

Part III

PARLIAMENTARY OVERSIGHT AND LEGISLATIVE ISSUES OF PEACE OPERATIONS

The Role of Legislative Power in Decision Making on Peace Support Operations

Yuri Fedorov,

Director, Center for War and Peace Studies, MGIMO University

Global political developments at the end of the XXth and beginning of the XXIst centuries clearly show a proliferation of new ways of using military force, referred to as "operations other than war". They include, inter alia, a whole complex of peace support operations, from peace enforcement up to post-conflict peace-building. The experience gained during the 1990's has proved that peace support operations have become an essential component of international relations within the CIS zone. While hotbeds of separatism still exist in Abkhazia, South Ossetia and Trans-Dniestr, and the situation in Central Asia still remains complicated, peace support operations will remain necessary for the CIS member states. The situation also remains tense in the regions neighbouring the CIS which could also result in a series of peace support operations within close proximity to CIS territory. CIS member states will also most probably join international peacekeeping efforts under the aegis of the UN and/or other international organizations, both near and far from their national territories. Generally, peace support operations will remain an essential element of the CIS member states' military activities.

So what is the role of legislative power in political decision making related to the participation of CIS member states in peace support operations? In a broad, conceptual sense, the shaping of democratic civil-military relations requires a serious parliamentary role and responsibility in decision making on military issues. They, undoubtedly, include problems of peace support operations. Moreover, the experience of the democratization of the former authoritarian/totalitarian regimes makes it abundantly clear that you can not build a true democracy without democratic control over the security sector as a whole. This derives from the political role of parliament as a state body representing interests of all social strata. However, in transitional societies parliament could become an instrument of political adventurism for those interested in the restoration of anti-democratic regimes.

In a more practical sense, however, it is difficult to define with greater accuracy the role and responsibility of parliament with regard peace support operations. Leaving aside questions over the real democratic level of these transitional societies, one can foresee at least several problems arising. Without question, parliament should not be involved in the day-to-day command and control of peace support operations. This should not be an excuse, however, for those who wish to diminish the role of parliament and make it merely a formality. Therefore it is necessary to define precisely and to fix in legislative terms parliament's authority with regards control over executive power in the course of peace support operations, namely:

- Parliament should give general approval to the participation of a country's armed forces in the peace support operation. Members of Parliament should be obliged to take into account the peace-keeping mandate, and other basic documents on the status of troops participating in the operation; their period of stay in the zone of operations; the method of troop replacement; their tasks and command and control structure; the guarantees and compensations for peacekeepers, and other politically important conditions and details of the peace support operation. Parliament is not supposed to approve each of these documents, although the agreement of parliament to approve the participation of the

armed forces in the operation should be conditioned by the parliamentary authority to amend documents, as mentioned above.

- Parliament should have the authority to stop and/or suspend the participation of the armed forces of a state in the peace support operation, if the conditions of their participation in the operation are being changed, or the international military or political situation in the conflict zone is undergoing change, etc. To provide for practical implementation of these authorities, parliament should have the right, at any given moment, to consider whether the participation of a state in a peace support operation should be continued.
- Parliament should approve the financing of the participation of the armed forces of a state in a peace support operation.
- To provide for effective implementation of its authority, as mentioned above, parliament should be regularly and properly informed on the situation in the zone of the peace support operation, including information about human losses, and the quantity of material, medical, and other supplies used in the support of servicemen, etc.