

INTERNATIONAL NORMS AND STANDARDS AIMED AT ENSURING PARLIAMENTARY CONTROL IN THE FIELD OF DEFENSE AND SECURITY

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ABSTRACT: The theoretical and conceptual foundations of the institution of parliamentary control in the field of defense and security are analyzed, as well as international norms and standards in this direction are highlighted.

KEYWORDS: Defense, security, rule of law, parliament, assembly, parliamentary control, public control, international organizations, stability, legal and constitutional norms.

INTRODUCTION

The new development strategy of Uzbekistan for 2022-2026 “implements large-scale organizational and legal measures aimed at developing national parliamentarism and strengthening people’s power, ensuring accountability of government bodies”[1].

The task of the state is to protect society from internal and external threats and ensure the right of citizens to a peaceful life by all legal means. The armed forces of the country, the national army, security services and law enforcement agencies are the main institutions for ensuring social stability, a safe environment, legality and security of borders in society. Parliament plays a key role in the development and consistent implementation of national security policy, representing the interests and views of citizens. Assessing the role of parliaments in ensuring security in the world community, UN Secretary General A. Guterres said: "Parliaments play an important role: they protect democracy, ensure accountability, help establish important links between the local and global levels, bring the concerns of ordinary people to the attention of international forums" [2]. The issue of effective organization of parliamentary control over the bodies of defense and security is one of the urgent tasks facing the international community.

Parliamentary control creates an opportunity to improve the efficiency of public authorities in all areas - to identify and eliminate shortcomings in a particular area by criticizing in the manner established by parliament and developing proposals in cooperation with the government and relevant parliamentary commissions [3]. As a result, you can eliminate problems and prevent their occurrence in the future. This result can be achieved by increasing the effectiveness of parliamentary oversight in the presence of a solid legal framework. Parliamentary control over

the defense and security sector is determined by the interaction of parliament with the state and defense and security agencies. In this context, parliamentary control is understood as the ability to influence the thoughts and actions of the government in accordance with the collective will of the population. The government is seen as the executor of the laws, decrees and budget approved by Parliament. Parliamentary control is determined not only by the constitution and laws, but also by parliamentary procedures and rules of general practice. The conditions for effective parliamentary control over the defense and security sector are: constitutional and legal authority, generally accepted practice, resources and skills (competence), political will [4].

To international norms and standards aimed at ensuring parliamentary control in the field of defense and security, is enshrined in international documents adopted by the UN General Assembly, the Inter-Parliamentary Union (IPU), the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), the Parliament of the European Union (PES), Interparliamentary Assembly of the Commonwealth of Independent States (IPA CIS), Parliamentary Assembly of the North Atlantic Treaty Organization (NATO PA). Today, there is a growing international consensus on parliamentary oversight of defense and security.

International organizations such as the Organization for Economic Co-operation and Development (OECD), the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the Parliamentary Assembly of the Council of Europe (ECPA-PACE) and the Inter-Parliamentary Union (IPA) unreservedly recognize that the defense and security agencies have necessarily become subject to parliamentary oversight, [5].

The democratic responsibility of the defense and security agencies presupposes the presence of parliamentary oversight, as well as the participation of civil society organizations in this process. It can be said that the purpose of parliamentary control is to exert political influence on the activities of defense and security agencies and prevent full control of their activities by the executive branch. The United Nations is an international organization in the traditional sense. Its member states participate in mutual negotiations through the executive authorities and make decisions on behalf of the organization. According to the UN Charter, there is no place for parliaments in its structure, the member states are represented by their governments [6]. Parliamentary control in the field of defense and security is an international norm established by the UN and is a necessary condition for membership in many international and regional associations, as well as for international reforms and cooperation [7]. In the UN General Assembly Resolution “Supporting and Strengthening Democracy”, the General Assembly calls on countries to support and strengthen democracy, including “holding armed forces accountable to a democratically elected civilian parliament” [8.] The following five key characteristics of good governance, as identified by the UN Commission on Human Rights, apply equally to the governance of the security sector: (1) transparency; (2) responsibility; (3) accountability; (4) participation; and (5) responsiveness (to people's needs) [9]. The individual and collective goal of each defense and security authority is to ensure transparency and accountability of the entire security sector, and to be responsive to the needs of citizens in the security sector, policies and procedures.

The principles of democratic control and democratic governance in the field of defense and security are disclosed in the Human Development Report of the United Nations Development Program. Democratic principles of security management:

- Supreme authority over major security issues should be vested in elected representatives.
- Defense and security organizations must work in accordance with international and constitutional norms, respect the law and human rights.
- Information on safety planning and resource use should be made available to the government and the public.
- safety should be managed in an integrated (integrated) manner based on a disciplined approach. This means that, in accordance with the principles of national security, the management of the state and the security sphere will be based on uniform principles.
- Civil-military relations should be based on a clearly defined hierarchy of authority regarding mutual rights and obligations between civil authorities and defense forces, human rights, transparency and respect, and relations with civil society. [10]

The defense and security agencies must respond to the needs of the population through their elected representatives, that is, through citizens exercising political control over the activities of the defense and security agencies.

The Organization for Security and Cooperation in Europe (OSCE) principles of parliamentary oversight of defense and security agencies are enshrined in the Organization's Code of Military-Political Aspects of Security (1994). The Code proclaims the obligation of countries to exercise independent democratic control of their security forces by authorities with democratic legitimacy, while:

- adoption of appropriate budgets by the legislature;
- political neutrality of the armed forces;
- recruiting, equipping and training the armed forces in accordance with international humanitarian law;
- Responsibility of the armed forces for violations of international humanitarian law;
- Force resources needed to maintain law and order in internal security missions;
- the obligation not to cause harm to citizens and their property;
- defines the responsibility of the armed forces for the observance of civil and human rights, the restriction of national, religious, cultural, linguistic or ethnic traditions of citizens and their non-observance [11].

In the "Code of Conduct on Politico-Military Aspects of Security", adopted at the 91st plenary meeting of the Special Committee of the Forum of the Organization for Security and Cooperation in Europe (OSCE) (Budapest, 1994) (MVD section, paragraphs 20, 21, 22) The participating States consider democratic political control of military and paramilitary forces, internal security forces, intelligence services and police as an essential element of stability.

In accordance with the Code, each participating State must promote the integration of its armed forces with civil society as an essential aspect of democracy and ensure effective leadership and control by constitutionally established legitimate authorities over its military, paramilitary and security forces as necessary.

Each State Party must put in place the necessary means to ensure that such bodies carry out their functions on the basis of constitutional and legal obligations. Participating States should clearly define the functions and tasks of such forces, as well as their obligation to act only within the constitutional framework. Each State Party shall ensure that defense spending is approved by its legislature. Each participating State must take due account of national security requirements, military spending, and ensure transparency and openness in obtaining information about the armed forces [12].

In international norms and standards aimed at ensuring parliamentary oversight in the field of defense and security, the following general principles aimed at ensuring parliamentary oversight can be identified:

- the state is the only structure of society that has a legal monopoly on the use of force;
- Defense and security services are accountable to legitimate democratic authorities;
- Parliament should be independent and the executive branch should be accountable to parliament in developing, implementing and reviewing security and defense policy;
- Parliament has a unique constitutional role in approving and reviewing defense and security spending;
- Parliament plays an important role in declaring and lifting a state of emergency or martial law;
- The principles of good governance and the rule of law apply to all branches of government, and This also applies to the defense and security sector;
- members of the defense and security services are personally liable before the courts for violations of national and international law (civil or criminal offences);
- Defense and security organizations are politically neutral.

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