



**Commonwealth
of Independent States (CIS)**

**On Participation
of a State in Peace
Support Operations**



Geneva Centre for the Democratic
Control of Armed Forces

**Geneva Centre for Democratic Control
of Armed Forces (DCAF)**
Center for Political and International Studies
in cooperation with
International Federation for Peace and Conciliation
Russian Political Science Association

**ON PARTICIPATION OF A STATE
IN PEACE SUPPORT OPERATIONS**

Edited by
Alexander Nikitin

Reprint of 2004 Moscow Edition

Geneva Centre for the Democratic Control
of Armed Forces
(DCAF)
www.dcaf.ch

The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's partners include governments, parliaments, civil society, international organisations and the range of security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

**COMMONWEALTH OF INDEPENDENT STATES (CIS)
MODEL LAW**

**ON PARTICIPATION (OF A CIS MEMBER-
STATE) IN PEACE SUPPORT OPERATIONS**

Edited by
Alexander Nikitin

Geneva, 2012
(Reprint of 2004 Moscow Edition)

Alexander Nikitin, ed., *On Participation (of a CIS Member-State) in Peace Support Operations: CIS Model Law*, Second edition (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2012).

© Center for Political and International Studies, 2004

© Geneva Centre for the Democratic Control of Armed Forces, 2012

Executive publisher: Procon Ltd., <http://www.procon.bg>

Cover design: Angel Nedelchev

ISBN 5-94101-103-3 (2004)

ISBN 978-92-9222-205-5 (2012)

PREFACE

The Model Law on Peacekeeping Operations was first endorsed by the CIS Parliamentary Assembly in 2004. It has long been out of print and available in electronic form only. DCAF is delighted to again make present it to the public in printed form 10 years after it was first made available.

The cooperation with the CIS Parliamentary Assembly, aptly facilitated by the Moscow-based Center for Political and International Studies directed by Prof. Aleksandr I. Nikitin, was among the most successful and promising DCAF parliamentary capacity-building initiatives of the first decade of the third millennium. Not only did the CIS PA endorse a first Model Law (“On Parliamentary Oversight of the State Military Organisation”) in 2001, but further cooperation led to a number of investigations and seminars whose fruit we gladly present herewith again.

Geneva, July 2012

Philipp Fluri, Ph.D.
Deputy Director DCAF

COMMONWEALTH OF INDEPENDENT STATES MODEL LAW ON PARTICIPATION (OF A CIS MEMBER STATE) IN PEACE SUPPORT OPERATIONS ¹

The Model Law (henceforth to be referred to as “the Law”) defines the grounds for the form and order of participation (of a CIS Member State) in peace support operations conducted in order to prevent, settle and resolve local and regional conflicts. The Law is advisory and shall provide a basis for legislative action by the CIS Member States on the organisation of and participation in peace support operations.

The Law interprets participation in peace support operations as an element of *peace support* defined as a complex set of measures taken to prevent, resolve, settle and overcome the consequences of local and regional conflicts and conducted by the international community, regional organisations, groups of states or individual states, governmental bodies and non-governmental organisations.

The provisions of the Law shall not impair the unalienable right (of the CIS Member State) to individual or collective self-defence with the purpose of repelling a military attack in accordance with Article 51 of the UN Charter, as well as the right to engage in military cooperation with other states and international organisations in order to ensure international and regional security.

¹ The draft of the Model law has been created at the Initiative of the Center for Political and International Studies by a group of experts headed by Dr. A. Nikitin and including Dr. A. Volevodz, Chief of Juridical Service of the CIS Staff for the Coordination of Military Cooperation (CIS Staff), Major-General V. Bulygin, Chief of the CIS Staff Peace Support Directorate, Major-General A. Tretyakov, Dr. Yu. Fedorov, Dr. V. Petrovsky.

The CIS Member State shall determine on its own and independently the purposefulness, scope and degree of its participation in peace support operations.

CONTENTS

Chapter I: General Provisions	1
Article 1: Legislation on Participation in Peace Support Operations...	1
Article 2: Territorial Application of the Legislation on Peace Support Operations.....	1
Article 3: Basic Terms and Concepts Used in the Law	2
Chapter II: Arrangements and Conduct of Peace Support Operations	4
Article 4: Participation (of the CIS Member State) in Activities on Prevention or Termination of Conflicts.....	4
Article 5: International Legal Grounds and Prerequisites for Participation in Peace Support Operations.....	5
Article 6: Forms of Participation in Peace Support Operations	6
Article 7: Participants in Peace Support Operations.....	6
Article 8: Decision-Making for the Deployment and Withdrawal of Military Personnel Participating in Peace Support Operations	7
Article 9: Decision-Making for the Deployment and Withdrawal of Civilian Personnel for Participation in Peace Support Operations..	9
Article 10: Training and Provision for Military and Civilian Personnel Deployed in Peace Support Operations	10
Article 11: Status of the Military and Civilian Personnel Deployed (by a CIS Member State) for Participation in Peace Support Operations	11
Article 12: Functions of Military and Civilian Personnel Participating in Peace Support Operations.....	13
Article 13: Use of Arms in Peace Support Operations	14
Article 14: Observance of the Rules of International Humanitarian Law in Peace Support Operations.....	16
Chapter III: Distinctive Aspects of Different Types of Peace Support Operations.....	17
Article 15: Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by a CIS Member State) for UN Peace Support Operations.....	17
Article 16: Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by a CIS Member State) for Regional Peace Support Operations.....	18

Article 17: Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by a CIS Member State) for Local Peace Support Operations.....	19
Chapter IV: Final Provisions.....	20
Article 18: Organisational Aspects of Peace Support Operations with Regards to the Jurisdiction of the Parliament (of the CIS Member State).....	20
DCAF Publications Related to Peacekeeping.....	21
SSR and Peacekeeping	21
DDR-SSR.....	21
Private Actors in Peacekeeping	22
Measuring the Impact of Peacekeeping Missions	22
International Interventions	23
Regional Perspectives on Peacekeeping.....	23

Chapter I

General Provisions

Article 1

Legislation on Participation in Peace Support Operations

1. Participation (of a CIS member-state) in peace support operations shall be governed by the Constitution (of the CIS Member State), this Law, other regulatory legal acts and international treaties and agreements (of the CIS Member State).
2. Generally recognized principles and norms of international law and international treaties (of the CIS member-state) shall be an integral part of the legislation (of the CIS Member State) regulating participation in peace support operations. In case an international treaty (of the CIS Member State) stipulates other rules than those envisaged by the Law, the rules of the international treaty shall prevail.
3. Participation (of the CIS Member State) in peace support operations or participation as part of collective peace support operations shall not contradict the decisions made by the UN Security Council to maintain or restore international peace and security and to eliminate threats to peace, breaches of peace or any acts of aggression, either in accordance with the UN Charter or with international and regional agreements, whose authority has been recognized by the UN in accordance with Chapter VIII of the UN Charter.

Article 2

Territorial Application of the Legislation on Peace Support Operations

The provisions of the Law shall apply for the participation in peace support operations aimed at resolving local and regional conflicts within the territory (of the CIS Member State), regardless of whether this given state is taking part in the operation or not, and also in the

instance (of the CIS Member State) taking part in peace support operations beyond its own borders.

Article 3

Basic Terms and Concepts Used in the Law

Unless specified otherwise, the basic terms and concepts used in the Law shall be interpreted as follows:

Peace Support Operations – systematized and organized actions of states and international institutions, including the participation of the armed forces and military and civilian personnel, aimed at intervention in local and regional conflicts for the purpose of their termination and resolution, conducted in accordance with the UN Charter and decisions of regional organisations, either within the framework of regional organisations or agreements, or on the basis of bilateral and/or multilateral treaties; peace support operations shall comprise of peacekeeping operations, (coercive) peace enforcement and post-conflict peace-building operations.

Peacekeeping Operations – conducted on the basis of the provisions set out in Chapter VI of the UN Charter upon the consent of the conflicting parties and, in the case of armed inter-State conflict, upon the consent of the legitimate political leadership of the state on whose territory the conflict occurs; they shall be conducted under a mandate of the UN and/or regional organisations, or within the framework of regional organisations and agreements (of the CIS Member State), or on the basis of bilateral and multilateral international treaties (of the CIS Member State) with the state on whose territory the conflict occurs. As a rule, peacekeeping operations shall be carried out in the presence of an agreement on ceasefires or cessation of hostilities between conflicting parties involving the supporting and enforcement of the peace or the prevention of resumed conflict.

Peace Enforcement Operations – peace support operations conducted on the basis of the provisions set out in Chapter VII of the UN Charter, as a rule, with elements of enforcement action, including the prevention of aggression or actions threatening international peace and security committed by a state, or conducted without the consent of the conflicting parties or legitimate authorities of the state on whose territory the conflict occurs, causing the international community to intervene; they shall be conducted exclusively on the basis of a UN

Security Council Resolution and cannot be conducted independently by regional organisations, coalitions of states or individual states without the authorisation of the UN Security Council.

Post-Conflict Peace-Building – peace support operations, carried out in accordance with decisions made by the UN Security Council, or decisions made by regional organisations or within the framework of regional organisations or agreements, or on the basis of bilateral or multilateral treaties and directed at the implementation of complex and coordinated actions for the restoration of the infrastructure necessary for peace in the region of the former conflict, including the provision of humanitarian and economic aid, the preparation and holding of elections and referenda, the reconstruction of the political and administrative systems necessary for self-governing, demilitarisation and rehabilitation of former fighters.

UN Peace Support Operations – peace support operations and/or peace enforcement operations conducted on the basis of the UN Security Council Resolution either by multilateral contingents under UN control and guidance, or by coalition forces of the states subject to the authorisation of the UN for conducting the operation.

Peace Support Operations of Regional Organisations – peace support operations conducted upon the decision of an international regional organisation whose terms of reference are recognized by the UN under the provisions set out in Chapter VIII of the UN Charter.

CIS Peace Support Operations – peace support operations conducted upon the decision of the CIS Council of the Heads of States, in accordance with the CIS Charter, by the armed forces, military and civilian personnel of one or several CIS Member States in the territory of the Commonwealth.

Local Peace Support Operations – peace support operations conducted in the absence of a mandate from the UN, CIS or any other regional organisation on the basis of bilateral and/or multilateral international treaties and agreements (of the CIS Member State) with other CIS Member States.

Chapter II

Arrangements and Conduct of Peace Support Operations

Article 4

Participation (of the CIS Member State) in Activities on Prevention or Termination of Conflicts

1. (The CIS Member State) shall refrain from any direct or indirect interference in the internal affairs of the states on whose territories a local or regional conflict is brewing or has emerged unless otherwise stipulated by the international treaties (of the CIS Member State) with these states.
2. (The CIS Member State) shall refrain from the use of force or threats to use force thereof in relations with all states and, first and foremost, with the CIS Member States. In case of territorial or other disputes and conflicts with other CIS Member States (the CIS Member State) shall use primarily peaceful means of settlement and mediation at the disposal of the Commonwealth of Independent States.
3. In case of an international or non-international conflict with the participation (of the CIS Member State) or its citizens, requiring international participation, mediation or interference for its termination and settlement, (the CIS member-state) shall notify immediately the UNO, OSCE and CIS and shall accept assistance and/or mediation from these institutions if they are ready to render such assistance and mediation.
4. In case of an appeal to other states or international organisations for assistance in conducting peace support operations within its own territory (the CIS Member State) shall immediately notify the CIS Council of Heads of States and shall take exhaustive measures so that the conduct of such operations should not inflict any dam-

age to any other member of the Commonwealth of Independent States.

Article 5

International Legal Grounds and Prerequisites for Participation in Peace Support Operations

1. The armed forces and military and civilian personnel (of the CIS Member State) can be deployed beyond its territory for participation in preventing and settling local and regional conflicts in the following cases:
 - ✓ for participation in UN peace support operations conducted in accordance with the provisions set out in Chapters VI and VII of the UN Charter – upon a UN Security Council Resolution and under the UN mandate and, in event of using the armed forces assigned to the UN Security Council, under special agreement with the UN Security Council;
 - ✓ for participation in peace support operations of regional organisations conducted in accordance with the provisions set out in Chapter VI of the UN Charter and without coercive actions – upon a legitimate decision by the regional organisations or within the framework of regional organisations or agreements (of the CIS Member State) whose terms of reference are recognized as complying with the appropriate provisions set out in Chapter VIII of the UN Charter, as well as upon the consent of the state on whose territory the conflict occurs to the international intervention and assistance in the termination and settlement thereof;
 - ✓ for participation in peace support operations of the Commonwealth of Independent States conducted in accordance with the provisions set out in Chapter VI of the UN Charter – upon the decision of the CIS Council of Heads of States taken in accordance with the Commonwealth of Independent States' Charter as well as upon the consent of the state on whose territory the conflict occurs to the international intervention and assistance in the termination and settlement thereof;
 - ✓ for participation in local peace support operations conducted in accordance with the provisions set out in Chapter VI of the UN Charter – under bilateral or multilateral international

treaties with the state on whose territory the conflict occurs, as well as upon the consent of the state to the intervention and assistance (of the CIS Member State) in the termination and settlement thereof.

2. In cases where there is an absence or inadequate level of legal compliance with the conditions listed above, the deployment of the armed forces and military and civilian personnel beyond the territory (of the CIS Member State) for participation in peace support operations shall not be allowed.

Article 6

Forms of Participation in Peace Support Operations

1. Participation of the armed forces and military and civilian personnel (of the CIS Member State) in peace support operations shall include the supervision and control over the compliance with the ceasefire agreements and agreements on the cessation of hostilities, preventive action, disengagement of conflicting parties, disarmament and disassembly of fighting factions, mediation and assistance in arranging the negotiations, dealing with the consequences of the conflict, performing the necessary engineering and other work, assistance in solving problems with refugees, medical and humanitarian aid, formation of civilian police and other bodies to ensure the security of the population and respect for human rights, as well as the implementation of international enforcement actions in accordance with the UN Charter.
2. (The CIS Member State) may participate in peace support actions without contributing its armed forces and military and civilian personnel, by way of providing food, medicines, other humanitarian aid, means of communication, vehicles and other types of material and technical resources.

Article 7

Participants in Peace Support Operations

1. The composition of military personnel, deployed (by the CIS Member State) for participation in peace support operations, shall include individual military servicemen and/or military formations taken from the armed forces (of the CIS Member State) (military units will be equipped with the necessary weaponry, military

hardware and the means to implement a supply and support network), units and sub-units as well as armed personnel of the law enforcement and internal affairs agencies, the emergency services and other state services and systems which have within their structure armed personnel.

2. The composition of civilian personnel, deployed (by the CIS Member State) for participation in peace support operations may include civilians with or without diplomatic status, including either individual representatives, groups, or entire structural units of legislative, executive or judicial branches of power.
3. The military personnel, including units of the Armed Forces, agencies for internal affairs, law enforcement and the emergency services (of the CIS Member State) and other militarized organisations, participating in peace support operations, shall be recruited on a voluntary basis from regular military personnel. These military personnel shall go through a special preliminary training.
4. Civilian personnel (of the CIS Member State) shall be recruited on a voluntary basis for participation in peace support operations. Civilian personnel must undergo special preliminary training before joining a peace support operation.
5. The social security of participants in peace support operations and their families is guaranteed in accordance with the legislation (of the CIS Member State). (The CIS Member States) can determine the levels of state benefits for participants in an ongoing peace support operation and for members of their families and also determine their length of service. In the event that international treaties and agreements, to which (the CIS Member State) has signed, stipulate a higher level of state benefit for participants of the international peace support operation than that stipulated by the nation's legislation, the excess will be met in accordance with the international treaty and agreement.

Article 8

Decision-Making for the Deployment and Withdrawal of Military Personnel Participating in Peace Support Operations

1. The decision to deploy military units of the Armed Forces (of a CIS Member State) beyond the territory (of the CIS Member State) for

participation in a peace support operation shall be made by the Parliament (of the CIS Member State) based upon a proposal by the President (of the CIS Member State) and shall be the legal basis for the use of the Armed Forces and any other armed units (of the CIS Member State) in a peace support operation beyond the territory of the state on a case-by-case basis.

2. The proposal ordering military units for participation in peace support operations made by the President (of the CIS Member State) to the Parliament (of the CIS Member State) shall include information relating to the area of action for the designated armed units, their tasks, numbers, types and composition of armaments, chain of command, duration of their stay and procedure for prolonging it, replacement procedure and the terms of withdrawal, as well as additional guarantees and compensation for the servicemen and their families as set out in the laws. The decision of the Parliament (of a CIS Member State) on the use of the Armed Forces and any other military formations (of the CIS Member State) in a peace support operation beyond its territory in each specific case may be taken only subject to the conditions of Article 5 of the Law.
3. Individual servicemen (not entering as part of a military unit, referred to in points 1 and 2 of this article) may be ordered beyond the territory (of the CIS Member State) for participation in peace support operations upon the decision of the President (of the CIS Member State) which shall determine the area of action for the servicemen, their tasks, subordination, duration of their stay and procedure for replacement as well as additional guarantees and compensation for the servicemen and their families as stipulated by the law in force as and when required. The President (of the CIS Member State) shall notify the Parliament (of the CIS Member State) within one week about the decision taken. The Parliament reserves the right to recall such servicemen as stipulated in point 4 of this article.
4. If, due to changes in the international military and political situation, further participation of the servicemen (of the CIS Member State) in the peace support operation is no longer tenable, the decision for the withdrawal of armed units and/or individual servicemen and military units shall be made by the Parliament (of the CIS Member State) based upon a proposal by the President (of the

CIS Member State) or by the Parliament on its own initiative, and Parliament will immediately notify the President (of the CIS Member State) of such an initiative and its legal basis.

Article 9

Decision-Making for the Deployment and Withdrawal of Civilian Personnel for Participation in Peace Support Operations

1. The decision to deploy voluntary civilian personnel beyond the territory (of the CIS Member State) for participation in a peace support operation shall be made by the Government (of the CIS Member State) with notification within one week of the President and the Parliament (of the CIS Member State).
2. The Government (of the CIS Member State) shall also make decisions on providing food, medical and other humanitarian aid, means of communication and other material and technical resources, transportation means and their teams for delivering humanitarian aid and material and technical resources within the framework of the peace support operation.
3. The Government (of the CIS Member State) shall define the area of activities for the civilian personnel, its tasks, duration of stay and rotation procedures as well as additional guarantees and compensation for the designated personnel as and when necessary.
4. The Government (of the CIS Member State) shall make a decision on the withdrawal of the above civilian personnel if its further participation in the peace support operation becomes inexpedient due to the changes in the international military and political situation. The President and the Parliament (of the CIS Member State) shall be notified about the decision within one week.
5. Decisions on the urgent withdrawal of civilian personnel may be made by the Parliament (of the CIS Member State) based upon a proposal by the President (of the CIS Member State) or by the Parliament on its own initiative together with the decisions on the withdrawal of servicemen as stipulated by Article 8, paragraph 4 of the Law.

Article 10**Training and Provision for Military and Civilian Personnel Deployed in Peace Support Operations**

1. For the purpose of instruction, special training and participation of military personnel in peace support operations, a special military contingent shall be formed within the Armed Forces (of the CIS Member State). The order of the formation, composition and numbers of the above contingent shall be defined by the President (of the CIS Member State).
2. The Government (of the CIS Member State) shall arrange and provide for the instruction, assessment, medical examination and training of the military and civilian personnel ordered for participation in peace support operations, as well as set and provide guarantees and compensation for the above personnel including obligatory life and health insurance in accordance with the laws in force.
3. Training and equipment of the units of the Armed Forces (of the CIS Member State) designated for participation in peace support operations shall be funded from the Defence budget. The expenses for the maintenance of the military personnel during participation in peace support operations shall be stipulated in a separate Article of the budget. The expenses for training and participation in peace support operations of civilian personnel, as well as expenses for providing food, medical and other types of humanitarian aid, means of communication and other material and technical resources, shall be stipulated in the budget by a separate line in the Article on the appropriations for international activities or by a separate item in the budgets of the appropriate ministries and departments. Spending of additional funds for the purposes listed above shall be possible only upon the adoption of an appropriate law.
4. The Government (of the CIS Member State) shall submit to the Parliament (of the CIS Member State) an estimate of the expenses required for providing military and civilian personnel for participation in peace support operations, and shall elaborate on and bring before the Parliament (of the CIS Member State) the draft laws on the appropriation of additional funds for these purposes, indicating how it shall be funded, as well as addressing issues related to

the reimbursement by the UN, regional organisations and individual states of the expenses (of the CIS Member State) for participation in peace support operations, and issues relating to the payment of state benefits to members of peace support operations and their families.

Article 11

Status of the Military and Civilian Personnel Deployed (by a CIS Member State) for Participation in Peace Support Operations

1. The legal status of the military and civilian personnel provided (by the CIS Member State) for participation in peace support operations shall be defined by the Law, a mandate for conducting the operation, and an agreement concluded by the governments of the contributing and receiving states on the status of the participants in the operation unless otherwise stipulated by the international treaties (of the CIS Member State).
2. The military and civilian personnel participating in the peace support operation shall respect the sovereignty and legislation of the state, on whose territory the operation is conducted; shall refrain from any actions incompatible with the goals of the operation; shall neither interfere in the internal affairs of the receiving state, nor participate in political activities and conflicts on its territory beyond the framework of the mandate for the peace support operation, as well as taking all necessary precautionary measures in order to avoid civilian casualties and damage to the environmental and industrial infrastructure and historical and cultural sites.
3. The military units and personnel provided by the CIS Member State for participation in the peace support operation (as well as the civilian personnel serving in military units) shall be subordinated to the Peace Support Operation Command, consisting of representatives of the states participating in the operation, or to any other Command staff created for guiding the operation on the decision of the UN, an international regional organisation, or under an intergovernmental agreement. The personnel shall become subordinated to the Operation Command from the time of crossing the border of the state (states) on whose territory the peace support operation is conducted.

4. The civilian personnel provided (by the CIS Member State) for participation in the peace support operation (not serving in military units) shall be subordinated to a superior civil body (or higher political representative for the settlement of the conflict, appointed by the UN, an international regional organisation or under an intergovernmental agreement. These regulations do not extend to citizens (of the CIS Member State) who are operating within the peace support zone in the capacity of an employee or representative of non-governmental organisations. This applies whether the organisation in question is national or international.
5. The servicemen comprising the military personnel shall wear military uniforms and insignia of the Armed Forces (of the CIS Member State). If necessary, special insignia may be adopted on the decision of the Peace Support Operation Command.
6. The vehicles, armaments and military equipment shall have distinctive emblems of the Armed Forces (of the CIS Member State). If necessary, special distinctive marks for vehicles, armaments and military equipment shall be established by a decision taken by the Peace Support Operation Command.
7. No-entry zones or security zones shall be established by the command staff of a military unit on agreement with the Peace Support Operation Command.
8. Jurisdiction and legal assistance with respect to the stay of military and civilian personnel (of the CIS Member State) on the territory of a foreign state during the peace support operation shall be governed by a separate agreement to be concluded between the troop-contributing and receiving states. In the absence of such an agreement the issues shall be addressed on the basis of the following principles:
 - ✓ (the CIS member-state) shall prosecute, in accordance with its national legislation, persons serving in its military and civilian units who are suspected of having committed crimes in the area of the peace support operation;
 - ✓ (the CIS Member State) shall be guided by its national legislation and international treaties in arresting, detaining and performing other procedural actions, as well as in rendering legal assistance;

- ✓ representatives of appropriate courts, prosecution offices and security services (of the CIS Member State) may be deployed among the military personnel in order to carry out law enforcement activities.

Article 12

Functions of Military and Civilian Personnel Participating in Peace Support Operations

1. The military and civilian personnel participating in peace support operations shall, as a rule, only be used for:
 - ✓ disengaging warring parties;
 - ✓ stabilizing the situation and establishing security in the area of the conflict, including taking preventive actions;
 - ✓ protecting and guarding strategically important sites and facilities including any facilities and buildings containing hazardous items and forces, as well as industrial infrastructure and lines of communication within the area of the conflict;
 - ✓ providing mediation and assistance to the conflicting parties in elaborating agreements on political settlement, as well as for exchanging prisoners-of-war, return of refugees and displaced persons to their places of residence and assistance in solving their problems;
 - ✓ control and supervision over the compliance by the conflicting parties with the agreements on ceasefire, reduction of the strength and presence of the armed forces in the area, withdrawal of armed formations of the conflicting parties from the specified areas and their demobilisation;
 - ✓ controlling a specific territory including the disengagement zones;
 - ✓ establishing checkpoints and observation posts and conducting patrols on foot, by motor vehicle and in the air;
 - ✓ monitoring the situation in the conflict zone and performing functions to ensure security of the population and observance of their human rights;
 - ✓ maintaining interaction and communication with the conflicting parties;

- ✓ protecting and ensuring the security of international representatives acting as mediators or observers in the course of the conflict;
 - ✓ in certain cases, the direct implementation of administrative (management, judicial, etc.) functions in the region of the conflict and also the preparation and holding of elections, referenda and solving other post-conflict problems in order to restore peace;
 - ✓ fulfilling other functions stipulated in the mandate for the peace support operation.
2. Military units shall be entitled to take measures to ensure self-defence, their own protection and security in accordance with the procedures in force in the Armed Forces (of the CIS Member State) and with due regard for the orders and instructions of the Peace Support Operation Command.
 3. In case of the involvement of military and civilian personnel (of the CIS Member State) in a peace enforcement operation (with elements of coercive action), upon the decision of the UN Security Council, the functions of the personnel (in addition to those listed in point 1 of the this Article) may include combat action and use of arms in accordance with the mandate for the peace enforcement operation and orders from the Operation Command.
 4. Within the limits of the designated areas of deployment, the military personnel may engage in training exercises to ensure operational and combat readiness related to the accomplishment of the mission. The areas, order and time of exercises, strength of the participating military units, routes of movement, and stages of combat fire, security zones, environmental and other issues shall be agreed on between the command of the military unit and the Peace Support Command Staff.

Article 13

Use of Arms in Peace Support Operations

1. Persons comprising the military personnel are entitled to carry arms in accordance with the orders of the military unit Command. Beyond the area of deployment of military units these persons shall be allowed to carry arms only when carrying out the missions of the peace support operation.

-
2. While carrying out the missions envisaged by the mandate of the peace support operation, the personnel of the peace support contingent shall have the right to use arms under the following circumstances:
 - ✓ in order to ensure personal safety and protection against any assault upon their life and health by way of using the inalienable right of self-defence;
 - ✓ in cases of the forcible prevention of the personnel of the contingent from carrying out its duties or any attempts to disarm them;
 - ✓ to repel armed attacks by illegal armed groups and factions, such as terrorists and also to facilitate their detention and disarmament;
 - ✓ for carrying out the tasks of establishing and maintaining disengagement and buffer zones between warring factions and individual armed persons of the conflicting parties;
 - ✓ for the protection of civilians from violent assaults on their lives and health in the peace support zone.
 3. In the case of the use of arms for accomplishing the missions of the peace support operation, the military personnel should strictly observe the rules of engagement.
 4. While using arms all possible measures must be taken for ensuring the security of elderly persons, women, children and other civilians except in cases of their armed resistance or attacks endangering the lives of the personnel of the peace support operation and other citizens if there are no other ways to repel such an attack.
 5. In the case of participation by military and civilian personnel (of the CIS Member State) in a peace enforcement operation for stopping the aggression and eliminating the threat to international peace and security (with elements of coercive action) under the decision of the UN Security Council, the military personnel may use arms in accordance with the mandate for the operation and orders of the international Operation Command.

Article 14**Observance of the Rules of International Humanitarian Law in Peace Support Operations**

1. Military and civilian personnel participating in a peace support operation must observe the rules of international humanitarian law first laid down in the Geneva Convention of 12 August 1949 and the Additional Protocols of 8 July 1977; they must also strictly adhere to the norms and standards set out for guaranteeing human rights and freedoms.
2. The Operation Command and the command staff of the military units must ensure in due course that the military and civilian personnel familiarize themselves with the basic rules and principles of international humanitarian law, the norms and standards regarding human rights, and legal regulations regarding refugees and displaced persons.
3. The Ministry of Defence and the General Staff of the Armed Forces (of the CIS Member State) shall ensure the drafting of a written memorandum and guide containing the description of the mandate for the operation, rules of interaction with civilians in the area of conflict and rules on the use of arms. Additionally, in certain cases the familiarisation of all military personnel with the peculiarities of cultural and religious values and the traditions of the people of the region, as well as specific gender and age related issues and attitudes, may be required.
4. For rendering legal assistance to the Operation Command and instructing the personnel for the purpose of preventing breaches of international humanitarian law in the course of the peace support operation, legal advisor (advisors) shall be included in the personnel.

Chapter III

Distinctive Aspects of Different Types of Peace Support Operations

Article 15

Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by the CIS Member State) for UN Peace Support Operations

1. Based upon a proposal by the President (of the CIS Member State), the Parliament (of the CIS Member State) shall adopt a resolution on the deployment of military units manned on a voluntary (contractual) basis for participation and use in the actions undertaken by the UN Security Council, including air, naval and ground forces, in accordance with Article 42 of the UN Charter, as well as for implementing the obligations (adopted by the CIS Member State) under the international treaties by way of exercising the right of individual or collective self-defence in accordance with Article 51 of the UN Charter.
2. In the case of forming, in accordance with Article 42 of the UN Charter, a UN force to take action for the maintenance of international peace and security involving enforcement measures and use of military force, the President (of the CIS Member State), with the support of the Parliament, or the Government (of the CIS Member State) on the instruction of the President, shall conduct negotiations and sign agreements with the UN Security Council on the basis of Article 43 of the UN Charter. The agreements shall stipulate their current status and readiness, deployment, logistics and assistance including the right of passage, as well as the procedures of contributing troops for purposes of the UN Security Council.
3. In case of a UN appeal (to the CIS Member State) or if the President (of the CIS Member State), following a proposal by the Ministry of Foreign Affairs, considers it reasonable to contribute military units

and military and civilian personnel to the international contingent created by the UN for conducting peace support operations in accordance with the provisions set out in Chapter VI of the UN Charter, without using enforcement measures, the Parliament (of the CIS Member State), following a proposal from the President (of the CIS Member State), shall adopt a resolution on the deployment of military units and military and civilian personnel for participation in these operations. The resolution shall specify the numbers of servicemen, the duration of their stay and rotation procedures, additional guarantees and compensation for the participants in the peace support operation, and the type and composition of armaments for the military units and military and civilian personnel.

Article 16

Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by the CIS Member State) for Regional Peace Support Operations

1. Upon the decision of regional organisations, or within the framework of the regional agreements, (the CIS Member State) may participate in creating forces and means of collective security (collective peace support forces, rapid deployment forces, rapid response forces) and (or) a system of reserve agreements on the participation of military and civilian personnel in regional peace support operations.
2. Upon the decision of regional organisations or within the framework of regional agreements and as stipulated by the Law, other laws and regulatory and legal acts, (the CIS Member State) may send to the territory of other member states of regional organisations (agreements) at their request, and as agreed, its own military and civilian personnel, as well as military units for joint participation in peace support operations for repelling an external military aggression, as well as armed units for participation in peace support operations.
3. Decisions on the immediate involvement tasks, numbers and composition of the military and civilian personnel, as well as that of military units, designated areas, duration of stay in the territory of the receiving state, shall be made by the supreme political body of the regional organisation.

4. The activities of the military and civilian personnel, as well as of the military units (of the CIS Member State) within the collective security system forces (collective peace support forces, rapid deployment forces, rapid reaction forces) when used in a peace support capacity, shall be arranged in accordance with the Law and corresponding international treaties and agreements (of the CIS Member State).

Article 17

Distinctive Aspects of Participation of Military and Civilian Personnel Deployed (by the CIS Member State) for Local Peace Support Operations

1. The armed forces, military and civilian personnel (of the CIS Member State) may be ordered to participate in peace support operations conducted on the basis of bilateral and multilateral international treaties and agreements (of the CIS Member State) with the state on whose territory the conflict occurs, subject to the consent of the latter to the intervention and assistance (on the part of the CIS Member State) for terminating and settling the conflict.
2. The CIS Member State shall not allow its armed forces and military and civilian personnel stationed in the territory of another state under a bilateral or multilateral international treaty to be used in violation of the obligations stipulated by the agreement, and shall not allow the functions and the term of stay of their personnel in the territory of another state, defined by the agreement, to be exceeded.
3. In case of the conclusion of a bilateral or multilateral international agreement on providing (by the CIS Member State) armed forces, as well as military and civilian personnel for participation in peace support operations, the agreement shall be duly ratified by the relevant Parliament (of the CIS Member State) as envisaged by the Law. The funds for fulfilling the obligations under such agreements shall be allocated in accordance with Article 10, para 4 of the Law.

Chapter IV

Final Provisions

Article 18

Organisational Aspects of Peace Support Operations with Regards to the Jurisdiction of the Parliament (of the CIS Member State)

1. The aspects of the deployment of military contingents and individual servicemen for participation in peace support operations and the withdrawal of military and civilian personnel in accordance with procedures set out in articles 8, 9 and 15 of the Law are within the jurisdiction of the Parliament (of the CIS Member State).
2. The Parliament (of the CIS Member State) is to lead parliamentary discussions and hearings on all aspects of participation (of the CIS Member State) in peace support operations, and will launch parliamentary inquiries into the organs of executive power as regards to the planning, financing and execution of peace support operations.
3. The Government (of the CIS Member State) will present an annual report to the Parliament about the participation of military and civilian personnel (of the CIS Member State) in peace support operations if such participation is required. This report shall detail the aims, the basis, the scale and form of participation (of the CIS Member State) in the operation, outlining the current status of the operation and the results attained thus far, containing information about sources and the scale and actual cost of participation in such an operation, about losses (if there are any), and also put forward recommendations regarding the continuation or cessation of participation (of the CIS Member State) in the ongoing peace operation.

DCAF Publications Related to Peacekeeping

Annotated Bibliography

SSR and Peacekeeping

Hänggi, Heiner, and Vincenza Scherrer, eds., *Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti and Kosovo* (Münster: LIT Verlag, 2008), available at www.dcaf.ch/publications.

This volume results from a DCAF policy-research project jointly initiated by the UN Department of Peacekeeping Operations (DPKO) and the United Nations Development Programme (UNDP). It explores the experience of UN integrated missions in supporting SSR in Burundi, the Democratic Republic of Congo, Haiti and Kosovo. The volume develops a set of recommendations for future UN engagement in post-conflict SSR.

Hänggi, Heiner, and Vincenza Scherrer, "Towards an Integrated Security Sector Reform Approach in UN Peace Operations," *International Peacekeeping* 15, no. 4 (August 2008): 486-500.

This article in the special issue of *International Peacekeeping* dedicated to integrated missions examines the desirability and feasibility for UN peace operations of developing and implementing an integrated approach to SSR.

Brzoska, Michael, and David Law, eds., "Security Sector Reconstruction and Reform in Peace Support Operations," *International Peacekeeping* 13, no. 1 (March 2006).

This issue of the journal, *International Peacekeeping*, examines post-conflict reconstruction and SSR in peace support operations. It includes insights from international interventions involving the UN in Haiti, Bosnia and Herzegovina, Kosovo, East Timor, Sierra Leone and Afghanistan.

DDR-SSR

Bryden, Alan, and Vincenza Scherrer, eds., *Disarmament, Demobilisation and Reintegration and Security Sector Reform: Insights from UN Experience in Afghanistan, Burundi, the Central African Republic and the Democratic Republic of the Congo* (Münster: LIT Verlag, 2012), available at www.dcaf.ch/publications.

This edited volume resulted from a DCAF policy-research project initiated by DPKO and UNDP. It analyses the policy and programming issues surrounding the DDR-SSR nexus. It examines both peacekeeping and non-peacekeeping contexts, focusing on case studies conducted in Afghanistan, Burundi, the Central African Republic and the Democratic Republic of the Congo.

Private Actors in Peacekeeping

Østensen, Åse Gilje, “UN Use of Private Military and Security Companies: Practices and Policies,” (DCAF) SSR Papers, no. 3 (2011), available at www.dcaf.ch/publications.

This paper explores the UN use of private military and security companies (PMSCs) in humanitarian operations, peacekeeping operations, and political missions. It traces the internal and external challenges that fuel the UN demand for PMSCs, and explores UN policies on the use of PMSCs.

Ghebali, Victor-Yves, “The United Nations and the Dilemma of Outsourcing Peacekeeping Operations,” in *Private Actors and Security Governance*, ed. Alan Bryden and Marina Caparini (Münster: LIT Verlag, 2006), available at www.dcaf.ch/publications.

This chapter examines the reasons behind the growing involvement of private actors in UN peacekeeping operations since the end of the 1990s. It analyses the challenges and opportunities of outsourcing elements of peacekeeping missions to private actors.

Measuring the Impact of Peacekeeping Missions

Scherrer, Vincenza, *Mapping of Methodologies for Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institutions Issues in the Host Country* (study prepared by DCAF for the DPKO OROLSI Expert Workshop “Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institutions,” Permanent Mission of Switzerland to the UN, New York, 12 March 2012).

This study presents an overview of impact assessment methodologies that can be relevant to measuring the impact of peacekeeping missions on rule of law and security institutions issues. The study highlights that while there are numerous challenges to measuring impact, there are a range of methodologies that can support lessons-learning and enhance accountability.

United Nations Department of Peacekeeping Operations (DPKO) Office of Rule of Law and Security Institutions (OROLSI) and Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Insti-*

tutions, Report of the Expert Workshop (New York: Permanent Mission of Switzerland to the UN, 12 March 2012), available at www.dcaf.ch/publications.

The expert workshop was organized by the United Nations Department of Peacekeeping Operations, in collaboration with DCAF and with support from the Governments of Switzerland and the United Kingdom. The objectives of the workshop were to seek expert advice on how DPKO's Office of Rule of Law and Security Institutions could assess the impact of both headquarters and field-based rule of law and security institutions-related initiatives.

International Interventions

Friesendorf, Cornelius, "International Intervention and the Use of Force: Military and Police Roles," (DCAF) SSR Papers, no. 4 (2012), available at www.dcaf.ch/publications.

This paper examines the convergence of military and police roles in international interventions. It considers the use of force by Germany, Italy, the United Kingdom and the United States in three contexts of international intervention: Bosnia and Herzegovina, Kosovo and Afghanistan.

Regional Perspectives on Peacekeeping

The Role of the United Nations in Peacekeeping and Post-Conflict Peacebuilding: Towards an ASEAN Perspective (Proceedings of the International Workshop co-hosted by Indonesia and Slovakia, held in Jakarta, Indonesia, 29-30 March 2010) (Bratislava: Ministry of Foreign Affairs of the Slovak Republic, 2011).

The third in a series of regional workshops co-hosted by Slovakia with the support of DCAF, this workshop examined the experience of ASEAN Member States in supporting peacekeeping and peacebuilding. The report sets out the recommendations identified for ways in which ASEAN could strengthen its partnership with the UN in multidimensional peacekeeping and peacebuilding.

All rights reserved. No part of this publication may be produced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the Geneva Centre for the Democratic Control of Armed Forces.

This publication is circulated subject to the condition that it shall not by way of trade or otherwise, be lent, sold, hired out or otherwise circulated without the publisher's prior consent in any form of binding or cover other than in which it is published and without a similar condition including this condition being imposed on the subsequent publisher.

Alexander Nikitin, ed., *On Participation (of a CIS Member-State) in Peace Support Operations: CIS Model Law*, Second edition (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2012).

Original Version: English, Moscow, 2004

Cover Design: Angel Nedelchev

Format: 6.25 x 9

ISBN 5-94101-103-3 (2004)

ISBN 978-92-9222-205-5 (2012)