operations should this be necessary in view of the extent or special nature of the accident; participation in rescue operations shall not compromise the performance of national defence duties;

7) participate in peacekeeping activities as provided in the Act on Peace Support Operations (514/1984);

7a) participate in the performance of the defence administration's international activities as provided where necessary by decree of the Ministry of Defence; and

8) undertake any other duties prescribed to the Defence Forces by law.

Section 2a

Repealed.

Section 2b

A regional administrative authority or local authority of the Defence Forces may, to the extent required for military reasons or to protect outside parties from danger, prohibit or restrict the movement of unauthorized persons in an area or location used by the Defence

Forces. Punishments for violating the prohibition are laid down in the Penal Code.

In an area used temporarily by the Defence Forces for training where defence materiel is stored or troops deployed or where the activities may present a danger to outside parties, the prohibition or restriction referred to in paragraph 1 may also be ordered by the exercise commander.

Section 3

The Defence Forces are subject to the administrative authority of the Ministry of Defence.

Provisions on the supreme command of the Defence Forces are laid down in the Constitution.

Section 4

The Defence Forces comprise:

- 1) the Chief of Defence;
- 2) the Defence Staff and regional administration headquarters;
- 3) the Army, Navy and Air Force;
- 4) military establishments;
- 5) brigade-level units and other units; and
- 6) the National Defence College.

The peacetime composition and command structure of the Defence Forces shall be determined by the Ministry of Defence. The right of the Chief of Defence to issue

detailed orders concerning the peacetime composition and command structure of the Defence Forces according to principles approved by the Ministry of Defence shall be provided by decree.

Section 4a

Repealed.

Section 5

The division of the country into regional commands and military provinces subordinate to them for the purposes of Defence Forces duties shall be provided by decree.

Section 6

The Chief of Defence shall have direct command and control of the Defence Forces.

The Defence Staff shall be the supreme headquarters and higher administrative authority of the Defence Forces.

Provisions on the regional and local administration of the Defence Forces shall be laid down by decree.

Section 7

Provisions on official posts in the Defence Forces shall be laid down by decree.

The retraining of a person appointed to an exclusively fixed-term military post shall be supported by providing reimbursement for costs incurred in studies taken outside the Defence Forces during the employment under the Study Leave Act (273/1979). If a training allowance is not paid, a service reimbursement of the same amount shall be paid as a lump sum after the end of the employment.

Training allowance or service reimbursement shall be paid if the employment has lasted for a total of at least three years, and it shall amount to the difference between the standard military pension payment for the relevant type of post and the pension payment stipulated for the exclusively fixed-term military post in question, but no less than twelve per cent of the pre-tax taxable pay.

If a person who has been paid training allowance or service reimbursement is appointed temporarily to another military post in the Defence Forces on the basis of training given by or wholly funded by the Defence Forces within one year of the end of the fixed-term employment, a maximum of half of the benefits paid can be reclaimed as provided in sections 60 and 61 of the State Civil Servants Act (750/1994).

More detailed provisions on the accrual and payment of the benefits referred to in paragraph 2 above and the claiming of repayment referred to in paragraph 3 shall be laid down by decree of the Ministry of Defence.

Section 8

The President of the Republic shall decide on matters of military command and matters of military appointment as provided in this Act.

Section 8a

The President of the Republic shall decide on the central principles of the nation's military defence, important changes in military defence readiness, the principles of implementing military defence and other far-reaching matters of military command or important matters of principle in military command concerning the military activities and military order of the Defence Forces.

As a matter of military command, the President shall also decide on promotions in military rank as provided in this Act.

The President may choose to decide on a matter of military command that is addressed for the decision of the Chief of Defence or other military commander. The Chief of Defence shall provide the President and the Minister of Defence with information on important matters of military command under the authority of military commanders.

The Chief of Defence shall resolve matters of military command other than those for the decision of the President unless they are prescribed or ordered for the decision of another military commander. A military commander may choose to decide on a matter of military command that is addressed for the decision of a subordinate.

The division of authority between the Chief of Defence and subordinate commanders in matters of military command may be laid down by decree of the President of the Republic.

Section 8b

The President of the Republic shall take decisions on matters of military command on submission by the Chief of Defence. The decisions shall be countersigned by the Chief of Defence. When a matter of military command is presented to the President, the Minister of Defence is entitled to be present and to state an opinion on the matter. When a matter of military command is presented as referred to in section 8a(1) above, the Minister of Defence shall nonetheless be present, in addition to

which the Prime Minister may be present and may state an opinion on the matter.

The President may, on his own initiative or on the submission of the Minister of Defence, decide to forward a matter of military command for decision at a presidential session of the Government. In such a case, the President shall decide on the matter on the submission of the Minister of Defence without a proposed decision by the Government. When a matter of military command is presented at a presidential session of the Government, the Chief of Defence is entitled to be present and to state an opinion on the matter.

Section 8c

The President of the Republic shall appoint and assign duties to the Chief of Defence, the Chief of the Defence Staff, generals, admirals, the Defence Forces Chief Engineer, the Defence Forces Surgeon General and the Chaplain General. The President shall take decisions on appointments and assigning duties at a session of the Government on the proposal of the Government. In the same way the President shall assign an officer or special officer of the Defence Forces the duties of military attaché, assistant military attaché or military representative or equivalent international duties.

As a military appointment matter, the President shall decide on the appointment of an officer other than referred to in paragraph 1 and on assigning an officer the duties of Aide-de-Camp to the President of the Republic. The President shall take the decisions on military appointment matters on the submission of the Chief of Defence. The decisions shall be countersigned by the Chief of Defence. When presenting this type of matter to the President, the Minister of Defence is entitled to be present and to state an opinion on the matter.

The authority to assign duties to an officer other than referred to in paragraphs 1 and 2 and to appoint and assign duties to other postholders in the Defence Forces shall be provided by Government decree.

Section 8d

What is provided in the Act on compensation for special local circumstances and other benefits payable to civil servants in diplomatic missions abroad (651/1993) shall apply where appropriate to compensation for special local circumstances and other financial benefits payable to persons assigned to the duties of military attaché, assistant military attaché and military representative and to equivalent international duties and for persons assisting them.

The comparability of a person referred to in paragraph 1 above with a civil servant of the foreign affairs administration shall be provided by decree of the Ministry of Defence.

Section 9

In the order of decision-making on matters of military command, the President of the Republic shall, on the submission of the Chief of Defence, promote persons to the military ranks of Second Lieutenant, Sub-Lieutenant and Lieutenant and to higher officer ranks and the special officer and warrant officer ranks equivalent to them in name. The decision-making in a matter of promotion to the rank of brigadier general, commodore or higher officer or equivalent special officer ranks and in a matter concerning the granting of an equivalent service rank shall, however, be on the submission of the Minister of Defence.

Military and service ranks and the grounds for promotion in military rank and granting a service rank and the authority to promote to military ranks other than referred to in paragraph 1 and to grant an equivalent service rank shall be provided by decree of the President of the Republic.

Section 9a

A postholder in the Defence Forces is obliged to transfer to another Defence Forces post or to other duties when necessary in order to perform the function or ensure appropriate arrangements for the service of the person concerned.

If transfer to another post or assignment to other duties requires a change in service location for the postholder, the person shall be given information about the decision at least three months in advance.

An appeal may be lodged against a decision concerning transfer to a post or assignment to duties that would mean a change of service location for the postholder as provided in the Administrative Judicial Procedure Act (586/1996). However, unless the appeal authority decides otherwise, the decision shall be complied with regardless of whether an appeal was lodged. No appeal may be lodged against a decision on transfer to a post or assignment to duties that does not require a change in service location.

What is provided in paragraph 1 does not apply to participation in peacekeeping activities abroad referred to in section 2(7).

Section 9b

Provisions on military uniforms and other uniforms shall be laid down by decree. More detailed regulations on the uniforms may be issued by the relevant ministry or by the Chief of Defence or the Defence Staff, as stipulated by the ministry.

Section 10

Equipping and maintaining the Defence Forces and the locations of their constituent parts shall be regulated by administrative action. No appeal may be made against a decision on these matters.

Subject to military conditions, brigade-level units shall be located in localities in which the local population has the same mother tongue as that of the unit's conscripts or in which the local population is bilingual.

Section 10a

The National Defence College is an establishment of higher education under the authority of the Defence Staff. The entry of students to the National Defence College is subject to the approval of the commandant of the College in accordance with the criteria defined by the Defence Staff and the admission system defined in the regulations. Applicants to study on the officer training programme may be accepted if they are aged 26 years or less, or 23 years or less in the case of pilot training. Exceptions may be made to the age limits if there is good cause.

The studies of students at the National Defence College can be terminated on account of long-term illness, lack of sufficient progress in the studies or for some other similar weighty reason. If a student is guilty of committing a criminal act or otherwise of behaviour unsuitable to the rank of soldier, he may be expelled.

Decisions on the termination of a student's studies or expulsion are taken by the commandant.

A person who has applied to study at the National Defence College but is not accepted for admission in the procedure referred to in paragraph 1, may apply to the National Defence College in writing for the decision on the matter to be altered. Students may also apply to the National Defence College for an alteration to be made to a review of their study performance or to a similar decision on their studies.

An appeal against a decision of the National Defence College is lodged with the administrative court as provided in the Administrative Judicial Procedure Act (586/1996). An appeal cannot be made against a decision referred to in paragraph 3 above on which an alteration may be sought. After a decision is issued in an alteration procedure an appeal against it may be lodged with the administrative court. No appeal, however, may be made against a decision issued in an alteration procedure concerning a review of a student's performance.

No appeal may be made against an administrative court decision concerning approval of a student application referred to in paragraph 1 or termination of studies or expulsion of a student as referred to in paragraph 2.

Provisions on the National Defence College, on the qualifications that can be taken there and on other training given there, and also on the procedure for approving student applications referred to in paragraph 1, the procedure concerning termination of studies and the expulsion of a student referred to in paragraph 2 and the alteration procedure referred to in paragraph 3 shall be provided in more detail by Government decree. Some of the training leading to the qualifications shall be arranged in the schools of the three services, of the

branches of the services and of the combat service support branches.

Section 10b

Persons accepted for training leading to National Defence College qualifications shall submit a written undertaking to serve in a Defence Forces or Frontier Guard post that corresponds to their training for a maximum of four years after completing an officer's higher degree or doctoral degree, or for a maximum of three years after completing an officer's lower degree or a general staff officer's qualification, and, for students undergoing pilot or navigator training, to serve as students training for a military post and to serve in the post for a total of no more than 14 years after the start of the training. In the case of the doctoral degree and the general staff officer qualification, the undertaking concerns only studying that is done on full pay.

If the person in question resigns or is given notice during the period referred to in paragraph 1 or he terminates his studies or the studies at the National Defence College are terminated for a reason attributable to him other than illness or lack of flying aptitude, he shall reimburse the amount defined according to the type of qualification or training content, but no more than half of the training costs incurred by the State, as provided in more detail by decree of the Ministry of Defence.

An appeal may be made against a decision referred to in this section as provided in the Administrative Judicial Procedure Act.

Section 11

What is provided on the Defence Establishment in another act or decree shall correspondingly apply to the Defence Forces.

Section 12

More detailed provisions on the enforcement of this Act shall be given by decree.

Provisions on the emblem of the Defence Forces shall be provided by decree of the President of the Republic.

Section 13

This Act enters into force on September 1, 1974. It repeals section 52(2) of the Conscription Act (452/50) of September 15, 1950.

Helsinki, May 31, 1974

President of the Republic
Urho Kekkonen

Minister of Defence
Kristian Gestrin