

THE ROYAL MINISTRY OF DEFENCE

OSLO, NORWAY

August, 2001.

INSTRUCTIONS FOR THE INTELLIGENCE SERVICE

(unofficial translation)

Established by the King in Council on 31 August 2001, pursuant to the Intelligence Service Act of 20 March 1998, §§ 2 and 3, forwarded by the Ministry of Defence.

Chapter 1. Introductory provisions

§ 1. Purpose and scope

The purpose and scope of these instructions are identical with those of the Act. The instructions supplement the provisions in the Act and establish more detailed rules for the organisation, tasks and activities of the Service.

§ 2. Definition

The Act referred to in these Instructions is the Intelligence Service Act of 20 March, 1998, no. 11.

§ 3. Management and organisation

Through the Chief of Defence, the Ministry of Defence draws up tasks for, is in charge of regular contacts and co-operation with, and exercises political management and control over, the Intelligence Service.

The Ministry of Defence, or those authorised by the Ministry of Defence, will lay down further provisions about the organisation of the Service.

Chapter 2. General provisions

§ 4. National control

The Intelligence Service shall be under Norwegian control. This includes the guarantee of national control over what information is made available to foreign partners.

Intelligence personnel must have the security clearance "STRENGT HEMMELIG" (Top Secret).

§ 5. Relationship to individuals and organisations in Norway

Should the Intelligence Service, while carrying out its tasks, receive surplus information which is relevant in a surveillance or other context, and which the Service cannot retain (cf. § 4, second item of the Act), such information may be transmitted to Norwegian public authorities in accordance with the rules on reporting in Chapter 4 of these Instructions.

- The Intelligence Service may carry out measures to verify the credibility of its sources.

§ 4 of the Act does not preclude the Intelligence Service from gathering information on foreign intelligence activities in Norway, including Norwegian individuals and organisations which pursue such activities, to the extent that the Intelligence Service has a need for such information. This information collection shall occur through, or with the approval of, the Police Security Service.

‘The co-operation with the Police Security Service is regulated in a separate instruction, adopted by the King in Council.

§ 6. Readiness and security

‘The intelligence service shall draw up and maintain contingency plans based on the Defence Emergency Plans.

The Intelligence Service shall be able to uphold the particular requirements for security and confidentiality that are an absolute condition for the execution of its duties.

Chapter 3. Tasks and priorities

§7. General

The Intelligence Service shall collect, assess and analyse information in the areas that are, at any given time, given priority by higher political and military authorities, within the scope of § 3 of the Act.

The tasking in the Act’s § 3 is not exhaustive. What constitutes “other important national interests” will depend on the security challenges facing Norway at any given time.

In the field of intelligence co-operation with other countries and, international organisations, the Intelligence Service has a particular responsibility for the co-operation with defence alliances that Norway participates in.

§ 8. Main task of the Intelligence Service

The main task of the Intelligence Service is to collect, assess and analyse information on foreign countries’ political and social development, intentions and military forces, which may constitute a real or potential risk.

The Service shall, in peacetime, produce intelligence that provides national authorities with a basis for making decisions on, and to prevent and handle, episodes, crises and war.

The Service shall, in time of war, produce intelligence which provide higher military and political authorities with a basis for handling an armed conflict in accordance with national objectives, support military intelligence requirements, and contribute to NATO’s common defence.

§ 9. International military operations

It is a high priority task for the Intelligence Service to provide intelligence support to Norwegian units taking part in international military operations. The Service may, in this context, collaborate with the services of foreign countries.

§ 10. Reports and information collection

The Intelligence Service shall produce reports and collect information as required by the Ministry of Defence.

Within the scope of § §11, 12 and 16 of these Instructions, the Service shall produce reports and collect information as required by the Cabinet and other concerned Ministries.

§ 11. Preventive warning and counselling

By further provisions by the Ministry of Defence, and within the boundary of § 12 of the National Security Act, the Service may, for the purpose of prevention, warn and counsel Norwegian and foreign individuals and organisations on issues that are an integral part of the Service's tasks.

§ 12. Assignment of priorities among non-military intelligence requirements

Following consultations with the Service and other relevant authorities, the Ministry of Defence draws up a document that states which areas it is desirable that the Service should focus on, beyond the military intelligence requirements. This document is to be continuously updated.

Chapter 4. Submission and reports

§ 13. Submission to the Ministry of Defence

The following matters shall be submitted to the Ministry of Defence for consideration:

- a) Establishment of co-operation and agreements with foreign services and international organisations.
- b) Organisation of the occupation readiness: The Ministry of Defence is also to be kept informed of this activity in general. (Cf. § 3 of the Act : "The Intelligence Service shall ensure the nation's ability to collect and distribute information and intelligence to the Norwegian authorities in case of a partial or complete occupation of the country".)
- c) Execution of special intelligence operations, including intelligence support as mentioned in § 9, that may raise political issues.
- d) Other matters of particular importance, or that raise questions of principle.

§ 14. Reports to the Ministry of Defence and other concerned ministries

The Intelligence Service shall keep the Ministry of Defence, or, by instruction of the Ministry of Defence, other concerned Ministries, informed of significant alterations in the military and political situation in Norway's sphere of interest.

§ 15. Reports to military users

The Chief of Defence determines how the Intelligence Service will report to military users.

§ 16. Tasks from, and reports to, entities outside the Defence Establishment

Requests from, and reports to instances outside the Defence Establishment shall be arranged through, or as directed by, the Ministry of Defence. Reports can, if so directed by the Ministry of Defence, be communicated directly to these entities.

The Ministry of Defence can establish co-operative arrangements that ensure the requisite dialogue and co-operation with other Ministries and entities that have a requirement for information obtained by the Service.

Chapter 5. Final provisions

§ 17. Supplementary provisions and minor alterations

The Ministry of Defence may issue supplementary provisions to these Instructions.

The Ministry of Defence is delegated authority to make minor alterations to these Instructions.

§ 18. Entry into force

These Instructions enter into force immediately.