

## SODELOVANJE SLOVENSKE VOJSKE V MEDNARODNIH OPERACIJAH IN NA MISIJAH V LUČI ZUNANJE POLITIKE REPUBLIKE SLOVENIJE

## PARTICIPATION OF THE SLOVENIAN ARMED FORCES IN INTERNATIONAL OPERATIONS AND MISSIONS IN THE LIGHT OF THE FOREIGN POLICY OF THE REPUBLIC OF SLOVENIA

**Povzetek** Slovenska vojska mora biti v okviru svojih nalog sposobna izvesti vojaško obrambo države, izpolnjevati mednarodne obveznosti, sodelovati v mednarodnih operacijah in na misijah (MOM) ter v sistemu varstva pred naravnimi in drugimi nesrečami. Odločitev države o sodelovanju v MOM je v številnih državah precej zapletena zaradi različnih in med seboj nasprotujočih si političnih pogledov ter ustavnih rešitev. Republika Slovenija aktivno sodeluje v MOM od leta 1997. Tako želi skladno s svojimi zmožnostmi in interesi prispevati k vzpostavitvi mednarodnega miru in stabilnosti, predvsem v svoji soseščini, jugovzhodni Evropi. Sodelovanje RS bo imelo v MOM predvsem funkcije varnostnih in zunanjepolitičnih interesov ter ciljev RS. SV bo zato v MOM sodelovala predvsem z višjo stopnjo tveganja, ki zahteva poudarjeno vojaško silo, in ne več predvsem z operacijami, ki so bližje policijskim nalogam.

**Ključne besede** *Zunanja politika, mirovne operacije in misije, Slovenska vojska.*

**Abstract** Within its scope of tasks, the Slovenian Armed Forces (SAF) should be capable of providing military defence of the country, fulfilling international obligations, and participating in international operations and missions (IOM) as well as in the system of protection against natural and other disasters. In a number of countries, the decision to take part in IOMs is a rather complicated one, due to the diverse and contradictory political views and constitutional solutions. The Republic of Slovenia (RS) has actively participated in IOMs since 1997. In this way, it aims to contribute, in accordance with its capabilities and interests, to the establishment of international peace and stability, especially in its neighbourhood, the South-Eastern Europe (SEE). Thus, in the future, the engagement of the RS in IOMs will mostly be subject to its security and foreign policy interests and objectives. The SAF participation in IOMs

will no longer primarily include operations closer to police tasks, but rather those associated with a higher level of risk requiring enhanced military force.

**Key words** *Foreign policy, peace operations and missions, Slovenian Armed Forces.*

**Introduction** Due to the influence of many factors, the modern security environment is dynamic variable and marked with crisis events. Uncertainty and instability in crisis areas cause challenges, risks and threats to the operation of the international community actors. Stabilization of the situation in any crisis area requires a coordinated and integrated planning and use of the available political, civilian and military resources. The decision on the participation of national capabilities must be supported by a clearly defined exit strategy and objectives, which set out the essential functions in determining foreign policy priorities. Slovenia acknowledges the current situation and possible developments in the international political, economic and security situation in Europe and the world and builds upon the values, interests and objectives which are fundamental for the development of the Slovenian nation and the Slovenian state. Slovenia is also aware that this development can only be guaranteed in conditions of lasting peace and stability both in Europe and in the world. In international relations, Slovenia advocates a peaceful resolution of conflicts and rejects the use of force. It supports arms control, disarmament and the non-proliferation of weapons of mass destruction.

With its active participation in IOMs, the SAF aims to accomplish its development goals and fulfill its commitments in international organizations (UN, NATO, EU and OSCE). With its participation in IOMs, the SAF supports and enhances the development of national capabilities. The involvement of the SAF in IOMs also includes the provision of support to the diplomatic and civilian services in the framework of international rescue operations or interventions.

The participation of the SAF in the first IOMs was originally a political decision, which was adopted quickly, without a comprehensive expert analysis and heavily influenced by our desire to be integrated into NATO.

At the same time, the question arises whether the SAF participation in IOMs is motivated by the need of foreign policy rather than that of national security. The participation in IOMs is of particular importance for the SAF since such training enables rapid progress in the building of combat readiness, which is also important for national security. Furthermore, it is also necessary to train for individual situations in which armed forces may find themselves and which cannot be simulated in different training conditions. This article tries to answer the following questions: What is the role of the SAF in the implementation of the Slovenian foreign policy? Is the SAF a credible partner in the implementation of the Slovenian foreign policy? The article also builds on the assumption that the involvement of the SAF in IOMs requires a political consensus.

This article presents the objectives of the Slovenian foreign policy, with the SAF as one of its operational instruments. It discusses the relationship between the Slovenian foreign policy and the SAF. It tries to establish whether Slovenia has its own national foreign policy objectives regarding the participation of the SAF in IOMs or it is simply fulfilling the objectives of international security organizations. It presents the basic strategic acts which define the participation of the SAF in IOMs.

The primary aims of this article are:

- To present the fundamental principles of the Slovenian foreign policy.
- To present and classify IOMs, with the emphasis on those operations which allow the participation of the SAF.
- To analyse the political and security reasons for engaging in those operations.
- To present the legal regulation of collective security in relation to the basic documents on IOMs in Slovenia.
- To present the contribution of the SAF to the fulfillment of the obligations which arise from the membership of Slovenia in international organizations.

## 1 METHODS

In order to describe the characteristics of IOMs and Slovenian foreign policy, the article relies on the study, analysis and comparison of various domestic and foreign professional literature and command and control documents, as well as on the analysis of the decisions of the RS Government and final reports from individual peacekeeping operations. Conversations with certain persons responsible for command and control in the SAF were carried out, serving as an additional empirical research method for influencing some of my opinions and conclusions. The conclusion of the article is based on the method of research which builds upon the participation in the process of adopting decisions on the deployment of SAF soldiers in peace operations, the monitoring of the stages of preparation and conduct of activities, and the analysis after the end of participation in certain peace operation.

To some extent, my work was impeded by limited possibilities for collecting individual data on the conduct of the IOMs attended by SAF members, units and commands, since these data are marked with a certain level of classification.

## 2 SLOVENIA'S FOREIGN POLICY

The basic values of the Republic of Slovenia are enshrined in the Slovenian Constitution. Furthermore, the activities of Slovenia in the area of foreign affairs are also governed by the 2001 Foreign Affairs Act (ZZZ-1-UPB-1), Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, Declaration on the Foreign Policy of the Republic of Slovenia, Resolution on the Guidelines for National Security of the Republic of the Republic of Slovenia, the 2001 and 2010 Resolution on the National Security Strategy of the Republic of Slovenia, and

the documents Suitable Foreign Policy and Defence Strategy of the Republic of Slovenia.

According to the Declaration on the Foreign Policy of the Republic of Slovenia (Official Gazette of the RS, No. 108/1999) (hereinafter referred to as: Declaration), the stability of South-Eastern Europe (hereinafter referred to as: SEE) is one of Slovenia's vital interests. This region also represents the very part of Europe in which Slovenia, together with its strategic partners, has to establish itself as an important international factor. Through its active role in this region, particularly in Bosnia and Herzegovina and Montenegro and in the resolution of the so-called Kosovo question, Slovenia has established itself as an important partner of NATO and the EU and, also through its participation in the UN Security Council (UNSC), proved to be a credible partner in the settlement of the situation in this part of Europe.

Due to political, security, economic and other interests and reasons, Slovenia plays an active role in SEE and therefore actively supports the efforts and initiatives of the international community for the stabilisation and development of the region. Within the Stability Pact for South-Eastern Europe, Slovenia cooperates with the EU and other members, with particular emphasis on economic projects, human rights protection, protection of minorities and in the area of humanitarian issues assistance in the mitigation of the consequences of war. Slovenia's interests include the development of its relations with both entities in Bosnia and Herzegovina (Federation and Republika Srpska), while at the same time maintaining firm support to the implementation of the Dayton Agreement. Furthermore, Slovenia continues to develop its relations with Macedonia, Albania and other countries in the region. With its active role and support to the democratic processes in the region, Slovenia is becoming an important and trustworthy partner of the international community in the settlement of the situation in this part of Europe.

Slovenian foreign policy is based on the maintenance of the Slovenian national identity and at the same time openness to the world. A successful foreign policy must represent an effective instrument for the development of the Slovenian economy and the promotion of Slovenia in the world.

According to the Declaration, given the ever increasing links between the European countries in the economic as well as security and defence areas, the strategic development and security interest of Slovenia was, at the time of the preparation of the Declaration, the accession to the EU, WEU and NATO. At that time, in order to accelerate its economic development and strengthen its international role, Slovenia aspired for active and equal participation in major international organisations and institutions. Fundamental values to be advocated by the Slovenian foreign policy certainly included a safe position in the international community. Although Slovenia was not exposed to direct security challenges, it was faced with the possibility of unpredictable security challenges in the following century. The fact is that Slovenia was situated on the outskirts of the unstable region of the Balkans and SEE and

that its Mediterranean location also required maximum attention on the long-term strengthening of the security situation. As a new state with limited power, Slovenia had to ensure long-term security, primarily through good relations with its neighbors, integration into reliable alliances and active participation in the systems of collective security.

The international situation of that time and Slovenia's future plans therefore included its accession to NATO. In the past, the integration into the Alliance was therefore one of the fundamental strategic national interests of Slovenia and its foreign policy. In order to pursue this national interest, which was also confirmed by the decisions of the National Assembly, Slovenia, as a partner, must actively cooperate with NATO and participate in its activities and structures. In times of international stability, the security of small countries is not under threat. However, the history of the last century confirms that in periods of international crises, small countries which are not firmly rooted in strong and reliable alliances are exposed to dangerous security challenges. With its adequate foreign policy decisions and actions, Slovenia has consolidated its position as a NATO member. This means that Slovenia has demonstrated its partnership with NATO with its clear foreign policy positions, actions and activities. For improving that partnership, Slovenia's active role and participation in the efforts to reduce crisis areas in the Balkans and Afghanistan are of particular importance.

In the process of building a new European and transatlantic security structure, the EU and OSCE are also playing an increasingly important role. The accession of Slovenia to the EU, which, in addition to NATO and in cooperation with it, is becoming an important factor of the European security, also represented a strategic objective of the foreign and security policy. It took place in parallel with the accession to NATO. With its successful development and foreign policy, Slovenia has established itself as a Central European country, which has created the necessary conditions and expectations of the international community about its active involvement in the crisis area of the SEE. Based on the fundamental values and strategic interests, the priority objectives of the Slovenian foreign policy are the strengthening of its international position and reputation, good and stable relations with all the neighbouring countries, full EU and NATO membership, membership in the OECD, active role in the UN, OSCE, WTO, CEFTA and in relations with EFTA, closer cooperation with the countries of the Central Europe within CEI, in the context of trilateral cooperation (Italy, Slovenia, Hungary) and in other similar structures, active participation of Slovenia in the stabilisation of the SEE region, and the strengthening of economic cooperation. On the basis of its geographical, political, economic, cultural and historical characteristics, Slovenia's primary posture in the implementation of its foreign policy is that of the adherence to the basic principles of international law. It also demonstrates its commitment to the respect of fundamental human rights at home and abroad, and provides assistance in solving complex situations, both in its neighbourhood and elsewhere. Slovenia can only promote its national interests based on the power of arguments, relying, in a balanced way, on the alliances of states, associations and international institutions. In doing so, its guiding fundamental

values are those of peace, security, prosperity, territorial integrity, protection and promotion of national identity. The basic principles underlying the activities of Slovenia in the area of international relations are and will always be democracy, the respect for human rights and the rule of law.

## **2.1 Declaration on the Foreign Policy of the Republic of Slovenia**

The Preamble of the Declaration stipulates that the Slovenian foreign policy must advocate two fundamental values: security and prosperity of the state and its citizens, as well as the basic foreign policy interests and objectives based on a broad political consensus achieved by the parliamentary parties.

It also lays down that the primary foreign policy task of this Declaration is the normalisation of relations with the neighbouring countries based on mutual trust and respect. The Declaration emphasizes that Slovenia pursues the same objectives and principles as the EU, with a particular focus on the principle of equality. Based on the adopted Declaration, Slovenia has aligned its legislation with the legislation of the EU in order to create conditions for the free movement of goods, services, capital and people. In accordance with the objectives of the 1992 Treaty on the European Union, Slovenia wanted to participate in the process of the enlargement and deepening of the Union also on the basis of the signed European Agreement, the implementation of which, along with the negotiations and implementation of pre-accession strategy, constitutes one of the strongly interconnected parts of the process of Slovenia's integration into the EU. The Declaration also defines Slovenia's priorities within the EU and NATO, especially with regard to the increasingly strategic EU open-door policy towards other European countries in the context of the globalisation processes. Slovenia has paid special attention to that and has accordingly supported the EU Common Foreign and Security Policy, even before acquiring full EU membership (Declaration on the Foreign Policy of the RS, 1999).

## **2.2 Resolution on the National Security Strategy of the Republic of Slovenia**

The Resolution on the Guidelines for National Security of the Republic of Slovenia (Official Gazette of the RS, no. 71/1993) did not provide a clear definition of Slovenia's security interests, although it was evident from its content that it defined the basic principles of national security. The amendment to the Resolution on the Guidelines for National Security of the RS (1994) provided the basis for the integration of Slovenia into European and other international economic and political structures. At the same time, Slovenia assumed both the rights and responsibilities required by those structures in the field of defence, with the exception of the provision of peacekeeping forces in the area of former Yugoslavia pending the resolution of the crisis of that time. Concurrently, the integration into NATO and the Western European Union as NATO's European pillar became Slovenia's objective for the first time. Those were the strategic principles of Slovenia which started its participation in first peace operations in 1997.

Resolution on the National Security Strategy of the RS (Official Journal of the RS, no. 56/2001) defines Slovenia's security interest within the framework of the EU and NATO membership. In order to pursue that national interest, Slovenia must actively and comprehensively prepare for assuming the allied tasks through the Membership and Partnership for Peace Action Plan. For the first time, the SAF is clearly identified as a partner in attaining the foreign policy objectives. The Resolution also stipulates that within the system of collective defence, the defence system will perform tasks assumed by Slovenia with the accession to NATO. The SAF is responsible for military defence of Slovenia. Its main task is, in addition to deterring aggression, military defence of the state. Its other tasks include the fulfilment of obligations resulting from international treaties, participation in peace support and humanitarian operations, participation in civil protection and disaster relief in the event of natural and other disasters and the performance of other tasks defined by the law.

### **2.3 Strategy of Participation of the Republic of Slovenia in International Operations and Missions**

The Strategy of Participation of the Republic of Slovenia in International Operations and Missions (Official Gazette of the RS, no. 19/10) was the first security policy and military defence document in the form of the strategy of participation in the IOM. This document consolidates the strategic and political guidelines regarding the participation in IOMs and revises them. The strategy of Slovenia's participation in international operations and missions provides a framework for decision-making on participation and defines a general set of capabilities for its implementation. The document defines the response to changes in the global environment which require a new approach, development and application of an integrated set of instruments and activities, including political, diplomatic, civilian, military, development and other instruments. In this context, particular emphasis should be given to a coordinated conduct of activities, effective coordination, consistent implementation of the policy of participation in international operations and missions, as well as the involvement of all national-level actors at all the stages of participation, from planning to implementation. In this way, Slovenia contributes to the establishment and maintenance of international peace and security, stability, democracy, humanitarian aid, establishment of the rule of law, strengthening of human rights and fundamental freedoms, development of civil society, strengthening of sustainable development in the international community and assistance in the event of natural and other disasters and thus enhances its own security. The strategy is in line with other important documents governing the field of national security, foreign policy, including development cooperation, and other strategic documents and relevant legislative acts. The strategy sets out the conditions for proper definition of strategic and implementation objectives, strengthening of analytical support in decision-making, greater flexibility, strengthening of coordination in order to achieve an integrated approach and synergies, achieving multiplicative effects and shortening the response time for adopting a decision on participation in a new IOM and the deployment of troops to that IOM. The strategy also sets out the legal framework for the participation of Slovenia in IOM, including the Constitution, Government

of the Republic of Slovenia Act, Foreign Affairs Act, Defence Act, Secondment of Personnel to International Civilian Missions and International Organizations Act, Police Act, Protection Against Natural and Other Disasters Act and other legal and implementing acts. The Strategy of participation of Slovenia in international operations and missions represents a response to the changing security environment and new global challenges which are specified in more detail in the Resolution on the National Security Strategy of the RS, Foreign Policy Strategy of the RS, Public Security Strategy, Resolution on International Development Cooperation of the RS for the period until 2015 and Resolution on the National Programme of Protection against Natural and other Disasters for the Period between 2009–2015. The resulting changes require the development of a comprehensive set of mechanisms and active participation in joint efforts of the international community for the prevention, management and resolution of conflicts, post-conflict reconstruction at the global level and assistance in the event of natural and other disasters. Upon a comprehensive examination of the Strategy, my conclusion is that this document represents a link between political positions and provisions for the executive level.

## 2.4 2008–2012 Coalition Agreement

In November 2008, the parties Social Democrats, Zares, Democratic Party of Pensioners of Slovenia and the Liberal Democracy of Slovenia concluded the Coalition Agreement on Cooperation in the Government of the RS for the 2008-2012 Term.

The coalition contract or agreement is not a legal act, but rather a political agreement concluded by the Government partners. It represents a political commitment of Government parties. Therefore, the sanctions in the event of a breach of contract are merely political. Since the coalition agreement is only a political commitment, there are no legal sanctions nor is the agreement examined by legal authorities.

However, I believe that it is necessary to explain the Government agreement on the IOM policy. The coalition partners made a commitment that Slovenia will participate in peace operations according to the principles of concentration and specialisation and assume obligations in operations based on UN Security Council resolutions. It will promote good practice in the performance of the role of parliamentary discussions on the deployment of units and individuals abroad and strengthen interministerial coordination in the field of deployment to IOMs. The coalition partners agreed that the Government will give priority consideration to the recall of military instructors in Iraq and the continued role of Slovenia in operations in Afghanistan. At the same time, they committed to design and prepare a clear strategy of participation of the SAF in IOMs and increase the role of the National Assembly in deploying the SAF members and other state authorities of the RS to IOMs, on the basis of broad political support of the National Assembly.

Following the review of the Coalition Agreement, it is clear that the SAF will continue to perform its tasks abroad primarily as a result of the RS foreign policy interests, whereas the security interest plays a secondary role.

## 2.5 2012–2015 Coalition Agreement

On 25 January 2012, the parties Slovenian Democratic Party, Gregor Virant's Civic List, Democratic Party of Pensioners of Slovenia, Slovenian People's Party and New Slovenia - Christian People's Party concluded the Contract for Slovenia 2012–2015, a coalition agreement on cooperation in the RS Government for the 2012–2015 term.

In Chapter 11 of this Contract, the coalition partners committed themselves to increase the effectiveness of the defence system based on internal reserves. In contrast to the past coalition agreements, the present agreement does not refer to or define the role and scope of the SAF participation in IOMs, which probably means that there will be no significant changes to the current scope of SAF participation. In accordance with the current situation, individual changes will be stipulated in the decisions of the RS Government. The present coalition agreement also makes no provision for any changes in the decision-making on participation in a specific IOM which were suggested in the previous coalition agreement.

## 3 INTERNATIONAL PEACE OPERATIONS

In the broadest sense of the world, peace operations include all forms of military and non-military activities which take place in the context of political and diplomatic efforts for the establishment and maintenance of international peace. Since the beginning of the 19th<sup>\*\*\*</sup> century, peace operations are an instrument of foreign policy. At the end of the Cold War, i.e. after 1989, they acquired new meaning. They represent one of the most visible activities of the UN, although many operations still take place outside the framework of that organisation. Peace operations therefore include all forms of military and non-military activities for the establishment and maintenance of international peace. Typically, these activities have an international mandate, usually approved by international organizations (most desirably by the UNSC). Peace operations are conducted by international organizations (such as UN), regional organizations (such as NATO, EU and OSCE) or ad hoc coalitions of states (Jelušič, 2003, pp. 20–21).

At the end of the Cold War, various threats to the world peace emerged, such as religious, economic and national conflicts in different parts of the world. In parallel, peace operations increased in number and scope as well as complexity. Standard peace operations, which were characteristic of the period of the Cold War, grew into complex, integrated operations, which include political, military and humanitarian activities.

Today, there are many different classifications of peace operations. The classification below is taken from the Joint Military Doctrine (Peace Support Operations, 1997).

It identifies three levels with nine internationally recognized categories of military peace operations.

### 1. Level

Activities involving a large number of unarmed units or units armed with light weapons performing small movements.

These are:

- Observer missions.
- Separation forces.

### 2. Level

Conflict resolution before the crisis in individual countries between different nations and the government requires highly skilled forces and heavier weapons as on level 1.

It includes the following activities:

- Preventive force deployment,
- Resolution measures in the event of internal conflicts within a state,
- Participation in provisional measures,
- Protection of humanitarian assistance,
- Provision and prohibition of movement.

### 3. Level

The requirement for intensive major operations with increasing threats and modern coordination of all military efforts.

These are:

- Military sanctions,
- Reestablishment of peace through the use of force,

Various levels with several types of peace interventions include:

- Ceasefire control,
- Demobilization of combatants and assistance in their integration into civil society,
- Protection of population from aggression,
- Disarmament and weapons destruction,
- Protection and escort of refugees and displaced persons,
- Humanitarian assistance,
- Building of state institutions, civilian police and legal order,
- Enforcement of human rights,
- Monitoring of free elections,
- Creation of safe zones and peaceful areas,
- Establishment and maintenance of the various prohibitions (embargo),
- Mandate compliance.

The above-mentioned peace interventions refer not only to peace operations under a UN mandate, but are also recognised and conducted by other international organizations. The diversity of the problems solved by peace operations and the possible short-term transition from one level to another make the conduct of peace operations even more difficult. Although the peace operations are increasingly

standardised, their conduct is also made more difficult by their participants, both countries as well as individuals, since they come from backgrounds which are at different stages of social development. The greatest difficulty are unclear mandates which represent a compromise between the UNSC member states and the international community.

### 3.1 Participation of countries in peace operations

Individual countries participate in peace operations for various motives. The decision to participate in peace operations is particularly difficult for smaller countries with limited resources in all areas. However, some of the motives for the decision of individual countries to engage in peace operations (Future Peace Operations Achieving Success, NATO Defence College, 1997, p. 38) can be organised in the following groups:

– Political objectives

Peace operations under the auspices of the international community can achieve results in attaining policy objectives which cannot be achieved by individual countries or can only be achieved over a long period of time. However, it should be noted that such political objectives are acceptable only if they fall under the legal system of the UN. Any other possible ambitions are nonproductive.

– Country's reputation

International peace operations, irrespective of the manner of participation, give all participants a better reputation and greater importance at an international level, which is particularly interesting and important for small countries.

– Military training and experience

Peace operations create direct, excellent conditions for military units in a wide range of military and humanitarian situations. Such training enables rapid progress in establishing combat readiness, which is also important for national security. In fact, certain situations or circumstances in which armed forces may find themselves cannot be simulated in different conditions of training.

– Financial savings

Although peace operations are very expensive, when the crises develop into full-out conflicts, the costs of peace operations are still lower than the costs of individual countries. This is especially true for small countries. The UN introduces specific standards for the costs of individual operations and, certainly, the share of the costs for a soldier of an individual country with respect to the working conditions is lower than otherwise.

### 3.2 Classification of peace operations

The classification or basic categorisation of peace operations reveals the complexity and diversity of the tasks facing the international community in the conduct of IOMs.

Different classifications among organisers (Peace Support Operations, 1997, p. 18) and the emergence of new operations (Future Peace Operations Achieving Success, NATO Defence College, 1997, p. 33) show that the tasks defined for such operations are difficult to distinguish. They mostly differ a lot from the traditional military tasks and are more similar to police tasks. Nevertheless, they can rapidly escalate into demanding military operations of limited duration and a high degree of dynamics. In principle, however, every classification, regardless of the organizer, shows that these operations are, on the one hand, of peacekeeping nature, and on the other hand, they represent peace enforcement operations. In addition, there are also preventive diplomacy, peacemaking and peacebuilding operations (Jelušič, 2003, p. 20).

Up until now, the SAF only participated in peacekeeping operations. However, due to the active involvement of Slovenia in international structures and due to the level of qualification, equipment and experience of the SAF members demonstrated in all peacekeeping operations in which they participated, involvement in other forms of peace operations mentioned above can be expected.

#### **4 REGULATORY FRAMEWORK OF COLLECTIVE SECURITY**

Since its establishment, the UN has been the leading organizer of peace operations. Although today, peacekeeping operations are most commonly associated with the UN, this method of conflict settlement and peace enforcement is not mentioned in the UN Charter, the organisation's basic foundational document. Upon the establishment of the UN, the five major forces called permanent members of the Security Council were assigned the leading role in the maintenance of international peace and security. Chapter 6 of the UN Charter, Articles 33 to 38, provides for the mechanisms for a pacific settlement of disputes, such as negotiation, enquiry, mediation, conciliation, judicial settlement and other peaceful means chosen by the parties to the dispute. These are diplomatic and legal means. Chapter 7 of the UN Charter, Articles 39 to 51, provides for actions with respect to possible threats to peace, breaches of peace and acts of aggression. These measures refer to sanctions and coercive actions. Peacekeeping operations do not fall within any of the above-mentioned categories. Therefore, some experts rank them between Chapters 6 and 7, or even believe that they should be specified in the so-called chapter 6.5 of the UN Charter. Such chapter does not exist. However, peacekeeping activities can be ranked somewhere between, on the one hand, means of conflict resolution which are of diplomatic and legal, but purely non-military and non-violent nature, and on the other hand, military violent means of resolving international conflicts (Jelušič, 2003, p. 22).

Peacekeeping operations, as developed since 1947, especially during the Cold War, demonstrate the inability of the UNSC to establish, on the basis of the consensus of all the permanent members, the standard peace enforcement operations, as defined in Chapter 7 of the UN Charter.

The preparation and conduct of peace operations involving the armed forces of different countries also require a series of documents which set out the powers and responsibilities of all the participants. The documents have a very different importance, structure and contents, depending on the factors related to individual operations. Some important basic documents have been developed for the conduct of peacekeeping operations, which, by nature, are high-level political, military and humanitarian international activities. The below documents are listed by the UN. However, they are also used, fully or at least in part, by other organizations which carry out peace operations. These documents are (Peace Support Operations, 1997):

- UN Mandate,
- Memorandum of Understanding on the Participation of Forces (MOU),
- Status of Forces Agreement (SOFA),
- Convention on the Safety of the United Nations and Associated Personnel (1994),
- Deployment Conditions,
- Rules of Engagement (ROE),
- Transit Agreement (TA),
- Others.

## **5 LEGAL ASPECTS OF PARTICIPATION OF THE REPUBLIC OF SLOVENIA IN IOMs**

The Ministry of Foreign Affairs is responsible for the process of coordination and examines the initiative for the participation of Slovenia in international operations and missions. The Secretariat of the National Security Council supplements the initiative with risk assessment and forms an opinion. The coordinated and amended proposal is examined by the Ministry of Foreign Affairs, Ministry of Defence and Ministry of the Interior at the ministerial level or the level of secretaries of state. The proposal contains a justification, including a clear participation objective and a legitimate international mandate, the assessment of the most appropriate range of mechanisms, activities and necessary resources, definition of expected effects, intelligence and information as well as intelligence and security support, and the assessment of security risks. The Ministry of Foreign Affairs and the responsible ministry submit the coordinated and amended proposal to the RS Government for decision.

The current legal bases in Slovenia governing the area of participation of the SAF members in peace operations are:

- UN Charter and Security Council Resolution,
- Constitution of the Republic of Slovenia,
- Defence Act,
- Service in the Slovenian Armed Forces Act,
- Foreign Affairs Act,
- Military Doctrine,
- Strategy of Participation of the Republic of Slovenia in International Operations and Missions,

- RS Government decision on the deployment of SAF units to the peace operation (adopted separately for each operation),
- International treaties and other implementing acts (adopted separately for each operation),
- Decree of the Minister of Defence on the deployment of SAF members to the IOMs, made on the basis of the decision adopted by the RS Government,
- Regulations and rules governing the labour status of members in the performance of tasks abroad,
- Unit formation table.

As a member of the United Nations, Slovenia has actively participated in peace support campaigns on the basis of decisions of this organisation's General Assembly or Security Council and will also participate in the future, if necessary, in accordance with its capabilities. Pursuant to the UN Charter provisions (Chapter 7), the UNSC adopts a decision on the implementation of measures against a certain country, including the use of force. On the basis of a UNSC resolution and in application of Article 84 of the Defence Act, the RS Government adopts a decision on the participation of the SAF in the implementation of those measures.

Pursuant to paragraph 3 of Article 84 of the Defence Act (Official Gazette of the RS, no. 103/2004 - ZOB r – UPB-1), the RS Government adopts a decision on the participation of the SAF in the fulfilment of commitments made in international organizations, in accordance with international treaties. In the case of the UN, the UN Charter should be regarded as an international treaty which also commits the RS. Pursuant to the provisions of the Charter governing the powers of the SC, particularly Chapter 7, the SC resolution which addresses the use of force against a certain country, clearly represents an obligation referred to in Article 84 of the Defence Act and paragraph 5 of Article 75 of the Foreign Affairs Act. Specific arrangements on participation, if necessary, would be ratified by the RS Government on the basis of paragraph 5 of Article 75 of the Foreign Affairs Act.

Article 8 of the Slovenian Constitution specifies that laws and other regulations must be consistent with the generally accepted principles of international law and international treaties which are binding for Slovenia. Ratified and published treaties can be applied directly. Formal participation requirements\*\*\* are specified in the Defence Act, particularly the amended Act which entered into force on 13 June 2002. Given the fact that the international treaty is referred to several times in the Defence Act, the process of preparation of international participation needs to take into account the provisions of the Foreign Affairs Act (Chapter 5).

The power of decision to employ the SAF based on the Defence Act is divided between the RS National Assembly and the RS Government. In exceptional cases, the President of the Republic also has such power. Chapter 5 of the Foreign Affairs Act (Official Gazette of the RS, no. 45/01) defines the conclusion of treaties, explicitly enabling or facilitating the process of ratification of those international

treaties in the field of defence which represent the fulfillment of the commitments or decisions on international participation of the RS (Article 75). It also identifies international acts other than treaties (minutes, participation programmes, etc.) which, due to the implementation of international treaties, are concluded by joint bodies established on the basis of these treaties and pursuant to which the signatories do not assume new legal obligations. The Government is only informed about these acts. The information is communicated to the Government, which authorizes a proposed person to carry out the signature.

The SAF participation in peace operations is subject to the following three conditions:

- Security Council Resolution and mandate,
- International treaty, fulfilment of obligations in international organisations,
- Implementing acts (Memorandum of Understanding on Participation, Technical Agreement).

In the event of the existence of a Security Council resolution, the decision on the employment of the SAF is adopted by the RS Government on the basis of Article 84 of the Defence Act. The corresponding agreement is ratified by the Government. However, a provisional application of the agreement as of the date of signature based on the Foreign Affairs Act is also possible.

In addition to these basic international and national documents which represent the basis for the preparation and successful conduct of peace operations, individual countries must adopt several normative acts which enable a proper and rapid involvement in peace operations. In 2009, the RS Government adopted the Strategy of Participation of RS in IOMs, which provides a comprehensive approach of the RS in the area of IOMs.

On the basis of the above-mentioned act, the SAF General Staff prepared a directive on the planning and preparation of SAF capabilities for participation in IOMs. The directive defines the processes, procedures and planning at the strategic and operational levels for the participation of the SAF in IOMs. It also provides for the unity of planning, organisation and preparation as well as effective command and control during the SAF participation in IOMs.

The aims of the directive are as follows:

- Definition of the method of planning and preparation of SAF capabilities for participation in IOMs.
- Identification of the ways of representing the interests of the SAF in the military field in the international environment or operations in which the SAF would participate or is already participating.
- Establishment of an effective method of work and cooperation with the MoD authorities to achieve a concerted representation of national interests and the interests of the SAF in the international environment.

- Provision of the necessary information to the SAF missions abroad, so that they are able to operate actively and effectively in accordance with national objectives, policies and obligations.
- Establishment of the processes for effective cooperation between the General Staff of the SAF (SAF GS), Military Schools Centre (MSC) and SAF units.
- Effective exchange and processing of information and documents.

## 6 SAF PARTICIPATION IN PEACE OPERATIONS

### 6.1 Purpose of the SAF

The RS Constitution does not clearly identify the purpose of the SAF. The purpose of the armed forces can be inferred from: Article 4 of the Constitution, which refers to the "territorially unified and indivisible state"; Article 5, which stipulates that "the state shall create opportunities for the harmonious development of society and culture in Slovenia"; and Article 124, which states that "the nature, extent and organization of defence, inviolability and integrity of the national territory is governed by the law adopted by the National Assembly with a two-thirds majority vote of the present Members of Parliament." Article 124 also stipulates that "in ensuring security, the state primarily builds on the policy of peace and culture of peace and non-violence."

Article 2 of the Defence Act refers to the purpose of defence and stipulates that "the fundamental purpose of defence is to deter attacks on the country and to defend the independence, inviolability and integrity of the state." Article 2 also stipulates that "this purpose is further fulfilled through the integration and active participation in international security alliances in accordance with international treaties".

This means that the purpose of defence, and thus also of the SAF, is to ensure the sovereignty and independence of the RS through the defence of its territorial inviolability and integrity, which is provided through the prevention of and defence against any kind of aggression, military contribution to international peace and stability, and the involvement of the armed forces in ensuring the safety and welfare of the citizens.<sup>1</sup>

### 6.2 Tasks of the SAF

The SAF tasks defined in the Defence Act are as follows:

- To provide military education and training in armed combat and other forms of military defence.
- To ensure the necessary or required readiness.
- To perform military defence in the event of an attack on the state.

<sup>1</sup> *The proposed amendment of the definition of the purpose specifies more in detail the fundamental tasks of the SAF in performing the standard defence of the state, its international role and its support to other state authorities which operate either in the field of civil protection and disaster relief or in the field of assistance to other state authorities, such as the Police or Coast Guard.*

- To participate in protection and rescue activities in the event of natural and other disasters in line with its organisation and equipment level.
- To fulfill obligations assumed by the state in international organisations and in accordance with international treaties.
- To cooperate with the Police in the wider protection of the national border within the national territory in accordance with the plans and upon a preliminary decision of the Government. During the performance of these tasks, the SAF members do not have police powers.

In relation to the Defence Act, the Service in the Slovenian Armed Forces Act does not add any new tasks. However, Article 22 defines in more detail what constitutes the fulfilment of commitments assumed by the state in international organizations and in accordance with international treaties.

The SAF fulfils these obligations by:

- Military diplomacy activities.
- Participation in operations, missions and other activities aimed at the prevention of conflict, maintenance and enforcement of peace and collective defence.
- Participation and conduct of activities in joint commands and units of the Alliance and other international organizations.
- Participation and conduct of activities in bodies, representations or services of international organizations.
- Participation and conduct of activities in joint commands and units, established together with other countries.
- Provision of military assistance of various forms, such as armament and military equipment.
- Provision of humanitarian assistance or assistance for the conduct of humanitarian operations.
- Participation in activities for the prevention of terrorism and other phenomena endangering stability and security.

### **6.3 Participation of the SAF units and members in IOMs**

Since 1997, Slovenia actively participates in peace operations abroad with its military units. Thus, it attempts to contribute to the establishment of peace and stability in the world, in particular in its neighbourhood and the SEE, in accordance with its abilities and interests. The causes or reasons that led to the participation of Slovenia and consequently the SAF in peace operations are as follows (Prezelj, 2003):

- Stage of development of the SAF.
- Syndrome of running away from the Balkans.
- The process of moving closer to joining international structures, especially NATO.
- Evolvement of national interest.

Based on the experience of the first instances of participation of the SAF members in peace operations abroad, my conclusion is that the involvement in the first peace operations was primarily a political decision, which was made quickly, without a

comprehensive professional analysis, and was heavily influenced by the desire of Slovenia to be integrated into NATO. The political decision was followed by very intense preparations within the MoD and SAF. However, they were not supported in terms of material, financial and human resources. The political decision at the state level was not followed by support in terms of material and human resources, additional financial resources, additional employment, comprehensive legal regulation, etc. The participation in first peace operations was in fact a huge challenge in terms of organization, finances and operation.

At the same time, the question arises whether the SAF participation in peace operations is motivated by the need of foreign policy rather than that of national security. Participation in peace operations is of particular importance for the SAF, since such training enables rapid progress in the building of combat readiness, which is also important for national security. It is also necessary to train for individual situations in which armed forces may find themselves and which cannot be simulated in different training conditions. For the SAF, the development of which was based on the territorial defence doctrine, as well as for the state, participation in operations abroad was a completely new task and a new challenge. Although in the former state of Yugoslavia, some soldiers of Slovenian nationality participated in peace operations abroad, there was no systematic experience. However, it is also true that these people were not actively involved in the preparation of the first peace operations of the SAF.

Given the fact that participation in peace operations has become an entirely new category of its operation, the SAF has tried to gradually create a system of collecting and analysing the experience acquired by SAF members who participated in a certain operation. Nevertheless, up until now, these efforts have only been partially successful. For this reason, questions of organizational and substantive nature that have already been resolved but not recorded and archived continue to arise.

#### **6.4 Overview of participation of the SAF in IOMs**

In the thirteen years of participation of the SAF in IOMs (Furlan, Jazbec, 2009), its members have been involved in nineteen IOMs on three continents. Based on the decisions of the RS Government, the SAF has steadily increased its contribution in crisis areas. Slovenia's participation peaked in 2007, when it deployed an entire battalion (the SOKOL battle group), took over the area of responsibility and became directly involved in the KFOR system of command and control.

In October 2012, 430 SAF members were involved in IOMs in nine missions.

According to the available data, 7580 SAF members and MoD employees have participated in IOMs so far (PSSV, May 2012).

In addition to SAF members, members of the Police and civilian functional specialists (CFS) are also involved in IOMs.

In 1997, members of the Police started to participate in peace missions in the framework of the defence organization of the Western European Union within the MAPE mission in Albania. Currently, 21 police officers participate in five missions. So far, the total number of police officers who have participated is 287. Every year, up to 30 police officers are involved in 14 different peace missions (<http://www.policija.si/index.php/mednarodno-sodelovanje/mednarodne-civilne-misije>).

Since 2007, 18 CFS have been deployed, with the total of 20 CFS deployments ([http://www.mo.gov.si/fileadmin/mo.gov.si/pageuploads/revija\\_sv/2012/sv12\\_07.pdf](http://www.mo.gov.si/fileadmin/mo.gov.si/pageuploads/revija_sv/2012/sv12_07.pdf)).

The overview of the participation of the SAF in IOMs so far includes, in particular, the overview of decisions of the RS Government and responses of the public to their adoption. Until 2006, Slovenian public as well as politics supported the participation of the SAF in IOMs.

The first major controversies and expert discussions began on 12 January 2006, when the Government decided that, in the context of the NATO mission to train Iraqi security forces in Iraq, Slovenia would deploy four members, including three NCOs and an officer.

Later on, the focus of controversies, involving both the political elites as well as the expert public, became the peace operation and mission ISAF in Afghanistan, where the SAF has participated since February 2004. The discussion on the SAF participation in Afghanistan was most intense upon the decision on the deployment of SAF members in ISAF, as part of its Operational Mentor and Liaison Team (OMLT). The Government adopted the decision on the basis of expert consultations at home and, in particular, in the framework of NATO. The common objective of all political discussions was the suspension of SAF participation in the ISAF operation and the withdrawal of units from the troubled area. The Government adopted a decision, according to which the SAF would participate in the OMLT up to 2012. In 2011, it would also examine the possibilities of continuation or completion of the operation. In 2012, a decision was adopted, according to which the SAF would withdraw from IOMs in 2014, when the entire international operation ISAF would come to an end.

In parallel with this initiative, there was also an initiative on the enhanced role of the RS National Assembly in adopting decisions on new IOMs or major changes, either the increase or decrease in the number of members as well as any possible changes in the mandate of an individual IOM. Thus, this kind of political and operational decisions would gain a wide political support. However, the new Coalition Agreement 2012–2015 contains no reference to these changes.

In the study Slovenian Public Opinion 2005, 2007 and 2009, the question "To which regions of the world should Slovenia send its military and Police forces to conduct peace operations?" received the following answers:

	The area of IOMs where the SAF is present	SJM05 <sub>2</sub>	SJM07 <sub>1</sub>	SJM09 <sub>2</sub>
1	States on the territory of the former Yugoslavia	39.7	35.0	36.7
2	Afghanistan	10.1	8.7	10.9
3	African states (for example Chad, Sudan)	13.5	10.4	12.2
4	Middle East (for example Lebanon, Palestinian territories – the West Bank, the Gaza Strip)	11.2	6.8	11.0
5	I don't know, no answer	53.5	61.6	57.2

*Source: Malešič, Marjan, Malnar, Brina, Toš, Niko at al. Slovensko javno mnenje 2009/2: Raziskava o nacionalni in mednarodni varnosti [datoteka podatkov]. RS, Ljubljana: Fakulteta za družbene vede, Center za raziskovanje javnega mnenja in množičnih komunikacij [izdelava], 2009. RS, Ljubljana: Univerza v Ljubljani, Arhiv družboslovnih podatkov [distribucija], 2010.*

The results show public support to individual IOMs depending on the area of operation. Comparison of the above-mentioned controversies with ISAF is not possible, since the study was conducted in 2009, before the adoption of the decision concerning the deployment to OMLT. However, a very low public support to the SAF operations in Afghanistan can be observed.

**Conclusion** The Republic of Slovenia adopts decisions on participation in IOMs and implements these decisions in accordance with the applicable legal framework, including the Constitution, Government of the Republic of Slovenia Act, Foreign Affairs Act, Defence Act, Secondment of Personnel to International Civilian Missions and International Organizations Act, Police Act, Protection Against Natural and Other Disasters Act and other important legal and implementing acts.

The SAF participates in IOMs exclusively on the basis of UN Security Council Resolutions and in accordance with the UN Charter and the EU Common Foreign and Security Policy, taking into account the strategic concept of NATO and the goals of the OSCE and Council of Europe. Participation of Slovenian military capabilities in international operations and missions follows the principle of a uniform pool of forces as well as focused and concentrated involvement in conflict areas, taking into account a comprehensive national approach and use of national advantages. Participation is planned in accordance with the principle of moderate geographical dispersion and greater specialization in the provision of certain niche capabilities.

The SAF participation in all kinds of IOMs, except in international rescue operations, is planned in accordance with the order of priority set out in the Strategy of Participation of the Republic of Slovenia in International Operations and Missions.

This article confirms the assumption that the SAF is a suitable partner for the implementation of the Slovenian foreign policy through its participation in the UN peace forces and NATO multinational forces for peace operations (under the mandate of the UN), and to provide active assistance in the maintenance and preservation of international peace and security. Furthermore, since 1997, the SAF units have actively participated in peace operations and successfully performed all the tasks assigned to them by the RS Government decisions on the involvement in peace operations.

In the future, the involvement of Slovenia in international operations will primarily be aimed at pursuing the interests of Slovenia in the field of security and foreign policy. The SAF will therefore be primarily involved in international operations with a high degree of risk requiring an emphasized military component, rather than primarily in operations that are closer to police duties, as was confirmed during the review of the coalition agreement. At the same time, it is clear that the SAF has performed and will continue to perform their tasks abroad primarily as a result of the RS foreign policy interests, which are most often connected to security interest. As a policy instrument, the SAF must attain its foreign policy objectives also when it comes to participation in IOMs. It should be noted that both the interest of foreign policy as well as the security interest are strongly associated with NATO and the EU and the resulting obligations to provide collective defence and collective security.

The thesis which states that the involvement of the SAF in international operations requires political consensus can only be partially confirmed, since the participation of the SAF in IOMs has become the subject of political controversies as well as public discussion. The controversies started with the Government decision on the deployment of four SAF members in the context of the NATO mission to train Iraqi security forces in Iraq, continued with the participation of the SAF forces in Afghanistan, and culminated after the decision on the deployment of OMLT to ISAF14 in 2010.

This article also defends the position that only highly trained and motivated units can participate in peace operations. Up until now, this condition has been successfully fulfilled by the SAF. This position is supported by the fact that to this day, peace operations have not yet demanded any victims either in accidents or in combat

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