



DCAF at the Maison de la Paix, Geneva





Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Parliamentary oversight and democratic control over armed forces:

Military deployments abroad

Domestic situations (emergencies)

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A. PARLIAMENTARY CONTEXT



Parliaments in transition

Liberalisation	Democratisation	Consolidation
Emerging parliaments	Developing parliaments	Mature parliaments
Parliaments largely lack the authority, capacity and political will to influence security sector. However, political liberalisation provides them with some openings for influencing SSG.	Parliaments develop the authority and capacity to influence security sector, either as a result of constitutional reforms, increased capacity and/or political will to hold the security sector accountable.	Parliaments possess the authority, capacity and political will to hold the security sector accountable.
<i>e.g. Burma</i>	<i>e.g. Tunisia</i>	<i>e.g. Belgium</i>



The five functions of parliaments

Function	Regarding security sector
Legislative	Initiates/reviews/amends/adopts laws that determine mandate and organisation of security sector institutions
Budgetary	Reviews/amends/approves/rejects budgets for security sector institutions
Oversight	Monitors and verifies whether security sector institutions act in accordance with laws and policies
Representative	Organise hearings, constituency relations, plenary and committee debates on security issues
Elective	Confirmation hearings, non-confidence vote in case of disagreement on security operations or policy



The three qualities of parliaments ("Triple-A")

Authority	Ability	Attitude
<p>Parliaments must have sufficient legal authority to perform the main functions by which they influence SSG</p> <p>→ The legal powers of parliaments</p>	<p>Parliaments must have sufficient resources to fulfil their constitutional roles and functions in SSG effectively</p> <p>→ The capacity of parliaments</p>	<p>Parliamentarians require a strong commitment to democratic process and interest in SSG</p> <p>→ The political will of parliamentarians</p>



B. PARLIAMMENTARY OVERSIGHT AND MILITARY DEPLOYMENTS ABROAD



Developments

- Deepening of military cooperation, even leading to standing integrated units
- Evolving concept of peacekeeping operations (UN Agenda on Sustaining Peace and conflict prevention)
- National parliamentary oversight, but rarely international parliamentary oversight (EP)



Military deployments and international organisations



15 peacekeeping operations, in total 110.210 personnel (military, civilian, volunteers), top contributing countries: Ethiopia, India, Pakistan, Bangladesh



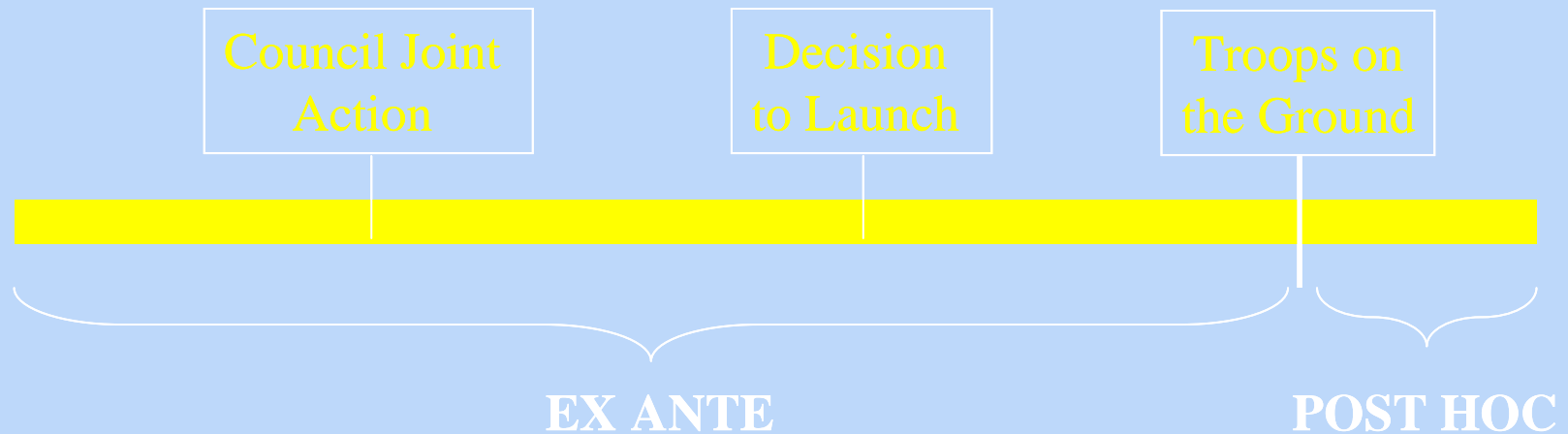
6 military missions, 5 civilian missions, in total 5000 personnel (NB: European Parliament)



5 missions abroad, 18.000 personnel



Decision-making in international organisations on international missions (example EU)





4 types of national parliamentary involvement in international missions

1. Prior authorisation before international decision: e.g. Finland, Sweden
2. Prior authorisation before national decision: Germany, The Netherlands, South Korea
3. Consultative role: Belgium, Indonesia
4. Parliament has no involvement: Myanmar, Greece



Best practices national parliaments

1. Special legislation on deployments abroad (e.g. Sweden)
2. Oversight of early stages of international decision-making on missions abroad (e.g. Finland)
3. Prior approval of deployments, both civilian and police/civilian operations
4. Executive-legislative relations (e.g. deployment thresholds, reporting to parliament)
5. Parliamentary and committee practices



Parliamentary oversight of the armed forces in domestic situations (state of emergency)



Internal roles of armed forces: criteria

- **Proportionality**, meaning that the use of force should be commensurate to the security needs
- **Subsidiarity**, which implies that the armed forces should be confined to supporting the civilian authorities and should be subordinate to local or national civil authorities.



4 types of internal roles of armed forces

1. Military assistance in maintaining public order
2. Military assistance in the case of natural disasters
3. Military internal roles not directly related to national security
4. Improper roles



Emergency powers

- Safeguarding the balance of powers, i.e. the powers of parliament and the judiciary vis-à-vis the executive,
- Protecting human rights and the rule of law.



Declaration, Prolongation and Termination of Emergency Rule

- In most European countries, parliament must be involved
- More stringent conditions apply to such a parliamentary decision than to regular legislative acts
- However, half of European countries have no rule on prolongation or termination



Oversight and Maintenance of Democratic Institutions During a State of Exception

- Large variety of practices:
- To confer some of the powers of parliament to government (temporarily, under supervision of parliament)
- To dissolve parliament (Slovakia)
- Prohibition to alter constitution or powers of democratic institutions (Portugal)