

THE CIVIL-MILITARY RELATIONS AND DEMOCRATIC CONTROL ON ARMED FORCES IN CAUCASUS  
REGION - A COMPARATIVE STUDY

by  
Levan Alapishvili

ABSTRACT

After the fall of the Soviet Union Caucasia found itself in the sphere of interests of large states and superpowers. If the United States and western countries have economical interests, which is stipulated by large reserves of Azerbaijani oil, its transportation to western markets, the idea of creating transnational transport corridor from Europe to Asia - The Silk Road, and many others, Russia's interest is in neutralizing the given above interests and putting the region into the sphere of its own political and military influence.

In the Caucasus, there are weak central governments and poorly developed civil society. In such conditions Caucasian states have to take care of solving inner-state problems (political, economical, and social); of strengthening western democratic values in the society; of rebuilding democratic institutions; of balancing interests of other states; of satisfying its own interests by way of satisfying the interests of these states, and, eventually, of reaching stability in these states, which is crucial for stability of the region and will increase significance of the Caucasus in the world. The countries of the Caucasus encounter many problems on this way. More importantly, we think that Caucasian countries are the children of armed coups of 1992-1999. In such circumstances issues of civilian control over armed forces acquire special urgency.

Creation and development of military forces sufficient in contemporary conditions is crucial for the Caucasian states. And this, in turn, takes a clear definition of the purpose and place of military forces in the society.

>From the constitutions of the Caucasian states we can clearly see that the constitutions of these states have been passed after armed coups, and that there is an attempt to exclude the possibility of an armed coup in the future by means of constitution. This is certainly positive, but not sufficient because, first, statutes of the constitutions are to be firmly secured (in particular situations this is not the case), and secondly, these norms ought to be implemented.

Civil-Military Relations and civilian democratic control over the military in the Caucasus have not been properly studied, the issues have not received the attention they deserve. Moreover, the Caucasian states have no experience and traditions of democratic control over military forces.

There is no unique model of civil-military relations and civilian democratic control over the military, as there is no one of democracy. An existing model in one state may work will only in this society, taking into consideration its

peculiarities, traditions, social, cultural, political and other factors, but its adoption by another state and society is impossible - and possibly it will become a source of many problems. Civil-military relations and civilian democratic control over military forces are developing, there is no unique model, for it is, like democracy, a process of perfecting.

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FOREWORD

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In the Caucasian states the machinery of civilian democratic control over military forces has not been institutionalized. Naturally, first of all it is stipulated by scarce experience; in particular cases by absence of traditions, as well as by weakness of statehood institutions; complicated economical and social conditions, existence of the danger of military coups, and opposition of interests of various states in regard to the region. And all these stipulate a more subjective model of civil-military relations and civilian democratic control over military forces rather than an objective one.

The presented study is an attempt of comparative analysis of civil-military relations and civilian democratic control over military forces in the Caucasian states. We will be glad if by the work we could help you get an understanding about existing situation in these states, and about their development.

The study was made possible in the framework of the program NATO Democratic Institutions Fellowship. We would like to thank Selection Committee of NATO Democratic Institutions Fellowship, director of NATO Office of Information and Press Mr. Chris Prebebsen, Academic Affairs Officer at the Office of Information and Press Dr. Spyros C. Philippos, Mr. Chris Donilly, NATO's Special Adviser for central and East-European Affairs Dr. Marco Carnovale, and Political Affairs Division for providing financial and conceptual assistance.

The opinions expressed in the work are not a position of NATO. All the opinions and conclusions belong to the author.

INTRODUCTION

The end of the cold war and further decay of the Soviet Union gave birth to independent states on one hand, and on the other hand caused chaos in the post-soviet sphere, which was expressed in military conflicts between the new states, military conflicts inside the states, civil wars, and changes of governments through military coups. And this, in its turn, was stipulated by political, economical, social, or ethnical problems inherited by the states. It goes without saying that an important role was played and is played today by the interest of other states to these states, which in one case is expressed in satisfying economical interests, in another - in the attempt to force these states under one's own political influence. Accordingly, these states use all possible ways and forms to pursue these interests.

In addition to the noted above, the new states inherited weak statehood, or, in particular cases, before the fall of the Soviet Union they did not have the experience of statehood; there were no democracy, its institutions and civil society; there were military bases of foreign states (in this case - of Russian Federation, which itself had problems inside and outside.). To all these was added the fact that mentality of the society was not used to the new conditions, which was largely determined by 70 years of Soviet regime, when such notions as democracy, freedom of speech, human rights, fair elections, distribution of powers in the government, the system of "checks and balances" were foreign to the society.

In such conditions the new states had to start building a new life and statehood. Certainly, the mentioned problems were not unknown to the three states of the Caucasus: Armenia, Azerbaijan, and Georgia; they had to rethink priorities of their state security and implement them in reality. It is possible to say that the worst inheritance after the fall of the Soviet Union was divided between the three Caucasian states, because in addition to the mentioned above problems, they had military conflicts inside the countries, and, most painfully, armed conflicts between the states.

After the fall of the Soviet Union, Caucasus found itself in the sphere of interests of large states and superpowers. If the United States and Western countries have economic interests, which is stipulated by large reserves of Azerbaijani oil, its transportation to western markets, the udea of creating transnational transport corridor from Europe to Asia - The Silk Way, and many others, Russia's interest is in neutralizing the given above interests and putting the region into the sphere of its own political and military influence (to realize its political, economical, and military interests on post-soviet territory Russia tried to create the Commonwealth of Independent States, where Russia would dominate, but time showed that this type of organization is without a future. In modern world integration of states takes and will take place on the basis of partnership, equality in rights, and taking into consideration interests of all parties.) In the Caucasus, there are weak central governments and poorly developed civil societies. [1]

In such conditions Caucasian states have to take care of solving inner-state problems (political, economical, and social). The main concern of the Caucasian states is formation of democracy - democratic institutions, strengthening western democratic values in the society, rebuilding democratic institutions, balancing interests of other states, satisfying its own interests by way of satisfying the interests of these states, and, eventually, reaching stability in these states, which is crucial for stability of the region and will increase

significance of the Caucasus in the world. The countries of the Caucasus encounter many problems on this way. More importantly, we think that Caucasian countries are the children of armed coups of 1992-1999. In such circumstances issues of civilian control over armed forces acquire special urgency. The very defense ministers of these states were initiators and performers of the military coups.

In order to enable strengthening of democracy in a state, the government and the society itself should rethink its significance and values. It is impossible to copy a model of democracy, working in a western country, because this model is meant for the society where it functions. On the basis of the said above, democracy is not a static substance or a unity of dogmas, it is a constantly renewing process of dynamic development. Today democracy is understood as the value, the essence of which changes continually. [2]

When we speak about democracy, we imply society created by its participants or members. From this point of view, if the society regards, expresses and realizes the will of its members, it is considered normal and healthy - democratic. [3]

In addition, democracy is an instrument in the hands of people (citizens) allowing them to limit the influence of the state and control it. [4] If the power is based only on the coercion (physical, psychological, material), its possibilities are quite limited. [5]

And finally, democracy is the means to providing legitimacy to state institutions and effective norms, which means that the government has the power to make decisions that will be followed by the citizens. [6]

According to the theory of legitimacy it is characterized by two features: first - recognition of governing authority, and second - obligation of the governed to obey it. [7]. So, legitimacy is an essential mark of democracy. And this will first of all require to define the purpose of the armed forces and their place in society.

>From the viewpoint of civil-military relations, superiority of democracy, using the words of S.Huntington, is in the fact that Democracies do not fight one another [8]. Moreover, it has to be taken into consideration, that democracy itself is a disorderly form of government, often inefficient, and always frustrating [9].

We can say that in the Caucasian states democratic changes have become an irrevocable process. Democratic transformation is stipulated by time and interests of the very society itself. Of course, in this process there are problems, there are differences in the paces of the processes of democratic transformation of the Caucasian states, but one thing is clear-the Caucasian states are trying to secure a place in the modern world by developing democracy.

One of the most important components of statehood for the Caucasian states is the creation and development of military forces corresponding modern conditions.

Armed Forces are creations of the society they defend. They stem from the people, are paid by the people, and must be acceptable to the people. [10]. The main condition of an army's existence is the people's desire. [11]

The purpose of an army is to defend state interests, provide its security, but it is possible that the army will not obey the state (its head) and will become an active power capable of having a significant influence in the course of political processes. In a state where democratic development is of irreversible character, army carries out an important function in keeping political stability. [12]

We should keep in mind that military powers are an instrument of the government, which defines policy. [13]. A military force must obey only the supreme government of the state. It must carry out the will of but the government elected by people. [14].

One of the main purposes of army is to create interconnection between the military and civil society. [15]

And finally, certainly armed forces also carry out a social function. It is believed that in developing countries army serves modernization of society and sometimes economy. Besides, army can serve as a school of civil education for the youth. [16]

In addition we should also take into consideration that since the beginning of organized military forces in ancient times, governments, particularly republican or democratic governments, have been vulnerable to being destroyed, overturned, or subverted by their armies. [17]. This is historical experience - while there are states and while the states have armed forces, there will always be dangers of military coups and other dangers that may be caused by the military. Considering this, it is very important to harmonize civil-military relations and create a secure mechanism of civilian democratic control over the military. Doubtlessly, this issue is crucial for all the states of the Caucasus.

>From the viewpoint of civil-military relations all the three Caucasian states have a lot in common: changes of governments by military force, weak statehood, democratic, and state institutions, weak economical and social situation, unstable political situation - it is practically impossible to predict what may happen in the future; being in the interests of large states influences military issues (maybe more than any other issues), and they are armed, which may be used by another state to carry out a military coup.

Military coup is successful in economically, socially and politically unformed states.

In developing countries the military often take power in their hands motivating it by the necessity to provide stability, and their influence is spread not only in politics, but also in the economics, ideology, culture, and even in religion. This is caused by economical backwardness of these states, political instability, and social-class differentiation. [18]

If we decide to use the factors stipulating military coups, established in the theory of civil-military forces, we will see that all the three Caucasian states are in danger of military coups. These factors are:

- Personalized governing;
- Low systematic legitimization;
- Precedents of coups in past;
- Weak civil society;
- Poverty;
- Military presence of other countries in the territory of the country. [19]

In addition, military coup has also an economical stipulating factor: " In countries with a per capita GNP of about \$1.000 to about \$2.500, coups usually are not successful; in countries with a per capita GNP of \$2.500 or more, coups are rarely attempted". [20]

However, stability of civil-military relations does not depend only on the presence of the threat of military coup in the country. For instance, there may be no fewer problems, if the military part of the society is quite weak, its capability to fulfill its mission is questioned, and prestige of military service in the society is low.

Taking all the said above into account, today more than ever, democratic civilian control on armed forces has special significance. Throughout the formerly communist world (including Caucasian states), societies are struggling to build the institutions for democratic governance. Democratic civilian control can support or sustain democracy, but civilian control is only one aspect of democratic rule; civilian control is necessary for democracy but not sufficient. [21]

In post-soviet territory, including the Caucasus the issue of civil-military relations and civilian democratic control over the armed forces was not properly studied, the study was not given the attention due to it. Moreover, this, in its turn, results in the fact that in these countries the mechanisms and means for civilian democratic control over military forces are not defined. And in addition Caucasian countries haven't practice- tradition of democratic civilian control on armed forces.

To define civil-military relations and civilian democratic control over armed forces we first of all should define the meaning of interrelation of the structures determining security policy of the government, as well as its relations to society. And this takes defining of what security and security policies of state are. We should note that the Caucasian states do not have clearly formed priorities of their security; unfortunately, we could not find such a document. Certainly, it has its objective reasons, the ones we talked above. We should also note that two years ago in Georgia by the decree of the President Shevardnadze was created a commission made up of fairly qualified specialists, which is compiling the concept of national security of the country. This subject is worked on by a variety of governmental and non-governmental organization, but still the process of passing a concept of national security is delayed. In our opinion, it significantly brakes defining of the state's policy in general. The society does not know priorities of internal and external policy of the country and, accordingly, cannot reach a consensus on it. It is true, a similar situation exists in Armenia and in Azerbaijan, but in their case is added the continuing opposition between the countries. The priority direction of the policy of the two countries is solving the conflict for their benefit. In

the case of Azerbaijan there is also a factor of the oil pipeline and, naturally, political orientation to the west. In the case of Armenia - political orientation to Russia.

Only after defining the state security policy it will be possible to define the most important component of security policy (internal and external), or the most important component of a stable state - civil-military relations and civilian democratic control over the armed forces. The following questions should be given proper answers:

1. What are civil-military relations? - Relations between civilian government and the military, or between the whole society and its part (the military)?

Of course, on one hand it implies relationships between the military and government, and on the other hand - between the military and society. It is important for society to realize that the military are an integral part of the society, having the same rights and freedoms as the other members of the society - in particular cases the military were limited in their rights unlike civilians; the military are citizens, hired by the society to protect its security, if we use the generally accepted term in the theory of civil-military relations: "the military are citizens wearing uniform", and, in their turn, the military should identify themselves with the society, instead of considering themselves a separate segment of the society. [22]

2. What is the deference between civil-military relations and relations between other layers of society? Why is stability of civil-military relations a guarantee of state stability?

Civil-military relations are unique in its nature, specific and different from relations of other layers of society, and this is largely determined by the fact that the military in their service, and their everyday life are in danger, their life and health are in permanent danger. Moreover, the military serve with weapons in their hands, they painfully react to any current processes in the state, and that is why they are to be well protected from any influence.

3. What is required to achieve stability (balance) of civil-military relations?

First of all, it requires clear division of competence and responsibility in military sphere.

After replying to the given questions we can talk about the most important component of balancing civil-military relations - about civilian democratic control over military sphere. But for this we need to answer the question: What does the civil control mean? In our opinion it implies dividing government into legislative, executive and judicial governments; and here we ought to define the competence of non-governmental organizations, mass media, and citizens in general in military sphere. The civilian control should not be "excessive", because if the military is an integral part of our society, "excessive control" may become a source of conflicts in it.

And finally, the main issue of civil-military relations and civilian democratic control is trust (confidence) to the military, it is a main idea of the civilian

control on armed forces. In addition, the civil control implies balancing - the military and the civilian have equal rights.

The next question: does civil control mean democratic control?

Of course not. A vivid example of it is the 70-year-long history in which had to live the society of the post-soviet countries (including the Caucasian states). During the Soviet period it was impossible to speak about democratic control over military forces. On one hand, the military and military sphere were in sphere of influence of the Communist Party, and on the other hand, we may say that the military forces. On the one hand, the military and military sphere were in sphere of influence of the Communist Party, and on the other hand, we may say that the military at different times and with different intensity (depending in the style of governing and the abilities of the leader of the Communist Party) played an important and decisive role in the life of society. There were cases, when significant political and economic decisions were made after dictation of the military. Taking the said into account, the most important condition of control on the armed forces is control with democratic mechanisms, not subjective (by individuals; group of people; or political party), by civilian elected government; protection of human rights, and finally, governing the military by non-authoritarian rule, within the framework set by law.

There is no unique model of civil-military relations and civilian democratic control over the military, as there is no one of democracy. An existing model in one state may work only in this society, taking into consideration its peculiarities, traditions, social, cultural, political and other factors, but its adoption by another state and society is impossible - and possibly it will become a source of many problems. Civil-military relations and civilian democratic control over military forces are developing, there is no unique model, for it is, like democracy, a process of perfecting. Likewise, it is impossible to talk about any achievement in this sphere, the issue of civil-military relations and civilian democratic control over the military has not been completely "solved", it should correspond to the level of the state's development. [23]

The Civil-Military problematique is a simple paradox: because we fear others we create an institution of violence to protect us, but then we fear the very institution we created for protection. [24]

Democratic control of defense is an essential element of democracy, it is useful for the military and provides the armed forces with indispensable legitimacy. [25]

Taking into consideration all the said above, we may formulate the conditions determining civil-military relations and civilian democratic control over the military, in which the military and society can coexist peacefully in harmony:

- Clear division of powers - distribution of government and creation of the system of "checks and balances";
- Control of the elected government (parliamentary);
- Control of the General Headquarters and military leadership by means of The Ministry of Defense in the peacetime;

- Restoration of prestige and credibility of the military;
- Accountability and obedience of army to the government;
- Protection of human rights;
- Plurality;
- Rule of law;
- Creation of an effective legislative model of the military's accountability to civilian government;
- The place of army in society - the government clearly accepts and recognizes the functions of the military;
- Minimization of the political role of the military;
- Transparency of security policy;
- Improving of the process of decision making in the sphere of defense;
- Budgetary control;
- Public debates on military issues. [26]

After the said above the subject of the next separate conversation is parliamentary control and public control over the military sphere with the help of the media, as well as the role and place of non-governmental and academic institutions [27] in the civil-military relations and in the system of civilian democratic control over the military forces. Important role in the conducting public debates is played by NGO's and Think-tanks. One of the elements of civil-military relations and civilian democratic control over the military is public debate on military issues. In our opinion, a special meaning is allocated to forming a civil society; control over defining and carrying out of the state's military policy.[28] From this point of view, one more factor deserves our attention - budget control of armed forces. As we have noted, society hires the military for its security and pays money for their functioning. Therefore, society also has the right to demand from the military to give account for the fulfillment of the entrusted to them functions, and ascertain that the money spent for military purposes is spent effectively. It is known that state budget gets its approval in parliament, and it is the parliament that checks financial demands presented by the military, and after that evaluates how much and what for it will allot the money. In addition, the control of spending of the approved budget is carried out again by civilian government (Parliament, Chamber of Control, or another body). [29]

>From perspective of parliamentary control an important issue is the place of military theme in elections. We need to clear up what is the place of military issues in election campaigns of politicians; competency of presented ways of solving military problems, and the means the politician want to use to realize his program. As for the place of army in elections - analyzing the issue we may realize how much the military are attracted to government; how neutral are the military and, finally, what the political course followed by army is. [30]

Doubtlessly, in the Caucasian states a special attention is paid to education of the military and civilians, representatives of mass media and non-governmental organizations in order to ensure normal civil-military relations and civilian democratic control over the military. There has been proposed an education complying with the modern standards. Unfortunately, all the Caucasian states inherited Soviet system of education, which was meant only for this system. It is the fact that the so-called "Soviet" system of education can not satisfy contemporary demands. And this means that it is especially important to get education complying with western standards. And the best way to achieve it is the assistance of the USA and European countries, and, undoubtedly, the program of NATO "Partnership for Peace".

Today an actual question for the Caucasian states is the issue of stability of government and, accordingly, the question of providing stability of development of the state. And this, first of all, takes forming mechanisms and system of "checks and balances", dividing competence into the three branches: legislative, executive, and judicial; such distribution of powers will not allow excessive concentration of powers and, accordingly, conflicts between the branches. And the guarantee to all of this should be given by the constitution of state.

The constitutions of all the three states of the Caucasus have declared the principle, stating that the only source for state government is the people living on the territory of this state. It is the people that creates the state, government bodies, and delegates its rights. At the same time, the government is divided into three branches: legislative, executive, and judicial; and each one of them has been set limits of competence within which functions the whole state machinery. And the main condition of the distribution of state government is the relations of the three within the limits of competence. Here we should also note that the state (presented by its bodies) during governing is limited by generally accepted human rights and freedoms.

As we have already noted, the people itself creates the state, chooses the form of governing, forms all the three branches of the state government - sets the framework within which will function the state and which will protect an individual from violations of his/her rights by state government bodies. Besides, according the constitutions of the Caucasian states, people have such a powerful mechanism of controlling state government bodies as is the sovereign right to solve issues important for the state (therefore for the people and each individual) by means of referendum.

Against the background of the given above discussion it will be interesting to get acquainted with results of sociological public polls, conducted by us in 1997-1998. The poll was conducted in three "focus groups": military leaders, civilian government, and representatives of non-governmental organizations. Altogether 360 people were questioned: 40 from each group.

To the question - What is the role of the military and their influence in the society and the government?

In all the three "focus groups" made up of representatives of Azerbaijan, the answers were the following: insignificant - 60%, high - 10%, average - 15%, below average - 15%.

In all the three "focus groups" made up of representatives of Armenia, the answers were the following: insignificant - 5%, high - 60%, average -20%, and below average - 15%.

In all the three "focus groups" made up of representatives of Georgia, the answers were the following: insignificant - 80%, high - 0%, average -15%, and below average - 5%.

To the question - Is there a military lobby in the parliament and presidential administration?

In all the three "focus groups" made up of representatives of Azerbaijan, the answers were the following: yes - 40%, no- 60%. The position of the majority of the questioned was the following: What is the lobby for, when there is a war in the country?

In all the three "focus groups" made up of representatives of Armenia, the answers were the following: yes - 90%, no - 10%. The position of the questioned was the following: paramilitary groups have lobby in the parliament, but the army does not. Here we also need to take into consideration the fact that this poll was carried out before the parliamentary elections. But, in the elections of May 1999 the winner was the block "Unity", with one of its leaders a defense minister, therefore the military played an active role in the elections.

In all the three "focus groups" made up of representatives of Georgia, the answers were the following: yes - 30%, no- 70%.

>From the noted answers we can see that the society of Azerbaijan, the military and the government think that the influence of the military is not significant. Though, as we have noted above, during the conflict between Azerbaijan and Armenia it could have been possible to attribute decisive significance to the army. We think that it is a result either of the aspiration of Azerbaijan to resolve the conflict peacefully, or its military defeat in the conflict. Almost the same can be said about Georgia; as for Armenia, the government, society, and the military give the military the decisive role.

We will continue the given above study for each particular country. The first part will be devoted to mechanisms of civil-military relations and civilian democratic control over the military, and then we will make several case studies.

We would also like to note here that from the constitutions of the Caucasian countries we can clearly see that they were passed after military coups in these countries and, accordingly, there is an attempt to use the constitution to protect the state from their repetition. This is, certainly, positive, but not sufficient, because, first, there should be a secure protection of the decrees of the constitution (which does not take place in some cases), and secondly, the implementation of these norms.

Finally, we would like to note that the work preceding the following study was conducted mostly in Georgia, so, in the case of civil-military relations and civilian democratic control over the military there may seem that some issues are not covered sufficiently, but this is due only to the lack of information, not the lack of objectivity.

PART I. CIVIL-MILITARY RELATIONS AND CIVILIAN  
DEMOCRATIC CONTROL OVER ARMED FORCES  
IN GEORGIA

1. CONSTITUTIONAL OVERVIEW.

The Constitution of Georgia was passed by the Parliament of Georgia on August 24, 1995. [31. ]But before that the government of Georgia functioned on the basis of the Law "On the State Government", which we will study later.

In the Constitution of Georgia it is declared that Georgia is a democratic republic (par. 11). The constitution also divides competence of the bodies of state government. On this account it is important to have a look at par. 3.1 of the constitution, the C, D, and E verses of which state that supreme state bodies are in charge of governing:

"- Defense and Security, Military forces, Military industry and arms trade;  
- Issues of war and peace, establishing and introducing martial law;  
- External policy and international relations".

As we have noted, one can clearly see in the constitutions of the Caucasian states that they were passed after military coups in these countries and, accordingly, there is an attempt to use the constitution to protect the state from their repetition . On account of this, one should have a look at the par 5.3 of the constitution of Georgia that says: "Nobody has the right to illegally obtain control over government".

One of the most important conditions of civil-military relations and civilian democratic control over the military is the clear division of government and distribution of competence. And this is reflected in par.5.4 of the constitution, according to which the government of Georgia is divided into legislative, executive and judicial governments.

Another important aspect of the constitution is recognition of human rights and setting guarantees of their protection. From the viewpoint of civil-military relations and civilian democratic control over the military, another issue worthy of our attention is freedom of speech, thought, and conscience (par. 19.1). The constitution establishes that persecution of an individual for his/her speech and thought is unacceptable (par. 19.2).

Censorship in Georgia is banned (par. 24.2) and everyone has the right to receive information and distribute it (par.24.1). And, it is one of the most important conditions of democratic control over the military by society. It is a condition needed to make sure that anyone interested may obtain complete information about military issues allowed for distribution by the state. This will, in turn, help develop public debates on military issues and will increase the role of journalists in the process. The indicated regulation is one of the most important elements and guarantees of independence of mass media.

It is important to study those paragraphs of the constitution, which exclude interference of the military into governing of the state and its political life. The military and workers of security services have no right for public meetings (par.25.1). In Georgia organizing of military units by public and political

organizations is forbidden (par.26.4). this regulation is a protection of the state from repetition of the situation, which was in Georgia in 1990-1995, when separate political and public organizations, or groups of separate individuals had paramilitary formations. The state spent a lot of time and resources to neutralize them, and this process created significant problems in Georgia, and its result is the unsuccessful attempt of military coup in August 29, 1995. Besides, military personnel and workers of the security services of Georgia have no right to be members of any political party (par.26.5).

In Georgia was introduced the institution of people's defender - ombudsmen, who is an important factor for defending human rights against violations of the government (par. 43.1).

Paragraph 46 of the Constitution of Georgia proclaims unacceptability of violations of human rights. They are acceptable on the basis of state interests in the time of martial law, or in a state of emergency, and even then the violations are allowed only according law. And this, according to the constitution, requires consent of President and Parliament to introduce martial law, or a state of emergency, and permit limiting human rights. A decision of President to announce martial law, or a state of emergency requires consent of the parliament within 48 hours from the announcement, otherwise, it is considered nullified.

According paragraph 48 of the constitution of Georgia, Georgian parliament performs legislative governing, meaning that from the point of view of civil-military relations and civilian democratic control over the military the parliament performs legislative regulation of military issues. In addition, the parliament is the definer of internal and external policy of the country, which means that this body is empowered to define priorities of military structure. Besides, the parliament controls activities of the government. There is a constitutional gap in Georgia; in the fact that there is no government as an executive body having overall responsibility of the whole government. In Georgia the executive governing is performed by President. Because the paragraph 48 of the constitution of Georgia states that the parliament is the controlling body of the government from the viewpoint of civil-military relations and civilian democratic control over the military, we need to understand that, for example, defense minister is accountable before the parliament, at the same time, he is accountable to the president. Thus, the minister of defense is under double control. Certainly, from the point of view of civilian democratic control it may be effective, but the disadvantage is in the fact that in practice there was no case of the parliament using this function, simply because there are no legislative mechanisms. The only thing left to the parliament is to use the mechanism of interpretation and control with the help of committees (par. 56). According paragraph 57.2 of the constitution it is the parliament that appoints defense minister to the post (after proposition of the president) on the basis of conclusion of the Committee of Defense and Security of the Parliament of Georgia. This means that the candidature to the post is considered at a committee hearing, and after that the committee gives approval or disapproval. Though the regulation according to which the parliament appoints the minister on the basis of the committee conclusion does not at all mean that negative conclusion of the committee will hinder the parliament to appoint the candidate to the post. Moreover, the parliament may use the mechanism of impeachment to the minister (par.64).

We should especially note that ratification of international agreements and treaties on military issues is essential (par.65.2.b).

We have indicated that Georgian president is the carrier of executive government, at the same time he is the commander-in-chief of the state (par. 69) and armed forces (par.73.4). President is the head and the performer of the internal and external policy of the country.

President of Georgia has the right to sign an international agreement, which, we want to note, if of military character, is to be ratified by the parliament. This is also an example of distribution of powers and the system of checks and balances (par. 73.1.a).

As for the personnel issues in the military sphere, the minister of defense is appointed by the president with consent of the parliament (par.73.1.b). In our opinion, it is another disadvantage of the Georgian constitution, because it is not clear how president should act in case of the parliament's disapproval. There is a regulation saying that the president can propose the same candidature twice.

Another important issue is the issue of budget process and authority. According to the constitution, state budget project (including that of the military) is presented to the parliament by president (par.73.1.e). And finally, the budget is approved by the parliament. The whole budget process we will study in detail in the next chapter.

The next important element in civil-military relations and civilian democratic control over the military is announcing of the martial law and state of emergency. As we have already noted, the right to initiate introduction of the state of emergency and martial law in Georgia belongs only to president (par.73.1.g), though this decision requires approval of parliament. And this needs consensus of the two branches of government and in the society as a whole. [32]

The President of Georgia being commander-in-chief of armed forces of the country is empowered to appoint commanders of the armed forces. Though, to make this decision, unlike the procedure of appointing minister of defense, he does not need to have consent of the parliament (par.73.4).

Out of its doubled role, head of executive government and commander-in-chief of armed forces, president leads both the civilian government and the military forces. Taking this into consideration, we may say that a civilian leader is heading hierarchy of military command. With this president provides civilian control in the government over military forces. [33]

We would like to pay special attention to the regulation of the paragraph 78.2 of the constitution of Georgia forbidding any unifying and joining of armed forces, state security services, and the police. However, we should note that this demand of the constitution has been violated in Georgia. In Georgia there is an internal army accountable to and commanded by The Ministry of Internal Affairs of Georgia. The essence of the problem is that, firstly, a violation of the constitution is taking place and the government does not react to this, and, secondly, it is a problem of implementation of the legislation and constitution of Georgia as a whole. Unfortunately, we may use this as an example of the fact that the mechanism of implementation of legislation in Georgia is not yet developed.

Paragraph 98.2 of the Georgian constitution defines the mission of armed forces as protection of independence, sovereignty, and territorial wholeness, as well as performing international obligations of Georgia. This regulation is a step forward from the point of view of strengthening civil-military relations and civilian democratic control over the military in Georgia. The fact is that in modern conditions a special significance is attributed to peaceful settlement of conflicts and only in cases of necessity is admitted to use military forces of other states for peaceful purposes. If we have a brief look at a case of using Georgia in this process, it will look like that: Georgia takes up the obligation to participate in a contingent of peacekeeping forces - president signs the international agreement; after that, as we have noted above, the agreement needs ratification on behalf of the parliament. It means that sending Georgian army to carry out a peacekeeping mission requires consensus both in the government and society.

According to the constitution of Georgia (par. 98.3) the make-up and type of military forces is defined by law passed by the parliament, and the parliament approves the amount of military forces (after presidential proposition). And the structure of military forces is determined by president. At a glance this regulation may seem controversial, but we need to keep in mind that a law is put into effect only after president signs it. Therefore, president still has a chance to disapprove the law on make-up and type of armed forces, if he/she does not agree with the law passed by the parliament.

And finally, let us stop on par.100 of the constitution of Georgia, proclaiming that usage of military forces during a state of emergency and for carrying out international missions is unacceptable without consent of the parliament. This regulation is better to be studied against the background of the event taken place in October 1998. On October 19, 1998 there took place an unsuccessful attempt of military revolt under leadership of vice-colonel A.Eliava, deputy chief of headquarters of Senaki battalion. The government of the republic had to undertake certain measures to nip the coup in the bud. And it had several choices: on the basis of par.73.1.h of the constitution of Georgia it could have announced state of emergency. This, on one hand would have taken much time - the decision of the president had to be approved by the parliament, and on the other hand, in such conditions the constitution forbids to suppress a revolt using armed forces. The government made the only right decision: there was no announcement of the state of emergency, and the revolt was quenched using armed forces. This, of course, is a formal way out, because according to this paragraph of the constitution the president should have announced the state of emergency. This problem clearly shows yet another fault of the constitution of Georgia. [34]

## 2. CASE STUDIES

>From the viewpoint of military development of Georgia we should first examine current processes and normative basis for the next period of Georgian independence.

On October 28, 1990, during existence of USSR, in Georgia there were conducted the first multi-party elections that brought a part of national movement into the government. In those days it was impossible even to imagine having Georgian

military forces. That period is characterized by creation of non-formal paramilitary groupings (by different public, political entities, as well as by individuals), which were of military-patriotic kind. Then a part of them became subject to the defense ministry, another part - Mhedrioni - became a serious problem for the state after its activities turned criminal, and its influence reached all spheres of public life. Eventually, its leaders together with security minister of the time were accused of attempting armed coup on August 29, 1995.

The first thing the newly elected Supreme Council did was issuing a law on November 15, 1990 suspending compulsory military service in the USSR, which was stipulated by negative attitude of Georgian young people to service in military forces of the USSR. It was also supported by the fact that it was a unit of the army of the USSR that attacked a peaceful demonstration on April 9, 1989, which resulted in many casualties. On December 20, 1990 there was created the National Guard of Georgia with military and police functions. It was the first official military institution in the history of Georgia of the 90-s. [35]

On August 19, 1991 after the coup in the USSR followed the reorganization of the National Guard into Militia, followed by the first conflict between the president of the state and the military. On August 26 was created The Department of State Defense, on the same day was restored the status of The National Guard; on September 9 by the order of the president was created The Ministry of Defense, and on September 17 was appointed the first Defense Minister. On September 12 were created The Internal Armed Forces of Georgia.

The end of 1991 because of the misgoverning turned out to be fatal both for the President of Georgia at this time and for the whole society. There took place a military coup, where the decisive role was played by the mentioned above units of Mhedrioni and former commander-in-chief of The National Guard T. Kitovani. The military coup, in its turn, gave birth to civil war, heavy results of which still exist in our society.

In the next period until October 1992, the country was governed, first, by The Military Council, and then, by The State Council (it was not an elected body). In October 1992 was elected parliament.

The end of 1992 turned out to be quite tragic in the newest history of Georgia. That was the time when began the military conflict in Abkhazia.

We would like to briefly examine this fact, because it is important in evaluating the situation in those days in civil-military relations and civilian democratic control over the military in Georgia. In 1992 The State Council of Georgia made the decision to defend the railway in Abkhazia - the military were supposed to defend the railway from bandits, without entering any populated areas. But the military (after subjective decision of some of their leaders and against the decision of The State Council of Georgia) entered Sukumi. [36]

The Army of Georgia was completely destroyed after the Tbilisi events of 1991-1992 and the defeat in Abkhazia[37] and which complicated the process of creation of military forces. Society lost trust to army, and it was even worsened by hard economical, social, and criminal situation. This is very painfully reflected in the said remark of one of the leaders of The Ministry of Defense K.Kobaladze in an interview to journalist: "There was so much heroism there, in Aghasheni, but today nobody writes about it, everything has been leveled".[38]. From the perspective of improving trust of society to the

military, I think, important was the decision of the Parliament of Georgia of April 30, 1996 about introduction the holiday devoted to the birth of Georgian Army - The Army Day is celebrated in Georgia on April 30 of every year.

In Georgia attempts of military coup were repeated many times. In 1993 began the fight between the existing non-official military units. First, the fight was between the government and the unofficial military formation - Mkhedrioni - in was a fight for power. On August 29, 1995 there was an unsuccessful attempt to assassinate the president, preceded by conflict between Mhedrioni and Ketovani. On February 9, 1997 there was a repetition of assassination attempt; on October 19, 1998 vice-colonel A. Eliava (deputy chief of the headquarters of Senaki battalion) headed an armed revolt - it was an attempt of revenge for 1991-1992; and finally, on May 22, 1999 was detained the head of the Department of Training Centers of The Ministry of Defense, lieutenant-general G. Kurashvili and other people, who are accused of attempting to organize a coup. [39]

After all of that began the process of reforming military sphere and forming corresponding legislative basis. Let us pay attention to Law of Georgia on Georgian Defense. #1030-Is. Adopted 31.10.97. Before adoption of this law there was another law "About Defense" passed on December 22, 1992, which was more of a declarative type than of a normative one. The law defined legal foundation of the defensive organization of the country, divided powers of government bodies in the sphere of defense governing. An emphasis was made on the programming of the defense budget. In the law it is stated specifically that Georgian parliament examines defense budget and approves it together with the state budget.

The law defined the make-up of the armed forces of Georgia. The Military Forces of Georgia are made up of:

- The Armed Forces of Georgia (military units, which are part of the structure of the Defense Ministry.);
- The Border Guard of the State Department of State Border Defense.
- The Internal Armed Forces;
- The other military formations, created according to regulations of the law (special security service; special squads).

The Armed Forces of Georgia in their turn are made up of:

- Ground Forces;
- Air Forces;
- Air - Defense Forces;
- The Navy. [40]

And the second important act is Law of Georgia on The Group of Confidence - #1270 -II s.adopted 04/03/98. It is the first document not only in Georgia, but in the whole post-Soviet territory that is aiming at creating mechanisms and specific conditions for budgetary control over armed forces and other so-called law enforcement structures.

According to the law, in the parliament of Georgia, in the Committee of Defense and Security is created a Group of Confidence made up of 3 members. The group should be provided with any information. Moreover, leaders of any armed

structures have to submit information on the current and completed activities to the group at least once a year. [41]

According to the 1st paragraph of the law, with the goal to control secret activities and special programs of the executive government of Georgia, the Group of Confidence is created from the members of The Defense and Security Committee. During examination of the state budget of Georgia, the Group of Confidence will present a report on the issues part of its sphere of responsibility.

It may be easier understood when put in this way:

- I. The Ministry of Defense will work out a plan on next year spending and present it to the Ministry of Finance.
- II. The Ministry of Finance will prepare proposal on the directions and figures of next year budget according to the presented proposal.
- III. President together with government members and Security Council will examine the presented proposals.
- IV. Then, president will present the data and the proposals to parliament and its committees. The committees (including Defense Committee and the Group of Confidence.) will prepare a conclusion.
- V. Then, on the basis of the provided conclusions and data the Ministry of Finance (if necessary, with other related ministries) will prepare a budget bill and present it to president.
- VI. Further, president together with government members and Security Council will examine the budget bill.
- VII. After, President will present to the Parliament the draft law on State Budget.
- VIII. Then, parliamentary committees will examine the presented budget bill and work out a conclusion.
- IX. After that, parliament examines and passes the law on State Budget.

On the stages IV and VIII a specific "armed structure" will present a so-called "open" - decoded budget" to the Group of Confidence.

The Chamber of Control of Georgia performs control over purposefulness of spending of the finances allotted from the state budget [42].

While talking about military traditions of Georgia we should keep in mind the military experience gained during the period of Georgian independence in 1918 - 1921. It is true, in that period Georgia did not have a completely formed armed forces, but in such a short term those military units managed to gain several victories. Here we should also note that special attention was paid to the compiling of military doctrine - a program of military restoration. We can clearly see in the documents that the government of the time had quite a progressive position. [43]

In the period of the Russian Empire, when officers enjoyed great respect in the society, there was a great flow of soldiers to the regular Russian Army; and the reason to that was not that legal condition between an officer and a soldier was different, but that service of that soldier continued for 25 years. [44]

We can boldly say that in Georgia the so-called "third" (non governmental) sector is quite well developed, and there are many organization, which work on the problems of civil-military relations and civilian democratic control over

armed forces. For example we may name: Center for Civil-Military Relations and Security Studies; Society for Protecting Conscripts' Rights; Georgian Association of Atlantic Collaboration; Atlantic Council of Georgia; Center for Democracy and Strategic Studies etc.

One of the important components of civil-military relations and civilian democratic control over armed forces is existence of free mass media. In our opinion, especially important for providing objectivity of publications is the competence of journalists in military issues. From this perspective, we may say that in Georgia leading informational organizations are independent. [45]

We should make a separately note on military mass media. Georgian TV has a weekly military TV program "Spa", there is a radio program "Mkhedruli", and Almanac of the Center for Civil-Military Relations and Security Studies "Armia da sazogadoeba Sakartveloshi", a military page in the newspaper "Kviris palitra"; in the "Droni" newspaper discussion of military issues is regular; there is a supplementary to "Cavcasioni" newspaper - military newspaper "Dzlevai" and the newspaper of the Ministry of Defense "Samkhedro Gazeti"; bulletin of the Center For Strategic Studies and Development of Georgia; Almanac of the Center for Democracy and Strategic Studies "Samhedro da democratia".

We should note that the military has recognized the role of mass media in society. Koba Kabaladze in the interview is saying "free mass media is an important factor and it would be senseless to popularize the military cause without considering its opinion".[46]

And in the end, one of the most important issues is the issue of education and understanding of issued of democracy by the military. Koba Kobaladze notes that a state's might is exactly in harmony of coexistence of civilian and military governments. [47]

As we have noted, Georgia has the opportunity to use assistance of various countries to send the military to the leading military educational institutions of the West, but it takes overcoming the problem of teaching a foreign language, because without knowledge of the language of a host country it is impossible to realize the possibility. [48]

Despite the problems we may eventually conclude that in Georgia there are real conditions for strengthening the model of democratic civil control over armed forces. [49]

To illustrate all the noted above and the progress of evolution of civil-military relationships in Georgia we would like to show one fact as an example. In 1997 during the conference Military Justice System conducted within the program IMET, where participated both the civilian and the military, the military sat separately, and it was quite difficult to set up a dialogue with them, but during the conference the situation sharply changed, as well as the relations - the dialog took place.

Besides, in the end of 1998 appointment of David Tevdadze gave birth to the hope of having normal civil-military relations in Georgia, formation of clearly defined system of civil-military relations, its harmonization. The minister has confirmed that he understands the importance of forming democratic control

over military forces and, with that in mind, of restructuring The Ministry of Defense into civilian body. [50] The Minister of Defense has three civilian deputies: in international affairs, in legal affairs, and in financial-economical affairs.[51].

And finally, we have a stronger hope because of the fact that on April 27, 1999 Georgia became member of Council of Europe, and this is an important condition for speeding up democratic processes in the country and for its stable development.

## PART II. CIVIL-MILITARY RELATIONS AND CIVILIAN DEMOCRATIC CONTROL ON ARMED FORCES IN AZERBAIJAN

### 1. CONSTITUTIONAL OVERVIEW

The Constitution of Azerbaijan [52] was passed in November 12, 1995.

In the preamble of the constitution it is said that the will of the people of Azerbaijan is democracy, civilian society, and building of a state functioning in accordance with constitutional law, and strengthening of the supremacy of law.

Just like it was seen in the constitution of Georgia, it is clearly seen in the constitution of Azerbaijan, that it was passed during after military coup. (par. 6; 54.II; 74.II; 85.II). we would like to pay special attention to the 20th paragraph of the constitution of Azerbaijan. There we read: " The debts, taken with the purpose to help a military coup or a revolt against the state, will not be repaid by The Republic of Azerbaijan." Of course, this paragraph is more of a political type and it is better to be considered as an external political declaration of the state. Though, despite this, we consider it to be quite interesting.

According to the 7th paragraph of the constitution, the government is divided into three branches: legislative, executive, and judicial. The head of Azerbaijan and executive government and commander-in-chief is president (par.8-9).

The Constitution of Azerbaijan has declared and guaranteed protection of human rights, among them freedom of speech and information (par. 47,50), which is important form the perspective of civil-military relations and civilian democratic control over armed forces. It has been declared that in mass media of Azerbaijan censorship is banned. Though, like in Georgia, the problem is in the implementation of the law. If we compare this regulation of the constitution of Azerbaijan and the real existing situation, we will see, that despite the ban, censorship is still a reality in Azerbaijan. It was nullified only on August of 1998 by presidential order. The same order nullified the Chief Department Of Protecting State Secrets in Mass Media. Also The Military Censorship existing from 1992 was nullified. This Department was created by presidential order in 1996, i.e. in violation of the constitution. [53]

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Paragraph 56.III of the constitution of Azerbaijan takes into consideration the possibility to legally limit military participation in elections. If this term "the right to take part" implies both the limitation of both active and passive participation of the military, this, doubtlessly, violates human rights. It is understandable that Azerbaijan is afraid of the heritage called military coup, but neutralization of the danger should be achieved by political means, social, economical, and other democratic mechanisms. The indicated regulation, in our opinion, is more dangerous rather than neutralizing, because limitations will be followed by a response and a conflict.

According the 71st paragraph of the constitution of Azerbaijan limitation of human rights is justified only in cases of martial law, state of emergency, and mobilization. Unlike the Georgian constitution, in the constitution of Azerbaijan there is no indication of which rights can be limited in these conditions. For example, it is not clear, if it is possible in such situations to limit such human rights as the right for life, education, and marriage. And secondly, it is not clear who can use this right - president of the country, parliament, or a military unit commander.

According to the constitution of Azerbaijan, the regimes of state of emergency, martial law is announce by Milli Medjlis - the parliament (par.94.I.8.), and the specific competence of their announcement belongs to president (109.29), who presents the decision to parliament for approval (par. 111 and 112). General rules of defense and military service of the country, as well as the basics of security are determined by the parliament to the country (par.94.I.18.and 94.I.20.) Besides, after presidential proposal it approves military doctrine (par95.I.7) and budget (par. 95.I.5).

With the perspective to civil-military relations and civilian democratic control over armed forces we may find it interesting to analyze par. 95.I.9; 95.I.14; and 109.5 of the constitution of Azerbaijan. The parliament of Azerbaijan approves presidential appointment to the post of Prime Minister, but president can appoint government ministers independently. Ministers are accountable only to the president and The Cabinet of Ministers. In such conditions, the only way for the parliament to control executive government and separate ministers is vote of no confidence to the Cabinet of Ministers.

According to the constitution appointment of top military figures of the country, as well as the distribution of top military ranks is a specific competence of president.

And finally, let us examine the constitution of Azerbaijan from the point of view of civil-military relations and civilian democratic control over armed forces by analyzing paragraphs 95.I.16 and 109.28. We think that these paragraphs are quite controversial. According to the mentioned paragraphs, the parliament of Azerbaijan gives approval to the president to use the armed forces for activities out of the range of their function. According par.9th of the constitution: " The Republic of Azerbaijan is creating armed forces and other formations for providing its security and defense". On the basis of this we may conclude that the function of the armed forces of the state is to provide security and defense of the country, and, secondly, that in the country there may be formed armed forces and other armed military formations. The first obscurity is that the very term of using the armed forces for activities out of the range of their function is not clear. It means that there is a threat that in specific circumstances, for objective or subjective reasons, the military forces can be used "out of purpose". Moreover, one may appeal to the fact that

in par.95.I.16 and 109.28 it is indicated "armed forces", meaning that this regulation does not cover "other military formations".

## 2. CASE STUDIES

In Azerbaijan, as well as in Georgia, even today there is a great possibility for military coup. And for Azerbaijanians military conflicts are not foreign. For example, we may use the case of bloodshed that took place on January 19, 1990 in Baku resulting in deaths of 130 people.

In Azerbaijan armed coups or their attempts were inspired by other states, including Russia, and their instruments were the military of Azerbaijan. [54]. In October 1994 there was an attempt of military coup headed by Defense Minister of Azerbaijan Surest Huseinov. By the way, president of Azerbaijan Geiger Aliev come into the government after a military coup successfully conducted by S. Huseinov. So, for Huseinov that was not the first "experience". The next unsuccessful attempt of military coup was undertaken in March 1995.

As we have noted during examining the constitution of Azerbaijan, compiling of state budget and its presentation for approval is a responsibility of The Cabinet of Ministers of Azerbaijan and president, while the approval is the prerogative of the parliament. From this point of view it is interesting to know which institutional mechanisms exist to control the resources, allotted from the budget. According to Law of Azerbaijan "about budget system" the control over the execution of the budget is conducted by The Commission of Budget control of the parliament. It means that the function of control belongs to parliament, which with the help of The Commission of Budget control controls spending of the finances of the budget (including those for military purposes). [55]

### PART III. CIVIL-MILITARY RELATIONS AND CIVILIAN

#### DEMOCRATIC CONTROL ON ARMED FORCES

##### IN ARMENIA

Constitution of Armenia[56] was passed on July 5, 1995. The constitution divides the government into three branches: legislative, executive, and judicial (par.5). Legislative governing is carried out by the parliament, The National Assembly (par.62), executive - administration (par.85), with the president in the role of a supervisor, providing normal functioning of the branches of the government and protection of the constitution. He is the commander-in-chief of the armed forces (par 49).

The constitution of Armenia guarantees supremacy of law (par.6), freedom of speech and freedom of obtaining-distributing information (par.24), though in reality mass media in Armenia is not independent, it is controlled by the government and other interested groups standing near the government. [57]

In accordance with the 53rd paragraph of the constitution of Armenia, in case of stepping down of the president, or in case of his/her inability to fulfill the presidential duties, out of turn elections are held. The accent on this regulation is stipulated by the event that took place recently and which we may use in our examination of civil-military relations and civilian democratic control over the military in Armenia. As soon as the former president of Armenia Levon Ter-Petrosian agreed to negotiate settlement of the Karabach conflict with Azerbaijan, he was attacked by the minister of defense Vazgen Sarkisian, who had

been appointed to the post by presidential order of November 8, 1996.[58] The military did not obey the president any more, and there appeared a threat of civil war in the country. In view of the situation the president resigned.

The president of Armenia according to the constitution has such a powerful mechanism of influencing the legislative body, even including the right to dismiss the parliament after consulting with the chairman of the parliament and the Prime Minister (par.55.3). Here we would also like to note that in the Caucasian states only the president of Armenia has such a powerful mechanism. The president appoints the Prime Minister and, after his/her proposal, appoints the ministers (par.55.4). As we can see, the legislative body of Armenia cannot interfere into the process of putting together executive government. This is one more difference between Georgia and Azerbaijan. 20 days after formation the administration can present to the parliament its program and put out the question about the vote of confidence. This is the only mechanism of control over the Administration in the hands of the parliament.

>From the viewpoint of civil-military relations and civilian democratic control over the military we would like to pay special attention to par.55.13 and 55.14 of the constitution of Armenia. According to par.55.13 of the constitution the president independently makes the decision about using the armed forces during a military invasion on the country, or immediate threat of it. But in the case of an announced war the martial law is announced by the parliament. As we can see, the president can make such important decisions as the use of the armed forces and introduction of the martial law. Moreover, according par.55.14, during immediate threat to the constitutional regime and after consulting with the chairman of the parliament and the Prime Minister, he may conduct "activities dictated by the situation", though the meaning of this term remains a mystery, and we cannot find anywhere in the constitution a definition of the function of the Military Forces of Armenia. In the newest history of Armenia there was an incident when a president of Armenia used the right given to him by par.55.14 on September 26, 1996, which was expressed in banning of public meetings and demonstrations in the country. [59]

Unlike in Georgia and Azerbaijan, in Armenia the responsibility of compiling and presenting state budget [60] for approval to parliament belongs to the Cabinet of Ministers (par. 76).

## 2. CASE STUDIES

Present military condition of Armenia (on June 14 was renewed the assault of Armenian military units on positions of the army of Azerbaijan in Teretski district) [61] adds significant peculiarity to its civil-military relationships - here the military are decisive in the issues of external policy of the country. A clear confirmation of this is the result of elections held on May 30, 1999. In Armenia the parliamentary elections were won by the block "Unity" (Republican Party of Armenia - informal leader is the Defense Minister Vazgen Sarkisian. The president of Armenia Kokarian considers this party and the people's party headed by former leader of Communist party of Armenia Karen Demirchian to be his political support.) got 54% of all votes. [62]

The president of The Helsinki Citizens Association of Armenia, Mikael Danelian pointed out at a press conference in Georgia: "The spheres of Armenian internal problems are the army, police, and freedom of speech". He also added: "In

Armenia there is no free mass media". And in connection with the elections of May 30, Mikaelian added: "The commander-in-chief of the Karabach army is officially financing the election campaign of one of the party blocks, and the minister of defense of Armenia joined the party of the former first secretary of the Communist Party Demirchian and will try to the latter president. It is interesting that it was this minister of defense who removed the previous president Levon Ter-Petrosian and put up the current head of state Robert Kocharian. At the moment the favorite of the minister is Demirchian, and, if necessary, power will be used to put him "on the throne". [63]

The victorious at the parliamentary elections United Republican Party was established on January 39-30, 1999, when the existing small Republican Party was joined by the military, including Vazgen Sarcisian. In practice, in Armenia was repeated the history of creating a political party of the military by Russian General, deputy of State Duma L.Rohlin. [64]

After the election of the president of Armenia, there are two ways of relating to the parliament: either obey the parliamentary majority, or constantly be at "war" with them. "If Kocharian does not find a common language with the block that has won, "Unity" is going to use constitutional changes to limit powers of President, which may even mean turning the presidential republic into a parliamentary state." After the elections resigned the Prime Minister of Armenia Armen Darbinian. [65]

In Russia during the parliamentary elections of 1995 there was an unsuccessful attempt of the military to enter the government. But in Armenia they succeeded. [66]

#### PART IV. CONCLUSIONS

Certainly, the presented above study cannot be complete, as well as the branch of science - civil-military relations and civilian democratic control over the military, but with the help of the few presented examples we can clearly see that in the Caucasian states the mechanisms of civilian democratic control over armed forces have not been institutionalized. Of course, this is due to a lack of experience; in some cases - absence of traditions, weak statehood-institutions; heavy economical and social conditions and existence of the threat of military coups, and opposition of other states towards the region. And all these stipulate a more subjective model of civil-military relations and civilian democratic control over the military, rather than an objective one. [67]

Failure to institutionalize democratic control of military is not only an incentive for antidemocratic politics, it is an incentive for war. [68]

Taking all of these into consideration, the main concern of these states should be strengthening democratic institutions, forming civil society, and, accordingly, creating an objective model of civilian democratic control over armed forces.[69]. With this in mind we should take into account that:

1. Country which has no problems of civil-military relations and democratic control is a country which has no democracy;
2. Every country will have different solutions to the problem which they will have to work out for themselves;

3. Defense transformation, good civil-military relations and democratic control are problems which must be solved. They cannot be ignored or they will destabilize society;
4. Democratic control is two-way process between army and society, not one where politicians simply dictate to soldiers. [70]

"...we cannot think and act apart from it. We can't evaluate events without taking into account the time and the epoch" [71] and with these words and their interpretation we would like to conclude this work: civilian democratic control over armed forces is an imperative of the modern time, and one of the necessary elements of democracy. We think that despite the existing difficulties the Caucasian states and societies will be able to implement this imperative into their everyday life.

#### PART V. RECOMMENDATIONS

Possible recommendations for the Caucasian States will be the following:

- Strengthening democratic institutions;
- Support of the development of civil society;
- Taking care of democratically elected civilian leadership for increasing civilian democratic control over armed forces;
- To support and encourage sincere dialogue of the military and society;
- Excluding a possibility of active interference of the military into politics;
- Forming mechanisms of budgetary control;
- To provide the military with the education according to the modern standards;
- Clearly defining the role of the army, its missions;
- To use a wide range of foreign military assistance.

Doubtlessly, this list is not complete, but these are the issues of primary concern.

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