region is rather unlikely in the foreseeable future.

The aforesaid does not exhaust the summing up of the unique characteristics of peacekeeping operations within the CIS. For instance, it is quite unusual to involve the parties to the conflict in the operation, but that is precisely what is envisaged in the agreements on the peaceful settlement of military conflicts in the Dniester area and in Abkhazia. Although these agreements were concluded outside the framework of the CIS, the operations established by those agreements were later brought under the auspices of the Commonwealth of Independent States. Still, Article 4 of the Agreement on Groups of Military Observers and Collective Peacekeeping Forces in the CIS provides for an unequivocal ban on including contingents of the conflicting sides in the peacekeeping forces.

Here is another example. I have already drawn your attention to specific features of the documents on conducting operations in Tajikistan where they touch on the use of armed force. These documents might well be interpreted as encroaching on the prerogative of the UN Security Council, where they mention the use of sanctions by regional bodies.

The list of enforcement measures envisaged by Article 41 of the UN Charter includes measures not involving the use of armed force. UN practice has gone in the direction of applying such measures (conceived by the founders of the world organization for resolving international conflicts) to international situations. The conclusion may come to mind that complete or partial interruption of economic relations and of various means of communication as envisaged by the UN Charter as sanctions against aggressors in international conflicts may also be applied to offenders in a situation of internal conflict. But if such extrapolation is justified, then one would assume that in that case UN Security Council authorization is needed as well. Applied to internal conflict, paragraph 1 of Article 53, mentioned above, would be the Charter's regulating norm. Here, the question arises: should the Commonwealth seek UN authorization before applying economic coercion to one of the parties to the conflict in Abkhazia, Georgia? In accordance with the decision of CIS Heads of State of 19 January 1996, CIS members pledged to take a whole series of measures directed against Abkhazia, in particular, the severance of all trade, economic, financial, transport and other relations. If such measures could be characterized as enforcement, then the question of the necessity of securing prior authorization from the UN Security Council may well be raised.

In connection with the operation in Tajikistan, I have already used the words 'forced improvisation' I think it is permissible to characterize other peacekeeping operations and a great many other things the CIS does in the same way. The Commonwealth, which emerged in place of the collapsed Soviet Union, has, in my view, so far failed to find its legal identity, even though it has the features of a regional inter-governmental organization. This probably partially explains the peculiarity of CIS actions and its departure from existing international legal regulations and commonly recognized practice.

I may be reproached of a certain degree of legal idealism should I say that during CIS peacekeeping operations allowing for the use of military force, norms and practice have to be most scrupulously conformed to. I am not demanding 'Fiat justitia, pareat mundus'-'Let justice be done, though the skies fall!' I remember a former student of mine, a war-seasoned airborne officer who was awarded the highest Russian decoration for military valour. At a seminar on international law, during which we considered the legal norms applicable in peacekeeping operations, he patiently endured my questions, and then he said: 'If I blindly fulfil all legal requirements, I will lose men and fail my Mission'.

However, we must not forget that the main feature of the operations conducted within the Commonwealth of Independent States, is the fact that Russia takes the lead. Russia bears the brunt of expenses and human losses. Retreat from legal norms would provide an additional argument for those who accuse Russia of attempting to restore an empire in the territory of the former Soviet Union. However, I am fully aware that after the NATO operation in the Balkans, which led to substantial erosion of Chapters VII and VIII of the UN Charter, calls for conducting peacekeeping operations in the CIS strictly within the framework of current international law, may sound unconvincing.

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** Armed Forces of the Russian Federation in Peacekeeping Operations in the CIS Region: Legal Sources for Participation**

Federal Law No. 93-FZ entitled 'On the Procedure for the Provision by the Russian Federation of Military and Civilian Personnel for Participation in Activities for the Maintenance and Restoration of Peace and International Security' of 23 June 1995 is a basic document defining the principles for the creation of Russian peacekeeping
The Law determines the composition and functions of a special military contingent of the Russian Federation and establishes the procedure for providing military and civilian personnel for participation in peacekeeping operations or in operations for restoring or maintaining international peace and security, and for fulfilling Russia's obligations under international agreements.

In May 1996, pursuant to this Law, the President of the Russian Federation signed Decree No. 637, 'On the Formation of a Special Military Contingent of Armed Forces of the Russian Federation for Participation in Activities for the Maintenance and Restoration of Peace and International Security', which determined the number of military personnel and the financing. Under the terms of the Decree, it was decided to form, as of 1 December 1999, a special military contingent for participation in peacekeeping activities or in the restoration of international peace and security within the existing regular practice for the establishment of armed forces of the Russian Federation. This force had to consist of seventeen motorized infantry battalions and four airborne battalions; a total of 22,000 people. The decision was embodied in a Russian Ministry of Defence document entitled 'List of Formations and Military Units of the Armed Forces of the Russian Federation for Participation in Activities for the Maintenance and Restoration of Peace and International Security'.

In accordance with the Decree, the Russian Government, on 19 December 1996, adopted Resolution No. 1251, approving the 'Regulations Regarding the Special Military Contingent within the Armed Forces of the Russian Federation for Participation in Activities for the Maintenance and Restoration of Peace and International Security'. This Resolution defined the procedures for instruction, certification, medical examination, and training of a special military contingent within the Armed Forces of the Russian Federation for participation in activities for the maintenance and restoration of peace and international security.

The participation of military and civilian personnel in activities to maintain or restore international peace and security may consist of:

- Observation and supervision over compliance with cease-fire agreements and agreements for the cessation of hostilities;
- Separation of the conflicting parties;
- The disarming and disbanding of their units;
- The carrying out of engineering works;
- Providing assistance in solving refugee problems;
- Providing medical and other humanitarian assistance;
- Conducting military police functions and other functions for guaranteeing the safety of the population and human rights;
- The carrying out of international enforcement measures in accordance with the UN Charter.

The Russian Federation participates in peacekeeping activities by supplying medicaments and foodstuffs, or other humanitarian assistance, means of communication, transport, and other logistical resources. If the provision by the Russian Federation of military and civilian personnel for participation in activities for the maintenance and restoration of peace and international security requires an international agreement, the decision to conduct negotiations for signing such an international agreement should be made by the President of the Russian Federation or by the Government of the Russian Federation under the powers afforded by the Constitution of the Russian Federation and under federal law.

If the fulfilment of an international agreement requires additional budgetary resources or if an agreement entails the provision of military formations of the Armed Forces of the Russian Federation for participation in international enforcement measures involving the use of armed forces outside Russia, such an agreement must be ratified according to the procedures determined by Russian law.

The decision to assign military personnel for participation in peacekeeping activities outside Russia is to be taken by the President of the Russian Federation.

The President of the Russian Federation determines where military personnel shall serve, the content of their mission, their command structure, the duration of assignment, and the terms of their replacement. The President establishes additional guarantees and compensation for the military and their families under the terms of Russian Federation Law 4328-1 of 21 January 1993 entitled 'On Additional Guarantees and Compensation for Military Personnel Serving in the Trans-Caucasian States, in the Baltic States and in Tajikistan, and for those who Fulfil their Tasks under Conditions of a State of Emergency and under Conditions of Military Conflict', namely:

- A 50% bonus to position and rank pay rates, and a 100% bonus during assignment under conditions of a state of emergency and under conditions of military conflict;
- Pensions in accordance with the legislation on pensions for the military personnel are credited with a long-service pension bonus equal to one month of service for one and a half months, and for carrying out tasks under extraordinary conditions – one month of service for three months;
- Housing for military personnel at their home base in the Russian Federation is reserved for the duration of their time in the operation; for those not currently receiving housing, their place on the housing waiting list is reserved for them at their previous place of service;