Research Article

WESTERN EUROPEAN MODELS OF THE INSTITUTION OF PARLIAMENTARY CONTROL IN THE FIELD OF DEFENSE AND SECURITY

Tulkinjon P. Karimov

Doctor Of Philosophy (Phd) In Political Science Member Of The Defense And Security Committee Of The Legislative Chamber Of The Oliy Majlis Of The Republic Of Uzbekistan

ABSTRACT

This article analyzes the control function of the representative bodies of state power in the field of defense and security in relation to ensuring the security of the state and society on the example of Western European countries.

KEYWORDS

Defense, security, rule of law, parliament, parliamentary control, public control, reform, social stability, legal and constitutional norms.

INTRODUCTION

An analysis of the history of the statehood of European countries shows that the parliaments of democratic states played an important role in security issues both in wartime and in peacetime. During the Roman Republic, the Dutch Republic in the 17th century, Great Britain during World War II, and more recently, events in the Mediterranean region, as well as recent events in Ukraine, world parliaments have influenced security policy and security sectors through deliberation and oversight. Today's security threats are not only military threats requiring protective measures, but also non-military threats such as terrorism, civil wars, organized crime, the illegal trade or proliferation of firearms or even weapons of mass destruction. These new threats require the coordinated work of all state security services.

Members of Parliament play a critical role in the development and implementation of national, international and security policies. In addition, parliaments ensure transparent and accountable decision-making in all political areas. While

constitutional provisions vary from country to country, parliaments traditionally provide control over military and defense budgets [1].

The security sector includes all "government agencies and bodies that have the authority to use force, control force, or use force in the face of a threat". It is accepted as a norm that such organizations are the military (army, navy, aviation), intelligence, border services and paramilitary organizations. Control of the sphere of defense and security by representative bodies is carried out "in order to create systemic accountability and transparency while strengthening independent systemic democratic control" [2]. It is accountability and transparency that ensure good governance that upholds the rule of law.

THE MAIN FINDINGS AND RESULTS

Parliamentary oversight of defense and security is only complete if five key components are overseen: politics, personnel, finance, equipment, and weapons systems. Parliamentary oversight of the security sector does not exist on its own. Essentially, the basic principle of parliamentary oversight is to maintain a balance between security policy and society by holding the government accountable and harmonizing the goals, policies and procedures of military and political leaders. In many countries, the greatest concern of parliaments remains the reconciliation of military and political goals, not the threat of a military coup.

In Europe, the question of democratic parliamentary control of the armed forces is being revived. This issue is high on the political and scientific agenda of some European countries for a number of reasons. Firstly, the abolition of compulsory military service in a number of European countries (Holland, Belgium, France, Italy, Spain, Portugal) caused critical discussions on the issues of democratic management

of the armed forces. Many experts fear that democratic control over a mercenary army will be more difficult than over a draft army. Secondly, in recent years, most European countries have been involved in the process of reducing their armed forces, which has contributed to the expansion of the tasks associated with the participation of the armed forces in peacekeeping missions. Thirdly, due to the importance of military activities at the international level, international cooperation and democratic parliamentary control over military structures are becoming increasingly important. Fourth, there was a demand from international organizations such as NATO and the OSCE for the post-communist states of Central and Eastern Europe to rebuild their military-political relations on the basis of democratic principles. Without the democratization of military-political relations, these countries could not become members of Western international organizations, moreover, in most transitional societies, security reforms were carried out earlier than political-democratic reforms.

Before reforming the security sector, transitional societies adopted new constitutions that expanded the powers of the legislature and introduced civilian control over the armed forces. This was an important step, as the security sector must be reformed in a democratic way that would meet not only the functional requirements of the military, but also the requirements of society. These four factors point to a resurgence of democratic control under both old and new democratic regimes in Europe [3].

The establishment of parliamentary control in the field of defense and security in the countries of Western Europe is characterized by membership in the NATO military bloc. In recent history, most NATO countries have focused on the possibility of using armed forces in connection with the threat of Soviet aggression.

With the end of the Cold War, the issue of democratic command of the armed forces came into sharp focus. There are several reasons for this problem. First of all, the changes that have taken place in Central and Eastern Europe, and as a result, democratic institutions began to develop in the former communist countries. During the transitional period of these countries, cardinal changes required the formation of democratic control in the armed forces. This problem was exacerbated when NATO made democratic control of the military an unambiguous condition of the Alliance. Increasingly, the goals of NATO's Partnership for Peace initiatives include those aimed at ensuring transparency in defense planning and financing and ensuring the democratic control of military forces. Although NATO emphasizes the democratic control of the armed forces, none of the existing models of the Alliance can serve as a model. For historical, cultural and constitutional reasons, each member of the Alliance chooses the most appropriate approach to the problem for him. The broader context of civil-military relations is that the democratic control of the military is an inherent and ever-evolving process. The extensive experience of the powers, procedures and practices of parliamentary oversight of defense in Western European NATO countries can be seen in the UK.

The UK military is the fifth largest in Europe with 153,200 troops. The armed forces consist of the Royal Navy, the British Army and the Royal Air Force. The total number of military personnel is 228,650 people, the reserve is 754,500 people. The use of the British armed forces is aimed at ensuring internal and external national security, as well as participation in NATO coalition operations [4].

According to the British constitutional principle "The Crown in Parliament", the British monarch is an integral part of Parliament. Parliament has a bicameral structure, consisting of an upper house called the House of Lords and a lower house called the House of Commons. The term "Parliament" is usually used to refer to both houses, but sometimes parliament refers to its main body, the House of Commons. "Members of Parliament" also means members of the House of Commons only. The government is only responsible to the House of Commons, which is called "parliamentary responsibility". The House of Commons exercises "parliamentary control" [5]. The House of Commons consists of deputies elected for a 5-year term by secret ballot in single-member districts under the majoritarian electoral system. The House of Commons may be dissolved by the Prime Minister with the consent of the monarch. The House of Commons is currently the national representative body with 650 members. The deputies form various committees dealing with issues of serious public importance. One of the most important functions of the parliament is to pass laws and control the activities of the government. Members of parliament and, accordingly, members of the government have the right to initiate legislation, since by law ministers must also be members of one of the chambers. Members of the House of Lords are not elected and most of them inherit their powers. The House of Lords is significantly limited in its powers. He has no right to correct or delay financial decisions. The rest of the bills are only eligible for a one-year deferral.

As a national representative body, the British Parliament is a tripartite institution, which includes not only both chambers, but also the monarch, "the king in parliament." The presence of all three elements in Parliament constitutes the British Parliament. Parliamentary legislation is a strictly sequential process of considering bills first in the lower and then in the upper house. Discussion of the bill, proposals is carried out through parliamentary discussion or debate. Proposals, draft decisions form the position of the

chamber on a specific issue. Thus, the deputies submit the issue for discussion by means of proposals and offer to take a decision on it. The right to make proposals is most actively used by the opposition, as it provides an opportunity for a broad discussion of state policy. Bills can be introduced in either the upper or lower houses, but are usually debated first in the House of Commons and then in the House of Lords. A bill approved by the House of Commons is sent to the House of Lords. Financial bills must be considered and approved no later than one month from the date of their receipt in the upper house, after which the bill is signed by the king.

The oversight of government is the most important function of the House of Commons. Government accountability to Parliament is the core of the entire control system. The UK has a parliamentary (responsible) system of government. This means that the government will be formed from the members of Parliament and will be accountable to Parliament (in which case Parliament belongs to the House of Commons only) and will have to resign if there is a vote of no confidence against it.

The Government is collectively responsible to Parliament. A vote of no confidence in one government minister is usually treated as a vote of no confidence in the entire government. The UK Government is accountable to Parliament. Control over the activities of the government is carried out in the following forms. The deputies send questions to the members of the government, to whom the ministers give oral explanations in the chambers and prepare written replies published in the parliamentary records. Parliamentary oversight of defense and security is exercised by the 28-member Defense Committee of the House of Commons. The Committee has control (military, executive, budgetary, investigative) powers.

Parliament has the power to enact or revise proposed defense laws. While the power to call the Secretary of Defense to testify in committee meetings or plenary sessions lies with Parliament itself, it is the joint power of committee and Parliament to question the Secretary of Defense.

The powers of the commission also include:

- summoning military and government officials to testify at committee meetings,
- summoning public experts (from research institutes and other scientific institutions for the study of public opinion) to testify at the meetings of the commission,
- Request documents from the Ministry of Defense or the military,
- Conducting research on defense issues (at the request of Parliament),
- Conducting defense hearings.

Parliament has the right to fully amend bills relating to the Parliamentary Defense Committee. The Committee and Parliament have limited powers to oversee the defense budget and do not have the power to amend the defense budget fund or conduct scheduled and ongoing reviews of the defense budget. Parliament itself has the power to approve or reject any defense budget proposal. Parliament must also give a mandate to the British Armed Forces peacekeeping mission and approve the mission's budget. Members of the Committee are entitled to travel on British Forces peacekeeping missions abroad. The Committee's authority over defense spending is limited to notifying the Committee and Parliament of the Secretary of Defense's decision to make purchases in euros or dollars. Parliament and the committee are not authorized to plan security policy, the concept of defense, military strategy, the personnel of the defense system.

ITALY

Italy has the largest military force in the European Union with 161,550 soldiers. In Italy, with a population of 59 million, there are 176,350 military personnel in the armed forces, and the total number of military personnel is 355,800, of which 17,900 are reserve [6]. The Italian National Parliament is a bicameral legislature with 600 elected members of parliament. The Italian Chamber of Deputies and the Italian Senate form the parliamentary chambers. The 1947 constitution is the most important source of Italian parliamentary law. Chapter 1 of Part 2 of the Constitution ("Organizational Structure of the Republic") is directly devoted to the Parliament. In the system of separation of powers, the legislature formally comes first. At the same time, in other parts of the constitution there are provisions that in one way or another relate to the work of parliament. The name "Parliament" is changed to "House" (states 55-69) and "Legislative" (states 70-82). The Chamber of Deputies, consisting of 630 members, is elected on a national basis from multi-member constituencies. 315 senators are elected from single-member districts in the regions. The term of office of both chambers is five years, renewable only in case of war. The bicameral nature of the modern Italian parliament stems from the existence of two constitutional principles: equality and functional autonomy of the chambers. The principle of equality of the chambers follows from the provisions of Article 70 ("The legislative function is exercised by both chambers"). According to Article 94 ("The Government shall have the confidence of both Chambers"), the functions of the Chambers are equal in the exercise of legislative and control functions [7]. Article 64 of the Italian Constitution provides that each chamber adopts its rules of procedure by an absolute majority of its members. Rules of Procedure of the Chamber of Deputies Part 2 "Legislative Order" - contains the procedure for the consideration of various bills in the chamber and its committees and related sections. Part 3, entitled "Procedures for Chamber Participation in Policy Development, Oversight and Information", contains chapters on the Chamber's oversight functions and relations with other bodies.

The main part of parliamentary activity falls on standing committees. There are 14 permanent committees in the Chamber of Deputies, 12 in the Senate, and their list is indicated in the relevant regulation. A standing committee for defense is created both in the Chamber of Deputies and in the Senate. [8] The Defense Committee of the Chamber of Deputies consists of 43 members and 4 employees. The Defense Committee has executive, military, budgetary control and legislative powers. Defense law initiative is not the responsibility of Parliament or committee, but it has the power to enact or revise proposed defense laws.

The Committee may call the Secretary of Defense to testify before its meetings or plenary meetings. Neither the parliament nor the committee has the authority to demand relevant documents from the Ministry of Defense and the armed forces, or to conduct defense investigations at the request of parliament [9]. The committee itself is empowered to hold defense hearings and review the current defense budget. Parliament can reverse bills relating to the defense committee. The power to review all defense-related budget documents, to amend the defense budget fund, and to approve or reject any defense-related budget proposals, is a joint right of parliament and committee. Parliament and the committee must decide and approve the budget for troops to participate in peacekeeping missions abroad. Committee members may visit troops on

peacekeeping missions abroad. Both parliament and the committee have limited powers in matters related to defense spending. The approval of high-ranking military personnel is also not provided for in the powers of parliament and committee. Analyzes show that decision-making in the field of defense and security involves close cooperation not only between governments (representing states), but also between parliaments (representing citizens). In a rapidly changing security environment, it is more important than ever for parliaments around the world to discuss defense-related security challenges and threats. However, the main problem is that parliaments often rely on information from the government and the military, institutions they are supposed to exercise control over. This creates an asymmetrically dependent relationship between parliament, government and the military. The situation is further complicated by the general closeness or lack of transparency of the security sector, the nature of its operations and the depth of the culture of secrecy.

CONCLUSION

Parliaments have developed their own strategies to deal effectively with this situation:

- use the experience of non-governmental non-profit organizations in their activities (for example, apply to research centers to conduct research, invite civil experts to participate in hearings, etc.);
- International parliamentary assemblies and international think tanks are increasingly involved in assisting parliaments. Deputies actively participate in meetings where they exchange experience and opinions with parliamentarians from other countries;
- has a staff to support both the deputies themselves and parliamentary committees;

- there is a public service system (eg recruitment, selection, promotion); the parliamentarians themselves are seasoned experts;
- both members of parliament and parliamentary staff participate in national and international seminars and study tours;
- has research centers and libraries that conduct extensive research and analysis.

Parliamentary control in the field of defense and security in the countries of Western Europe is the subordination of the armed forces to a democratically elected representative body.All decisions related to the defense of the country as a whole - the organization, deployment and deployment of the armed forces, determining the needs and priorities of defense, allocating the necessary resources - are the responsibility of a democratic government and are reviewed by the legislature in order to ensure legislation. The ultimate goal is for the military to serve the society it defends, and for military strength and power to be consistent with political goals and economic foundations.

REFERENCES

1. Eden Cole, Philip Flury. Oversight and Leadership: Parliaments and Governance in the Security Sector. DCAF, Geneva 2015 - 92 s.
2. David Spence and Filipp Fluri, eds. The European Union and Security Sector Reform London: John Harper Publishing, 2008.
3. Control and management: the relevance of parliamentary control over the security sector and its reform. collection of papers on fundamental aspects of parliamentary oversight of the security sector (Hans Born, Philippe Flury, Simon Lann and others. DCAF Paper No. 4 Brussels Geneva-Kiev.2006pp.28-2

4. The Military Balance 2021 / International Institute for Strategic Studies. — Abingdon: Taylor & Francis, 2021. — 504 p. — ISBN 9781032012278. (https://dzen.ru/media/map_mind/chislennost-voorujennyh-sil-stran-evropy-5dad57313639e600af7a5706)

5. Saidov A.Kh. UK Parliament. // "Құқық zhane memleket" magazine, 3 (72), 2016, 22-28 pages.

6. The Military Balance 2021 / International Institute for Strategic Studies. — Abingdon: Taylor & Francis, 2021. — 504 p. — ISBN 9781032012278.

7. https://legalns.com/download/books/cons/italy.pdf

8. http://www.belpaese2000.narod.ru/Italia/ufficiale/parlam1.htm

9. Oversight and governance: the relevance of parliamentary oversight of the security sector and its reform. Hans Born, Philippe Flury, Simon Lann, ISBN 978-92-9222-129-4 © Geneva Center for the Democratic Control of Armed Forces, 2010, Brussels-Geneva-Kyiv 2011 p.