



GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF  
ARMED FORCES (DCAF)

WORKING PAPER NO. 122

**DECISION MAKING IN THE FIELD OF SECURITY –  
FORMAL AND INFORMAL PROCEDURES AND  
MECHANISMS IN THE RUSSIAN FEDERATION**

*Amb. Vladimir Shustov*

*Ministry of Foreign Affairs, Moscow, Russian Federation*

Geneva, August 2003

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# **DECISION MAKING IN THE FIELD OF SECURITY – FORMAL AND INFORMAL PROCEDURES AND MECHANISMS IN THE RUSSIAN FEDERATION<sup>1</sup>**

*Vladimir Shustov*

To start with, I would like to note that the degree to which the civil society influences state national security policies depends on political and social and economic character of the state and, accordingly, on relationships between various branches of power and the society itself represented by its organizations, mass media and individuals.

Russia's security policy of today has been shaped under the influence of political and economic changes in our state and tectonic shifts in the system of international relations. It took some time to formulate its fundamental principles and objectives. This could not be otherwise, since almost overnight this country has found itself in a completely new internal and geopolitical situation.

After the disintegration of the Soviet Union, our national security and foreign policy has been developing in a qualitatively new, different from that of the Soviet era, public and political as well as legal environment. This has, of course, affected the procedure of developing and adopting decisions of national importance. The democratization of Russia's political and public life led to a drastic change in the mechanism of formulation of its foreign policy. The same is true for its security policy.

In this respect one should note first of all an increasing impact of parliaments, mass media and public opinion on state policies. On the other hand, an increased openness of the society towards foreign countries enlarged the spectrum of international ties, which in turn weakened the coordination of these ties by a single centre.

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Very soon and at first spontaneously, the constituent entities of the Federation started to develop their relations with adjacent regions and local authorities of foreign states. Dozens and hundreds of thousands of our citizens began to freely visit other countries. This enabled our people to get a wider perception of the surrounding world and to better understand many issues including those related to national security.

The decision-making procedure in the field of security underwent a transition - and a very harsh one - from the Soviet foreign-policy propaganda machinery to the information openness. Whole spheres of international economic relations formerly controlled by the state that covered not only trade and economic relations but also exchanges in the fields of science and culture were excluded from the public sphere.

All this was happening against the background of a rapid and sometimes chaotic development of the market economy.

However, at a rather early stage of the initial period of shaping Russian foreign and security policy a document was prepared that provided for a basis or, in other words, a carrying structure of a decision-making mechanism, that made it possible to streamline the decision elaboration process involving civil society and to make this process more open and comprehensible to foreign countries. This is the Constitution of the Russian Federation adopted by a national referendum on December 12, 1993.

According to the Constitution the President of the Russian Federation is the head of state. He is responsible for settling major national security issues. In accordance with the procedure established by the Constitution he takes measures to protect the sovereignty of the Russian Federation, its independence and state integrity, ensures the coordinated functioning and interaction of state government bodies. The President determines the basic objectives of the internal and foreign policy of the state.

The President forms and heads the Security Council of the Russian Federation the status of which is determined by federal law. The Council is composed of state and political figures directly involved in ensuring security: Chairman of the Council of Ministers, Minister of Defence and Chief of the General Staff, Ministers of Foreign Affairs and the Interior, Director of the Federal Security Service. It also includes

chairmen of both chambers of the Parliament of the Russian Federation allowing the heads of the legislative state body to take part in the discussions on major national security issues. The Council elaborates Presidential decisions in the field of international security and controls their implementation.

The President of the Russian Federation is the Supreme Commander-in-Chief of the Armed Forces of the state. In the event of aggression he introduces martial law in the territory of the country or in its certain parts immediately informing the Federal Council and the State Duma of this measure.

Finally - what has an immediate bearing on security issues - the President directs the foreign policy of the Russian Federation.

The activities of the Parliament determined by the Constitution are instrumental for decision-making in the field of security. They represent the most vivid manifestation of the civil society involvement in formulating national security policy.

In accordance with the Constitution the upper house of the Russian Parliament - the Council of the Federation - approves President's decrees on the introduction of a state of emergency or martial law. Another Council's function in the field of security is to take a decision on possible use of the Armed Forces of the Russian Federation beyond its territory.

The State Duma participates on a more "routine" basis in working out decisions on security matters. The reason for it is that the Constitution authorizes it to adopt federal laws which concern all aspects of the state activities, including in the field of security and foreign policy.

The Duma is responsible for the consideration and adoption of federal laws on the status and protection of the state national border, as well as on the issues of war and peace.

One of the major functions of the State Duma, which are of strategic importance for the state, consists in discussing and approving the budget, where expenditures for the defence and security of the country are provided for. Proposals on this subject

are prepared by the Ministry of Defence, then they are submitted to the State Duma and, when adopted by the Duma, are transmitted to the Council of the Federation.

The Parliament analyzes the draft budget in terms of its conformity to the national security concept and military doctrine, as well as in terms of economic potential of the country. Allocations are discussed by parliamentarians on an item-by-item basis in different committees and plenary sessions. The Parliament controls the funds allocated to the Ministry of Defence through a specially established chamber and by way of parliamentary hearings.

According to the procedural Regulations of the State Duma three committees have been created dealing directly with security matters: on defence, on security and on international affairs.

Over the last years the State Duma adopted a number of fundamental laws dealing with the national security. They include the laws "On Defence", "On Mobilizational Preparation and Mobilization in the Russian Federation", "On Security", "On the State of Emergency" etc.

The Duma has recently adopted at the first reading the draft law on alternative civil service. The Constitution of the Russian Federation says: "In the event that their convictions or religious beliefs are at odds with the military service and in other cases stipulated by federal law, citizens of the Russian Federation shall have the right to substitution of an alternative civil service for military service". Now the Duma has to agree upon a number of specific provisions of the law, in particular those concerning the time and place of performing the alternative service.

As regards the personnel of the Armed Forces of the Russian Federation, according to the existing legislation they have not only responsibilities and limitations due to their official status, but also appropriate rights. These are enshrined in the laws "On Defence", "On Military Service", "On the Status of Servicemen". The last mentioned law provides that to protect their legitimate interests servicemen have the right to apply to the court in accordance with the procedure established by law.

Russian Armed Forces take measures to get the personnel acquainted with the provisions of international humanitarian law and other international rules, standards and obligations concerning international conflicts. This is in line with our legislation. A special instruction of the General Staff of the Russian Federation prescribes the familiarization of all the servicemen in the process of their training with the OSCE Code of Conduct as well as rules of international humanitarian law pertaining to the use of armed forces in the time of an armed conflict. These questions are studied for an established number of hours by all categories of servicemen. The text of the above - mentioned OSCE Code of Conduct concerning military and political aspects of security was published by Russian Ministry of Defence. Necessary methodological materials are being developed to study this instrument.

Students of higher schools of the Ministry of the Interior of Russia study the sources and principles of international law applied in the time of international conflicts, including the types of international legal responsibility for violating legal rules, responsibility of physical persons for violating norms and principles of the law of armed conflicts, etc.

The Ministry of Defence of the Russian Federation and the International Red Cross have developed cooperation to disseminate knowledge of international humanitarian law in Russia's Armed Forces. A program of cooperation between the Federal Border Service of Russia and the delegation of the International Red Cross to our country on the issues pertaining to the law of international conflicts has been developed and is being implemented.

Of course, one should not overestimate the results of the efforts taken by our armed forces to ensure necessary knowledge of international humanitarian law. There is still a lot to be done. Problems in this sphere may exist in other armies as well. But Russia's Armed Forces did begin the process of such education. This is not only in line with our legislation, but also meets the interests of our civil society.

Reverting to the activities of the State Duma which is a body that establishes a legislative basis in the field of security and at the same time reflects public opinion on these issues, I would like to say a few words about the work of its deputies with the electorate. The Duma's procedural regulations contain a special provision, which



provides reads the following: "In accordance with the Federal Law on the Status of a Deputy of the Council of Federation and the Status of a Deputy of the Federal Assembly of the Russian Federation the deputy of the State Duma shall answer letters of voters, study their proposals and complaints, receive them in his/her electoral district or region, assigned to him/her by an electoral association." Such a form of contacts, which covers all those who have the right to vote in the elections to the Duma provided, of course, that the deputy uses it with the sense of responsibility, awareness of his/her duty and in full, makes it possible to take into consideration in the Duma's decisions the views of the overwhelming majority of the country's politically active population. One should bear in mind that in Russia - and it is to a great extent a heritage, and quite a good one, of our past era - broad sections of the populations take the issues of foreign policy and state security very interestedly and keenly, be it the issue of the Kurils or Russia's relations with the United States in the nuclear and missile sphere, or the position of our compatriots abroad, in particular in the Middle East, where many people of Russia origin have migrated, etc. Of course, now the issues of national economic development and welfare standards are the first priority for our people. However, this does not make the issues of security and foreign policy less important for them, and those who work in the field of foreign policy, at the Ministry of Foreign Affairs, are fully aware of this.

Deputies of the Parliament cannot but take into consideration electorate's opinions when discussing the issues of ratifying international treaties.

From the very beginning, the Federal Assembly has been paying much attention to the issues of ratifying treaties on the arms limitation and reduction. Ratification of those instruments was at times very difficult. Maybe, the process of approving the Open Skies Treaty was the smoothest one. Now this agreement is already in force. However, this instrument, which is the least complex of all the international treaties in the sphere of security, had waited for decision of its fate in the Duma for many years. It was submitted to the Duma in 1994 and ratified only in April 2001.

Delays of ratification were due to a number of objective factors. To some extent, they were caused, as some analysts noted, by the fact that Russia had practically no experience in the field of democratic parliamentary discussion and approval of international treaties. It took deputies some time to obtain the necessary experience

and work out appropriate procedures: how and in what committees such issues should be discussed, what experts should be involved in the analysis and discussion, etc. Furthermore, the procedure of interaction between the executive and legislative branches of power, established under the Constitution of 1993, was not precise enough and was developed on the basis of discussions of international agreements. The Duma's attitudes towards the ratification of one or another agreement were undoubtedly influenced by the domestic political environment and international situation, and first of all by the attitude towards agreements under discussion in other states.

However, in the 1990s, the process of ratification did not stop. In 1997, the Federal Assembly approved the first major international treaty, providing for the elimination of a whole class of weapons of mass destruction - the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which was open for signature as early as in 1993.

Since 2000, the process of ratification has accelerated. In April-May the Federal Assembly approved the START II Treaty and the Comprehensive Test Ban Treaty. The former instrument had been under consideration in the Duma since 1995. The treaty is a very complex one and it had been debated for nearly five years. The United States didn't ratify it in full. The Comprehensive Test Ban Treaty met with a more favorable attitude in the Duma. It was open for signature in September 1996. In November 1999, it was submitted for ratification to the Federal Assembly which approved it the following year. Apropos, this was done a month after that agreement had been rejected by the American Senate.

The issue of ratifying agreements on the limitation and reduction of armaments deserves particular attention. If these agreements which meet the interests of security and enjoy support of non-governmental experts and the society in general do not get for some parliamentary approval for this or that reason, this fact cannot but be regarded as negative. In our country the refusal of the USA to ratify the Comprehensive Test Ban Treaty or its decision to withdraw from the ABM Treaty do not meet with understanding in Parliament, and in public circles and are regarded as mistakes. Denunciation of concluded agreements or a failure to ratify signed treaties undermine the international legal base of the efforts aimed at limiting armaments.

Any impartial expert, no matter governmental or non-governmental, would say so. Russian international law experts cannot accept the position of those who seek to replace treaties, that are subject to ratification and have full legal validity, with less binding documents, based only on the parole by leaders, who hold the office today, but tomorrow, after new elections, they could be just common citizens. Their parole is not a ratification instrument of a diet, elected by the people.

General and complete disarmament is an attractive but impracticable idea. Its discussion at the UN forum in 1960s was useful in that it provided an impetus to negotiations on partial, but real and practical arms limitation and reduction measures to the benefit of all states. Agreements on these measures preclude the creation of new armaments or help limit the existing ones.

The current agenda includes the issue of ratification of the co-called adapted Treaty on Conventional Forces in Europe which was signed by its states Parties at the meeting of heads of state or government of the OSCE participating states in Istanbul on December 19, 1999. This agreement is rightfully considered to be the cornerstone of ensuring security on the European continent. We should see to it that it is ratified and made effective. The position of our parliament on this issue will to a great extent depend on the attitude of leading Western states.

As for the executive branch we should certainly mention that the Ministry of Foreign Affairs, in close co-operation with the Security Council and the Ministry of Defense, as well as with other competent departments, directly participates in the process of decision – making in the field of security. Foreign policy cannot be separated from national security.

In accordance with the Foreign Policy Concept of the Russian Federation of July 10, 2000, the MFA follows the main foreign policy course approved by the President of the country. The Ministry co-ordinates foreign policy activities of federal bodies of executive power. At the same time, it assists the constituent entities of the Russian Federation in carrying out international co-operation, with strict respect for national sovereignty and territorial integrity.

As for relations between the MFA, as well as other bodies of executive power, and NGOs this issue has been separately mentioned in the Foreign Policy Concept of Russia. It specifies that the federal bodies of executive power interact, as appropriate, with non-governmental organizations of Russia in preparing decisions on the foreign policy of the state. Broader involvement of NGOs in foreign-policy activities of the country is consistent with the task of ensuring maximum support by civil society for the state foreign policy and can promote its effective implementation.

In line with this directive the Ministry of Foreign Affairs maintains everyday relations with NGOs in a number of fields of activity. A special Department for Liaisons with the Subjects of the Federation, the Parliament, Public and Political Organizations was established in the Ministry. The Department receives from NGOs a lot of proposals on foreign and security policy, which are considered in this Department as well as in other departments of the Ministry within their competence.

The Department of International Humanitarian Co-operation and Human Rights interacts with human rights organizations and associations of compatriots living abroad. It is well known that it is a very serious problem for Russia because over 20 millions of Russians live outside their homeland. They have various status. They are persons who acquired citizenship of the country of domicile, or citizens of the Russian Federation or stateless persons. Their situation provokes strong interest and sometimes concern in our society, and that is why the MFA pays priority attention to this issue. Different public organizations send in numerous proposals that are thoroughly considered and, if possible, taken into account.

The Information and Press Department plays a specific and important role in developing relations with the public, informing it about our foreign and security policy and explaining the essence of this policy. Its activities serve as a vivid testimony to the openness of this policy. Today, an unprecedented number of representatives of foreign press are accredited in Moscow - some 1800 persons. Only one agency - Reuters - is represented by 140 correspondents. The Information and Press Department directly assists these envoys of international mass media in their work. Our Minister of Foreign Affairs constantly devotes attention to the dissemination of information about security issues and foreign policy among the public of Russia and foreign countries. One can hardly mention a country whose minister for foreign affairs

almost every day makes direct radio or television statements at the request of observers.

The Information and Press Department of the MFA has a web-site through which important information about security issues is disseminated and requests from users are received. The Department's Director or other officials answer the questions asked at briefings. A regularly published diplomatic journal "Vestnik MID Rossii" is a useful and convenient publication containing information about our policy. This publication is a good supplement to oral information.

As we have touched upon issue of information it is quite relevant to raise another point concerning freedom of press in Russia and the role of mass media in civil society of our country. We can definitely say that freedom of mass media is fully guaranteed in Russia. With one reservation, though: the mass media publish what their sponsors would like them to publish. This has always been the case and in all states. Anyone is free to write anything about security issues without any restrictions or censorship and actually does so discussing the state of the armed forces, policy of the Ministry of Foreign Affairs, disarmament, Russian-American relations, the situation in the Middle and Far East. In this respect, we do not differ from the countries which are called "civilized". But I personally think - and I might be mistaken - that there is one difference. Russia does not has yet such respectable newspapers as Le Monde, The New York Times, The Washington Post, etc. which seldom hunt for sensations, but carry reliable information and publish detailed analytical articles. Such mass media provide much better information and guidance for serious readers in our world flooded with rapidly changing international political events. It is clear, of course, that we have interesting newspapers which often criticize the official policy, influence public opinion and whose views are taken into consideration by authorities. But, like everything else in our country, mass media are in transition and will certainly be improving. I would like to point out that I am talking about the central Russian newspapers and not regional or local ones which are not familiar to me.

Today, there are dozens of non-governmental organizations in Russia, which closely deal with security and foreign policy issues. Their activities are of interest to my foreign counterparts and deserve attention. It can be said almost for certain that both

scientists and representatives of executive and legislative bodies benefit from their views and studies. Their members do not only arrange conferences, round tables, undertake studies, but are invited to take part in debates in the State Duma on treaties submitted for ratification, and are invited by ministries for consultations on security problems. In support of this view I would like to offer you some examples.

The Ministry of Foreign Affairs maintains close relations with non-governmental experts through the Department on Foreign Policy Planning. Experts in security and disarmament often serve as consultants for the Department on Security and Disarmament Issues. Relations between regional-geography institutes and the territorial departments of the Ministry are developed quite well.

Some non-governmental organizations dealing with security issues are of special interest to official agencies and their views are taken into consideration.

The Russian Centre of Political Studies, the so-called PIR-Centre, is an example of such organizations. It employs prominent experts and researchers. Both national and foreign experts are involved in its work. As a non-governmental organization the PIR-Centre carries out scientific, educational, information and consulting activities. International security, arms control, especially nuclear arms control and proliferation are among the priorities of the Centre. Magazine Nuclear Control is one of the main projects of the Centre which is widely read in the President Administration, Ministry of Foreign Affairs, Defence Ministry, Atomic Energy Ministry and many other bodies of the executive branch, as well as in the State Duma. Just a few days ago, the Centre issued its report on the reduction of strategic offensive arms which was met with a considerable interest by governmental agencies. Its experts were repeatedly invited to participate in hearings at various parliamentary committees.

Moscow academic institutes, in particular, such a famous institute as the IMEMO, invite legislators and representatives of governmental agencies to take part in their conferences and seminars.

Such institutes as the Institute of Physics and Energy and the Moscow Physical and Engineering Institute carry out important activities in training in the field of nuclear

safety and, at the same time, consult corresponding governmental organizations on the implementation of international agreements on nuclear arms reductions.

Wide activities is being conducted in our country by the Association for Euro-Atlantic Cooperation which was founded in 1992 as an international non-governmental non-profitable organization by various non-governmental institutions, politicians, political and social scientists from Russia, Europe and the United States. The aim of the Association is to provide for debate on acute security, political, economic and cultural issues, to promote cooperation and understanding on various levels in order to enhance Euro-Atlantic security and stability, respect of human rights and democratic values. Since 1993 the Association is an associated member of the Atlantic Treaty Association with the right to vote in all its decision- making bodies. The Association has branches in St. Petersburg, N. Novgorod, Yekaterinburg, Krasnoyarsk and some other cities. It maintains dynamic bilateral relationships with its partners in Europe and the United States. The Association also maintains constant contacts with the governmental institutions which are dealing with security problems.

The so-called Petersburg Dialogue - Russian-German non-governmental Forum - which started functioning in 2001, attracted great attention in Europe. It was established on the initiative of Chancellor Schroeder and President Putin. At this Forum, representatives of science and business discuss and develop recommendations for governments both on the development of bilateral Russian-German relations and European security issues.

The Council on Foreign and Defence Policy is one of the most authoritative non-governmental organizations in our country, which develops important and useful recommendations on security issues. Its representative, Andrei Fedorov, takes part in our conference and he will tell you more interesting details about the activities of this organization.

Finally, I would like to note that, to my mind, our discussion initiated by Swiss and Hungarian colleagues will be a useful and timely event. The decision-making process at the official level which should take into consideration views of non-governmental organizations is of great importance for all states, both the most advanced in this field and newcomers.



Established in 2000 on the initiative of the Swiss government, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), encourages and supports States and non-State governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes international cooperation within this field, initially targeting the Euro-Atlantic regions.

The Centre collects information, undertakes research and engages in networking activities in order to identify problems, to establish lessons learned and to propose the best practices in the field of democratic control of armed forces and civil-military relations. The Centre provides its expertise and support to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

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