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on the research project titled

**“Civil-Military Relations in the Process of Security and Defence Policy
Formulation: A Case Study of Bulgaria’s Participation in Pfp”**

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Introduction

This Final Report presents the results of the research project titled “Civil-Military Relations in the Process of Security and Defence Policy Formulation: A Case Study of Bulgaria’s Participation in PfP” which was accomplished through an individual NATO Democratic Institutions Fellowship.

The aim of the project was to study the existing legal and institutional arrangements as well as practical experiences in Bulgaria concerning different aspects of civil-military relations in the process of policy-making in the field of security and defence.

Within the overall effort to promote democratic control of the military in Bulgaria and other emerging Central European democracies the specific area of civil-military relationship within the process of foreign, security and defence policy formulation has been of special importance. The objective of developing the legal and institutional basis for a transparent and efficient civil-military cooperation and coordination in this particular area is an important prerequisite for the successful transition to democracy and effective integration into the Euro-Atlantic security structures. However, the issue has received relatively low attention in the Bulgarian academic and public debate. Hence the attempt of the project to contribute to a better understanding of the subject and suggest possible practical measures to promote civil-military relations in the policy-making area.

The study is focused on the area in which foreign, security and defence policy meet and interact. It deals with civil-military relations in the decision-making concerning the international situation and policy of the country. For this purpose, and despite of the broader notion of “security and defence policy” appearing in the title, the project has deliberately left out some aspects of policy-making, such as internal security, overall defence management and budgeting, force planning, etc. This approach has also determined the specific subject of the case study.

Specific aspects of civil-military relations addressed in the study include:

- the constitutional, legal and institutional framework for the formulation of Bulgaria’s foreign, security and defence policy. The aim was to assess the constitutional role and the balance between the state institutions sharing responsibilities in the decision-making process, and their relations with the armed forces. Special attention was devoted to the existing legal regulations concerning the civilian control of the armed forces and civil-military relations in the policy-making;

- the development of the mechanism, procedures and practices for policy-making in the years of transition, and their compliance with the constitutional and legal requirements. In the detailed study of the performance of the National Assembly, the President and the Government in the last few years a special attention was devoted to the capabilities of these institutions to exercise their constitutional role in the decision-making process,

and to promote the civilian control of the armed forces. One of the basic premises of the study was that the tensions and conflicts among the institutional players struggling to increase the boundaries of their powers in the decision-making encouraged the military establishment to disregard the political guidance and increase its influence in the policy formulation;

- civil-military relations within the Ministry of Defence, including the division of responsibilities between the civilian administration and the General Staff. Here the central subject of the study was the role and influence of civilian expertise, and the integration of military advice into the decision-making process.

- the division of responsibilities and coordination between the Ministry of Foreign Affairs and the Ministry of Defence concerning policy formulation. A particular attention was given to the practical dimension of the relationship between the two key governmental departments involved in the security policy-making, including in the area of Bulgaria's participation in the Partnership for Peace;

- the decision-making process concerning national participation in the Partnership for Peace. The relationship with NATO, and the membership issue in particular, was generally used as a case to prove the basic premises of the author. This issue has been central in the security debate in the 1990s, and is probably the most appropriate source of information for identifying the essentials of the security policy-making. In this context, a central part of the project is the case study of decision-making concerning Bulgaria's participation in the Partnership for Peace as a critical area of everyday civil-military cooperation. The PfP policy-making is a good illustration of the structure and procedures of the decision-making in the field of security and defence. Furthermore, it is indicative of the level of the civil-military relations. In the last few years, the PfP policy has also been the key area for institutionalised co-ordination between the MFA and the MoD/General Staff as an important part of civil-military relationship.

The work on the project included also a study of foreign legislation and publications concerning civil-military relations in the security policy-making. Although the situation varies widely from country to country and there is no single solution, the study of different national systems made possible the identification of the essential requirements for a democratic model of civil-military relations and served as a basis to assess where Bulgaria stands in the process of establishing the democratic legal and institutional framework for its security and defence policy and the level of compatibility with the other European democracies.

The study made possible the formulation of a number of concrete and practice-oriented recommendations concerning the development of sound civil-military relations in the foreign, security and defence policy-making in Bulgaria.

The views expressed in the report are the author's own and do not represent official positions.

Bulgaria's national security system: constitutional, legal and institutional arrangements

In the framework of the transition to democratic society and the rule of law in Bulgaria, an important area requiring legal regulation was the relationship between the state and the armed forces. The new Constitution (Basic Law) established by the Grand National Assembly on 12 July 1991, which was the first democratic constitution to be adopted in Central and Eastern Europe after the events of 1989, and the specialised legislation on security and defence matters addressed this issue in more detail.

The Constitution of the Republic of Bulgaria

The legal foundation for Bulgaria's security and defence policy is laid out in the 1991 Constitution of the Republic of Bulgaria¹. The Constitution proclaims the parliamentary form of government in Bulgaria and establishes the principle of division of powers among the legislative, the executive and the judicial powers.

According to the constitutional arrangements, the main responsibility for the national security is shared by the National Assembly, the President (who is also Supreme Commander-in-Chief of the armed forces), and the Council of Ministers.

The National Assembly. The National Assembly is vested with the legislative authority and exercises parliamentary control. The Constitution confers on the National Assembly certain specific powers and functions with respect to national security. The Parliament resolves on the declaration of war and conclusion of peace (Art.84/10). The deployment and use of Bulgarian armed forces outside the country's borders, and the deployment of foreign troops on the territory of the country or their crossing of that territory have to be approved by the National Assembly (Art.84/11). On a motion from the President or the Council of Ministers, the Parliament introduces martial law or a state of emergency on all or part of the country's territory (Art.84/12). The National Assembly ratifies or denounces all international treaties and agreements which are of political or military nature, or concern Bulgaria's participation in international organizations (Art.85).

The President. The President is the Head of State. He embodies the unity of the nation and represents the state in the international relations. As head of state, the President concludes international treaties in the circumstances established by the law and, on a motion by the Council of Ministers, appoints and dismisses the heads of Bulgaria's diplomatic missions (Art. 98/6).

The President presides over a Consultative National Security Council, the status of which is established by a law (Art. 100/3).

The President is vested with an important role in the national defence as the Supreme Commander-in-Chief of the Armed Forces. He appoints and dismisses the higher

¹ *Ēĩřnòèdòóèÿ řà Ďãĩròáèèèà Áúèããðèÿ, "Äũðæããáĩ àãñðĩèè"* (The State Gazette), ¹ 56, 1991.

command of the armed forces and bestows all higher military ranks on a motion from the Council of Ministers. The President has the authority to proclaim general or partial mobilization on a motion from the Council of Ministers in accordance with the law, as well as to proclaim a state of war in the case of an armed attack against Bulgaria or whenever urgent action is required by virtue of an international commitment, or to proclaim martial law or any other state of emergency whenever the National Assembly is not in session and cannot be convened. In the latest case, the National Assembly shall be convened to endorse the decision (Art.100).

The Council of Ministers. According to Art.105 of the Constitution, the Council of Ministers directs the implementation of the state's domestic and foreign policy, ensures the national security and exercises overall guidance over the state administration and the Armed Forces. Furthermore, the Council of Ministers is responsible for the management of the state budget and assets, and concludes, confirms or denounces international treaties when authorised to do so by law.

The Law on Defence and the Armed Forces (adopted in 1995; amended in 1997)

The powers and functions of the National Assembly, the President and the Council of Ministers have been further delineated by the Law on Defence and the Armed Forces² adopted on 13 December 1995. In 1997 the Law was significantly amended³. For brevity, the 1995 version of the law will be hereafter referred to as LDAF-95, and the amended version - as LDAF-97.

The National Assembly. The LDAF-95 added some important policy-making responsibilities to the National Assembly:

- to adopt the National Security Concept and the Military Doctrine on motion from the Council of Ministers;
- to adopt long-term programmes for the development of the Armed Forces;
- to determine the personnel strength of the Armed Forces on motion from the Council of Ministers.

The LDAF-97 has further clarified the powers of the National Assembly concerning the deployment of Bulgarian armed forces outside the country and the deployment of foreign troops on Bulgarian territory. The National Assembly has the prerogative to authorise such deployments when the relevant mission of the armed forces is of military or political-military nature.

The President. The LDAF-95 stipulates that the President, on a motion from the Council of Ministers, endorses the strategic planning for the Armed Forces and has the power to increase the level of combat readiness of the Armed Forces or part of them (Art.28). The President, as Supreme Commander-in-Chief, is informed regularly by the Minister of

² Члети чà òàðàðàðà è àóòòúæàðèðà ñèèè íà Ðàòóàèèèà Áúèààðèý, “Áúðæàààí ààòòèè”, ¹ 112, 1995.

³ Члети чà èçìàíàðèà è àñóèíàðèà íà Члети чà òàðàðàðà è àóòòúæàðèðà ñèèè íà Ðàòóàèèèà Áúèààðèý, “Áúðæàààí ààòòèè”, ¹ 122, 1997.

Defence on the work of the Defence Council (advisory body to the Minister of Defence).

In the event of a military conflict or war the President co-ordinates the foreign policy efforts concerning Bulgaria's participation in international organisations and security structures with the aim of terminating the military conflict or the war. The President directs the Supreme High Command, and issues decrees concerning the preparation of the country and the Armed Forces for war. On motion from the Council of Ministers, he initiates the implementation of the war time plans. The President is also conferred the power to forward to the National Assembly proposals on the conclusion of a peace treaty (Art.29).

Upon introduction of martial law, declaration of war or the actual initiation of contingencies the President establishes a Supreme High Command. The Supreme High Command (or the "War Cabinet") assists the Supreme Commander-in-Chief in exercising the command and control of the Armed Forces and in conducting the defence of the country. It includes the Prime Minister, the Minister of Defence, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Transport, the Minister of Construction and Territorial Development, the Chairman of the Postal Services and Telecommunications Committee, the Head of the General Staff and other officials appointed by the Supreme Commander-in-Chief (Art.29).

The Council of Ministers. In implementation of the constitutional provisions, Art.32 of the LDAF-95 confers on the Council of Ministers the responsibility to direct and implement the defence policy of the country. The LDAF-97 introduces a new Art.32a which bestows upon the Prime Minister, acting on behalf of the Council of Ministers, the task of presenting an annual report to the National Assembly on the status of the defence and the armed forces.

The LDAF-95 stipulates that the Council of Ministers provides general guidance of the Armed Forces as well as direction on their structuring, preparation and logistic support and on their combat and mobilisation readiness. To this effect, the Council of Ministers establishes the structure of the Bulgarian Army; adopts plans on restructuring the armed forces; adopts the State Wartime Plan and the wartime budget; provides general guidance on mobilisation of the Armed Forces and the transition of the country from peacetime to martial law and state of emergency.

According to Art. 32 of the LDAF-97, the Council of Ministers approves the deployment and use of Bulgarian armed forces outside the country's borders for fulfillment of humanitarian, environmental, educational, sports and other missions of peaceful (non-military) nature, as well as the deployment of foreign troops on the territory of the country or their crossing of that territory for missions of peaceful (non-military) nature. The Council of Ministers may also authorize the deployment and use of military equipment outside Bulgaria's borders. This legal provisions are based on the rulings of the Constitutional Court issued in 1994 and 1995 concerning the interpretation of Art.84(11) of the Constitution.

The Minister of Defence. The LDAF-95 was the first legal act to lay out in detail the responsibilities of the Minister of Defence and the Chief of the General Staff in the field of security and defence policy.

According to Art.34, the civilian Minister of Defence directs and bears responsibility for the implementation of the state policy in the system of the Ministry of Defence. He also exercises the civilian control over the Bulgarian Army. In his work the Minister of Defence is assisted by civilian Deputy Ministers, and by an advisory body - the Supreme Military Council. Members of the Supreme Military Council are the Deputy Ministers, the Chief of the General Staff and his Deputies, and the Commanders of the services of the Armed Forces, the Chief Inspector as well as other officials appointed by the Minister of Defence.

In the area of international security policy, the Minister of Defence participates in the elaboration and the subsequent update of the National Security Concept and is responsible for its introduction to the Council of Ministers. He also provides guidance on international co-operation in the field of defence. The 1997 amendments to the LDAF introduced an important revision in these responsibilities. According to Art.35(1), the Minister of Defence is no longer entitled to introduce the National Security Concept to the Council of Ministers. The rationale behind this amendment is that the Minister of Defence does not have supreme responsibility for the elaboration and subsequent update of the National Security Policy, and participates in this process on an equal footing with other relevant ministers (e.g. the Foreign Minister, the Minister of the Interior). This amendment is indicative of the overdue understanding of the broader nature of national security which goes beyond armed defence.

According to LDAF-95, the Minister of Defence, on motion from the Chief of the General Staff, forwards to the Council of Ministers, *inter alia*, the draft Military Doctrine and proposals on the personnel strength and the structure of the Bulgarian Army. In the LDAF-97 (Art.35(2)), the words “on motion from the Chief of the General Staff” have been replaced with “upon consideration in the Defence Council”. Thus, the Chief of the General Staff has been deprived of the direct responsibility to propose to the Minister the draft Military Doctrine. The new provision contains certain ambiguity, as Art.78(1) reaffirmed the responsibility of the Chief of the General Staff to organise the elaboration of the draft.

The Defence Council, established by the LDAF-97, substituted the former Supreme Military Council as an advisory body to the Minister of Defence. Its responsibilities include, among others, consideration of topical issues of the defence policy; the military aspects of the National Security Concept and the Military Doctrine; the defence budget; and other issues of the Minister of Defence’s responsibility.

The 1997 amendments to the Law on Defence and the Armed Forces further integrated the General Staff into the structure of the Defence Ministry. According to the LDAF-95, the Minister of Defence was responsible for and directed the implementation of the state

policy “in the Ministry of Defence system”. The latest comprised of the Ministry of Defence itself and the Bulgarian Army. In the LDAF-97 the notion of “MoD system” has been replaced with “the Ministry of Defence” which includes the Bulgarian Army.

Another result of the 1997 amendments was the redistribution of powers between the Minister of Defence and the Chief of the General Staff. In the specific area of research, the Military Counter-intelligence service was transferred under direct responsibility of the Minister of Defence while the Military Intelligence remained under the authority of the Chief of the GS.

The Minister of Defence was also conferred the power to appoint and dismiss representatives of the Ministry of Defence to international organisations. This provision reflected the new arrangement of appointing MoD representatives to the Liaison Office (subsequently Mission) of Bulgaria to NATO, and to Bulgaria’s Permanent Mission to the OSCE. These appointees do not belong to the Service of the Defence and Military Attaches which remains under the authority of the Chief of the General Staff. The defence and military attaches are also appointed and dismissed by the Minister of Defence, but only on motion from the Chief of the General Staff. Subsequently, a decree of the Council of Ministers of May 1998 conferred to the Minister of Defence the responsibility to nominate and subsequently appoint the Bulgarian military officers to international staff posts within NATO and other international organisations.

The Chief of the General Staff. The Chief of the General Staff is the most senior in rank and position officer of the Republic of Bulgaria, and exercises direct control of the entire personnel of the Bulgarian Army. In the event of war, the Chief of the General Staff is Commander-in-Chief of the Armed Forces.

The Chief of the General Staff has been conferred some important responsibilities directly related to the formulation of security policy, including the responsibilities of organising the elaboration of the draft Military Doctrine and its subsequent implementation, and conducting the work of the military intelligence.

The LDAF-95 established a Military Council as advisory body to the Chief of the General Staff. Its members included the Deputy Chiefs of the GS, the Commanders of the Land Forces, the Air Force and the Navy, as well as others appointed by the Chief of the GS. The LDAF-97 has replaced the Military Council with a Chiefs of Staff Council with similar membership and functions.

The Law on the Consultative National Security Council (adopted in 1994)

As provided in Art.100 of the Constitution, a special Law on the Consultative National Security Council⁴ was adopted in 1994. The Council was established as a consultative body on issues of national security.

⁴ Чл.100 от Конституцията, “Закон за Съветския национален орган за сигурност”, 13, 1994.

The CNSC is presided by the President and includes the Chairman of the National Assembly, the Prime Minister, the Minister of Defence, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Finance, the Chief of the General Staff and one representative of each parliamentary group. There is a provision which allows other state or political leaders to participate, as appropriate, in the meetings of the Council.

The law provides for regular meetings of the CNSC to be convened at least once every quarter. Extraordinary meetings are convened upon the discretion of the President or in the cases provided for in Art.100 (4,5) of the Constitution (proclamation of general or partial mobilization; state of war or martial law). The meetings are closed to the public and their records are confidential. The Council is entitled to formulate opinions and proposals concerning the issues discussed.

Art.3 defines the scope of the issues that may be discussed in the CNSC:

- foreign and domestic policy issues related to the national security;
- ensuring civil peace, public order, the rights and interests of the Bulgarian citizens;
- actions to prevent or eliminate an imminent threat to national security.

The National Security Concept

The establishment of the basic principles of the national security policy

Having regained its full sovereignty and independent foreign policy, democratic Bulgaria was confronted with the need to establish the basic parameters of a re-nationalized security and defence policy. Following a decision of the National Security Council which was established as an informal advisory body to the President, a process of developing a National Security Doctrine was initiated in the Autumn of 1990. Several state institutions, academic centres and NGOs were actively involved in this process. Within the Ministries themselves parallel efforts were undertaken in different formats. E.g., within the Ministry of Defence parallel work on the defence aspects of the doctrine was going on in the newly established Centre for Strategic Studies, in the Military Academy of the General Staff, and the General Staff itself. Within the Foreign Ministry, an Expert group for independent studies of external security issues set up entirely of MFA officers also contributed to the development of the national security concept. As a result, the elaboration of the National Security Concept of Bulgaria was based on a number of collective or individual written contributions.

By June 1991, the draft of the Doctrine was at the stage of finalisation. The adoption of the new Constitution in July 1991 and the subsequent dissolution of the constituent National Assembly prevented the final adoption of the National Security Doctrine. Following the parliamentary elections in October 1991, a Government of the Union of Democratic Forces came into office with a radically new foreign and security policy orientation. This internal development coincided with the dissolution of the Warsaw Pact. As a result, the work on the basic premises of Bulgaria's security policy had to be reopened. In 1992, the Government of Philip Dimitrov adopted a draft National Security Concept but shortly after the Government had to resign. In 1993, the new government

Like other European countries, Bulgaria's National Security Concept acknowledges that security is multidimensional and includes not only political and military aspects, but also economic, technological, demographic, information, and environmental facets. Accordingly, the document spells out a vast complex of the country's security concerns.

The threat analysis largely emphasises the internal threats facing the country. They include the difficult economic situation of the country and the catastrophic decline in the living standards of the Bulgarian citizens, the unwillingness and inability of previous governments for radical reform which led to serious political conflicts, the inter-institutional conflicts, a grave demographic crisis and an unprecedented high emigration. The document points out that the real threat to the fragile democracies in Central and Eastern Europe comes from illegal criminal groupings specialised in organised violence, smuggling, and trafficking of people, drugs and arms, rather than from adverse armies.

The assessment of the external risks recognises that the danger of a direct military aggression against Bulgaria has considerably decreased. At the same time, the concept points out the lack of a fully effective collective system for security and stability on the continent and the significant differences among the European states as to the degree of their integration into political-military alliances and economic institutions. It recognises the existence of a "grey" zone on the continent consisting of countries that are partially or totally excluded from the integration processes. This zone is characterised by social insecurity, decline in living standards and emergence of international criminal networks.

The assessment of the external threats is focused on the precarious geopolitical location of Bulgaria. The delayed democratic changes in South Eastern Europe leading to a deterioration of historically accumulated problems, and incapacity to settle them in line with the European democratic standards, as well as the conflict and tension in the Balkans pose serious risks to Bulgaria's national security. Second after regional wars, organised crime has become a major threat to the countries of the region. Nevertheless, the geopolitical location of the country is also seen in positive terms: the documents refers to the significance of the region as a transport, infrastructure and energy crossroads which will be growing with the future enlargement of the European Union and NATO as well as with the linking of Caucasus and Central Asian countries to the European markets.

On the basis of the threat analysis, the National Security Concept comes to the conclusion that, due to the insufficient financial, economic, and military potential, Bulgaria is not in a position to guarantee its security independently, or to seek security through neutrality. The new realities impose the need to join effective collective systems for security and economic development. As the document states, the process of integration into NATO and EU has its positive influence upon the security of Bulgaria. However, only the full membership in these institutions will provide complete guarantees for the national security. The membership in NATO and EU is seen as a national priority which corresponds to the long-term interests of the country.

The clear choice to seek security guarantees through full membership in NATO and the EU is paralleled with the understanding that the successful integration of Bulgaria into the Euro-Atlantic structures depends on the progress achieved in the peace-building process in South Eastern Europe and is slowed down by military conflicts and destabilisation of neighbouring countries. Bulgaria's own security is determined by the degree to which the country projects security to the neighbouring countries. Henceforth the need for a very proactive Bulgarian foreign policy aimed at strengthening the peace in the Balkans. This policy is seen as the most important element in the strategy for the preventive protection of Bulgarian interests.

The National Security Concept outlines a clear defence posture. It states that the Republic of Bulgaria does not have any territorial claims and does not recognise such claims on its territory. This principle eliminates old tensions in the region while not creating new ones. It reaffirms Bulgaria's role as a source of security. Furthermore, Bulgaria does not build its security at the expense of other states. The will for NATO membership aims to guarantee the security and is not directed against third countries. Increased security for all countries in Europe and the world is essential for the enhancement of the guarantees for Bulgaria's security. The concept defines that at present no hostile intentions are openly displayed against Bulgaria. The territorial and national integrity of Bulgaria is preserved while the rights and freedoms of different ethnic and religious communities are respected.

The concept provides for the elaboration of a "defensive in nature" Military Doctrine. The Military Doctrine is developed on the basis of the National Security Concept and the Law on Defence and the Armed Forces. It defines the build-up and the use of the armed forces and serves as a basis for implementing a Programme for reform and modernization of the Bulgarian armed forces. The security guarantees for the country are reinforced through realisation of initiatives to increase political-military confidence in the region, and through the successful implementation of the Partnership for Peace programme for integration into the Euro-Atlantic structures.

The Security Council: an important step towards an integrated crisis management system

The National Security Concept also sets out important provisions concerning the organisation and functions of the national security system. It reaffirms the constitutional responsibilities for the national security while adding some additional functions to the state institutions in this area.

The Concept provides that the Council of Ministers, in an annual report to the National Assembly, presents the risks for the country and its assessment of the level of protection of the national interests. The Council of Ministers also allocates the resources of the country with the view to increase the level of protection of the national interests. Within their competence, the ministries and the other governmental agencies develop and implement strategies and programmes for the most efficient use of the political, military and economic resources of the country.

The essential novelty in the institutional arrangements introduced by the National Security Concept is the establishment of a Security Council to assist the Council of Ministers in implementing its functions. The Security Council consists of the Prime Minister, the Minister of Foreign Affairs, the Minister of Defence, the Minister of the Interior, their Deputies, the Chief of the General Staff of the Bulgarian Army, and the directors of the intelligence and counter-intelligence services. The President is entitled to participate personally or through his representatives in the work of the Council on a permanent basis, and require at any time information from it.

The Security Council is bestowed with the following responsibilities:

- to consolidate the entire current information concerning the risks to the national security, and make analysis and conclusions, as well as a professional assessment and prognosis for the dynamics of the threats;
- to plan concrete measures for neutralizing the threats and proposes solutions in times of crisis;
- to coordinate the plans of the special services for acquiring information and provide an opinion on the allocation of resources;
- to develop and propose to the Council of Ministers an annual report on the state of the national security.

The President, the Chairman of the National Assembly and the Prime Minister are entitled to receive equal in scope and contents information from the Security Council.

government led to the introduction of a sequence of bills which have been constantly withdrawn or re-written and hardly ever finalised. It took three years to adopt the basic Law on Defence and the Armed Forces which was amended significantly only two years after its adoption. Almost every new government developed its draft for a National Security Concept but only in 1998 this crucial document was finally adopted by the National Assembly. And the Military Doctrine is still in the process of elaboration.

The National Assembly is constitutionally vested with an important role in establishing the long-term principles and priorities of Bulgaria's foreign, security and defence policy. To this effect, the National Assembly adopts the National Security Concept and the Military Doctrine, as well as decisions and declarations on key foreign and security policy issues. The National Assembly introduced 25 amendments⁷, some of them substantial, in the draft National Security Concept elaborated by the Government, despite of the time pressure (the document was passed in only one week). In particular, the parliamentary intervention provided for an improved balance between the responsibilities of the different institutions in the national security system laid out in Chapter 5. This became possible largely as a result of the President's intervention in the same sense, and the non-confrontational attitude of the Government. The latest was crucial, as the absolute majority which the Government enjoys in the National Assembly would have otherwise made possible the adoption of the concept without any changes. This has usually been the case in previous years, and still happens frequently.

The relevant parliamentary committees proposed amendments also in the language concerning NATO membership. In its draft, the Government had included almost literally the language of the consensus-based 1993 Declaration of the National Assembly, presumably with the intention to ensure the support of the BSP on this most controversial national security issue, and on the Concept as a whole. The amended language was introduced as a compromise between the UDF and the opposition Bulgarian Euro-Left. The positive result was a more categorical statement on full NATO membership as ultimate guarantee for the national security. On the other hand, the new language prevented a possible consensus of all parliamentary fractions. Nevertheless, the National Security Concept was adopted with a majority of more than 3/4 which gave an expression of the growing national agreement on major security issues.

The National Assembly has not always been able to assert effectively its constitutional authority on key foreign and security policy issues. At least on two important occasions it has failed to live up to its duties and the public expectations. The first was the recognition of the newly independent states on the territory of former Yugoslavia, the Republic of Macedonia in particular. After long parliamentary deliberation and indecisiveness, the final decision was taken by the Government and the President, and simply endorsed by the parliament⁸.

⁷ See interview with Hristo Bisserov, Chairman of the parliamentary Committee on National Security, in *Ääñèðàöèý*, 16.04.1998.

⁸ See Philip Dimitrov, "Íàðèíñàèñèýð èíññáíñóñ áúá áúíðáðà ñèèðèèà è ñíúùáñðáýááíáðí íó ìð èíñðèðóòèèðá", *Ìäæóíàðíáñè ìðíðáñèý*, N° 5-6, 1995, p.32.

its accordance with the national interest), the 1993 Declaration was an important step to diminish the serious split on the issue of membership and represented a responsible national position.

Paradoxically, this consensus decision eventually demonstrated the limited role and influence of the Parliament on the practical implementation of the foreign and security policy. As soon as the elections in December 1994 brought an absolute majority for the BSP and its Democratic Left coalition partners, the Government of Zhan Videnov disregarded almost completely the essence and the spirit of the parliamentary declaration. Initially, the new government reiterated on several occasions the 1993 declaration as the basis of its policy concerning relations with NATO. Subsequently, the text of the declaration became subject to different interpretations with the emphasis put on its conditional part (the accord with the national interest), and finally the reference to it almost disappeared from the statements of the Prime Minister and the Foreign Minister.

The rather weakened opposition, supported by President Zhelev, tried to revive and reinforce the 1993 declaration and in early 1995 introduced a draft resolution reaffirming in more categorical terms Bulgaria's will to join NATO. The Democratic Left majority in the National Assembly introduced its own counter draft. The two draft resolutions were referred to the parliamentary committees on Foreign Policy and National Security. The two committees in which the BSP was largely represented by MPs favouring future NATO membership managed to elaborate a compromise opinion which maintained the essence of the opposition's draft. However, the compromise was overruled in the parliamentary Group of the Democratic Left, and was never referred to the plenary session¹¹.

In October 1996, encouraged by the overwhelming victory of the UDF nominee (Petar Stoyanov) in the presidential elections, and the growing isolation of the BSP government, the opposition made another attempt to press forward Bulgaria's application for NATO membership. The Foreign Policy committee discussed a draft resolution in this sense prepared by its Deputy Chairman (representing the UDF), and implicitly supported by the Chairman of the committee (representing BSP), and managed to master a new consensus. The following dramatic political developments, which led to the resignation of the BSP government and pre-term elections, prevented further consideration of the proposal.

The first act of the newly elected National Assembly, in which the UDF and its coalition partners had absolute majority, was the Declaration on National Accord¹² of 8 May 1997 which established the membership in NATO as one of the ten top priorities in the work of the parliament. The consensus-building capacity of the Parliament was reaffirmed again with the debate on Bulgaria-Russia relations in October 1997, when all present 213 MPs adopted a Declaration on the development of equal and mutually beneficial

¹¹ See interview with Assen Agov, Vice-Chairman of the parliamentary Committee on Foreign Policy and European Integration, "Новаинформ", 30.05.1995; interview with Ivan Krustev, "Обща", 1.06.1995.

¹² "Абсолютно обща" на парламентарния нива, "Абсолютно обща" № 38, 1997.

relations with Russia. The text of the declaration had been elaborated by the foreign policy committee on a consensus basis.¹³

Once the parliament has adopted the legislation and the basic parameters of foreign, security and defence policy, its role in the everyday policy-making has been modest. There are, in principle, two important parliamentary instruments to influence the policy of the government. The National Assembly, directly or through its permanent committees, exercises control over the executive power, the armed forces and the special security services. This role is implemented through parliamentary debates, written and oral questions, as well as plenary and committee hearings and investigations on specific policy matters.

The doctrine of ministerial accountability to the Parliament provides members of the National Assembly with the right to address questions and interpellations to the Prime Minister, the Foreign and Defence Ministers, who are obligated to respond. A motion by one-fifth of the MPs is required to turn an interpellation into a debate on which a resolution is passed. Parliamentary debates concerning national security issues are usually held in closed plenary sessions. In the predominantly bi-polar political system in Bulgaria, in most cases the debates are an expression of the opposition's attempts to discredit the ruling majority, and pragmatic considerations are not often heard. The final vote is also determined mainly by party discipline.

Since 1990, the National Assembly has established two permanent committees to exercise parliamentary control over the executive. According to the National Security Concept, the parliamentary committee on national security oversees the executive and the security services as to the effectiveness and the compliance of their activities with the law, as well as to the efficient use of the resources. The committee is also tasked to develop political assessments of the threats to security. The committee on foreign and integration policy oversees the executive power concerning external aspects of the national security.

The two committees, currently consisting of 21 and 23 members respectively, concentrate in their membership the entire, though limited, parliamentary experience and knowledge on foreign, security and defence policy issues. The gradually increasing activity of the two committees should be acknowledged. They have regularly listened to the Foreign and Defence Ministers and other top officials of the two ministries, to the Chief of the General Staff and other high commanders on major foreign, security and defence policy issues, such as relations with NATO, European integration, the conflict in the former Yugoslavia, Bulgaria's participation in multinational peacekeeping operations, the defence reform and the restructuring of the armed forces, the restructuring of the defence industry and the arms export control. In addition, they have conducted their own investigations and elaborated comprehensive reports on specific issues which have been presented to the executive power.

¹³ Агеев, Д. и др. "Национална сигурност и външна политика на България", 1997.

However, there are two major impediments for the efficient control over the government. The first is the above mentioned political polarization of the parliament and its committees which turns the policy debates and hearings into inconclusive partisan clashes. There have been some attempts in the two committees to overcome inter-party differences and discuss the issues in a politically impartial and professional way but they have been exceptions from the general rule.

The second source of weakness of the parliamentary control is the lack of relevant experience and expertise among the parliamentarians. The frequent elections resulting in radical changes in the membership of the National Assembly and its permanent committees have prevented the formation of a stable security and defence community within the parliament able to efficiently examine and influence the policy of the government. For instance, only three of the present 21 members of the national security committee have served in previous parliaments. In addition, the expert and advisory staff supporting the work of the committees is almost non-existent. In result, the level of the expert knowledge of the parliamentarians is far below that of the governmental officials. Accordingly, the latest are much less often a subject to examination than a simple provider of briefings and information aimed at increasing the awareness of the examiners.

Another classic instrument of parliamentary control is the approval of the budget. However, the limited resources allocated to national security and defence in the 1990s have negatively influenced the exercise of the parliamentary "power of the purse". The general rule is that the budget is elaborated by the executive and the end result of the process is submitted for parliamentary approval. After the State Budget Bill is introduced to the National Assembly, its security and defence sections are referred for scrutiny to the National Security committee. In the first years of democracy the committee was presented with only few general figures, but with the growing experience its members began to request more detailed information and explanation from the executive and the military. The scarcity of available resources have resulted in an interesting phenomenon: in their final opinion the members of the committee, both from the majority and the opposition, have largely abolished the constitutional tradition, according to which only reductions, and not increases in the proposed expenditure, are voted upon, pleading for reallocation of additional resources to the MoD. Thus, they have often acted as "allies" to the military against the government, in collision with the principle of parliamentary control. The subsequent discussion of the budget in the plenary is normally very politicized and proceeds in terms of "pro" and "contra" the government itself. The majority tends to impose the initial bill submitted by the Government, and the opinion of the National Security Committee is disregarded.

In the specific area of Bulgaria's participation in the Partnership for Peace, the National Assembly's role has been relatively modest. The central subject in the parliamentary debates concerning the relationship with NATO has always been the issue of future membership. Bulgaria's policy with respect to the PFP was also initially discussed by the National Assembly in conjunction, and largely in the margins of a heated debate on the membership itself. The Declaration of the National Assembly of 21 December 1993

which formulated the first consensus position with respect to future NATO membership also referred to the Partnership for Peace initiative, though it had not been launched formally yet. The National Assembly undertook the commitment to consider the PfP initiative, and to formulate its position, taking into account the results of the forthcoming NATO Summit in Brussels (January 1994). At the same time, the Bulgarian parliament expressed its expectation that the PfP initiative would represent a step forward in the integration of Central and Eastern European states into NATO on an equal basis and in the interest of strengthening the European security.

There was no follow-up to this commitment, and the National Assembly never returned to the issue, at least in a plenary session. The parliament and its committees on Foreign Policy and National Security have been informed by the Government on the major steps in the preparation of the country's accession to the PfP and the development of the first Individual Partnership Programme but they have not contributed actively to this process.

Subsequently, the National Assembly has been involved in the implementation of Bulgaria's PfP policy mainly in two areas. The first is the ratification of the PfP Status of Forces Agreement (PfP SOFA) in 1996. The process of ratification presented an interesting aspect of the role of the parliament. Due to considerations of strict legal nature, the Council of Ministers signed the PfP SOFA with an interpreting declaration. When the agreement was submitted to the National Assembly for ratification, the parliamentary committee on foreign policy confirmed the interpreting declaration without any serious debates. However, the committee on national security took greater interest in the issue, considered carefully the arguments of the experts from the MFA and MoD, and decided unanimously that the declaration could be withdrawn. In the plenary session, the majority of the MPs sided with the opinion of the committee on national security and ratified the SOFA without reservations.

Another PfP-related area of parliamentary decision-making has been Bulgaria's contribution to the NATO-led IFOR/SFOR in Bosnia and Herzegovina, and the participation in NATO/PfP exercises. In 1996 only, the National Assembly adopted 15 resolutions authorising participation of Bulgarian troops in PfP or "in the spirit of PfP" exercises. In most cases, such resolutions were adopted without serious debates.

Parliamentary control has not been exercised with respect to Bulgaria's PfP policy with one exception: in early 1998 the Foreign and Integration Policy committee, in a joint session with the National Security committee, invited the Foreign Minister and the Defence Minister to inform the members of the committees on status of the implementation of the National Programme for preparation of NATO accession which also covers the main areas of Bulgaria's PfP policy. On the basis of oral presentations by the two Ministers and the subsequent discussion, the Foreign and Integration Policy committee adopted an opinion which assessed positively the work of the government and formulated several views and recommendations.

The President: a moral authority or a real decision-maker?

Ambassadors who enjoyed the Presidential support to ignore instructions from the Government and the Foreign Minister with the argument that they represented the head of state. This situation has hardly contributed to the President's image and influence in the decision-making process¹⁶.

However, the President's influence on the formulation of foreign and security policy has largely gained from two developments. First, the political instability in the transition period and the constant change of government. Over the last seven years, not a single government lasted till the end of its 4-year constitutional mandate and in total seven Cabinets were in office. On this background, the President with his 5-year mandate and elected directly by the voters, had serious advantages. Second, the lack of a firm national consensus and a formally endorsed concept on foreign and security policy. The broad agreement on some basic principles reached in the early 1990s has proved insufficient to ensure a consistent international policy orientation. The issue of future NATO membership has been the central point of political disagreement. Notwithstanding the succession of different political forces in the government, until early 1997 the executive power has failed to adopt a clear decision on this issue.

In these circumstances, in the public opinion as well as in international context, the President was seen as the guarantor of the stability and continuity of Bulgaria's new foreign and security policy orientation. This encouraged him to ignore the constitutional limitations and undertake a pro-active role in the elaboration of the foreign and security policy.

The effort of the President to enhance his positions as a decision-maker has taken different forms. On a number of occasions, the President has made advantage of the lack of political will and indecisiveness of the Government in order to take the lead on a foreign or security policy issue, in particular on issues with high visibility in the public opinion. The political instability in the country and the lack of national consensus on the detailed strategy to ensure national security offered the President a number of occasions to take the initiative and influence the decision-making.

The President's tactics to gain positions at the expense of the Government's reactive policy was particularly effective on the issue of Bulgaria's membership in NATO. In 1995-1997, the BSP government, guided by external (Russia's offensive against NATO enlargement) and domestic (internal differences on NATO membership within the BSP itself and the broader coalition of the Democratic Left) considerations, never issued a clear statement on its foreign and security policy priorities. Although the anti-Nato membership positions prevailed within the party leadership and the government, the Prime Minister and the Foreign Minister were reluctant to say "no" openly, conscious of the possible discrediting effect on their image. The President, and the opposition UDF, effectively exploited this ambiguity to emphasize their clear Atlantic orientation taking every occasion to confront and discredit the government on this highly visible issue in the public debate. Despite that, in strict compliance with the Constitution, the

¹⁶ See Nikolay Slatinski, "Ðààèèè òííàðè è ðííòííàðè áúçíæíííðè", "Íàæáóíàðíáíè ðííðáíèý", 1 5-6, 1995, ðð. 35-43.

responsibility for formulating the foreign and security policy did not lie with the President, Dr Zhelev had the legitimate right to reaffirm a national position endorsed by the National Assembly in December 1993 and never objected publicly by the Government. Some observers¹⁷ argue that Dr Zhelev's position was largely ideologized and motivated by power strive considerations. Nevertheless, the President successfully defended the pro-Atlantic orientation of the foreign and security policy and left little room for radical changes.

The pattern of asserting authority by confronting the government with a "fait accompli"¹⁸ was again repeated in the early days of office of President Petar Stoyanov. Based upon the overwhelming electoral support for his foreign policy agenda, including the priority of early NATO membership, at his meeting with the North Atlantic Council in January 1997 - his first visit abroad after the inauguration - President Stoyanov stated categorically Bulgaria's support for NATO enlargement and the country's will to join the Alliance. Despite the clear understanding of the limited presidential powers in the decision-making process, the Allies treated this statement with due respect as a legitimate expression of Bulgaria's national position backed up with the moral authority of a recognized national leader. This was largely due to the impressive and efficient role which the newly elected President played in dealing with the acute political crisis in early January 1997 providing strong evidence of his capacity to master consensus and unite the nation.

Shortly after coming into office, President Stoyanov became the protagonist of another crucial development in Bulgaria's foreign and security policy. On 17 February 1997, the caretaker Government of Stefan Sofiyanski, appointed by the President and implementing his policy agenda, took the historic decision to proclaim the will of Bulgaria to become full member of the North Atlantic Alliance. The decision had been drafted upon initiative and with the active participation of the President's advisers, acting upon guidance by the President himself. It built upon the 1993 Declaration of the National Assembly and the strong public support for President Stoyanov, and also enjoyed the firm support of the UDF which was heading towards a clear victory in the forthcoming parliamentary elections. It marked a decisive step in the relationship with NATO and contributed strongly to an enhanced moral and political authority of the President in the realm of national security.

Another important aspect of the President's effort to influence the decision-making process has been his contribution to the consensus-building in the field of foreign and security policy, in exercise of his constitutional role to represent the unity of the nation¹⁹. In this respect, the Constitution has provided the President with an appropriate

¹⁷ See Philip Bokov, "Îðàçèääíóóð è áúíóíàðà ñèèðèèà: èðèðè-ái ñäèää", Ìæäóíàðíáíè ïðíðáíèý, Nî 5-6, 1995, pp. 26-30.

¹⁸ See Philip Dimitrov, "Íàðèííàíèýð èííñáííóí áúá áúíóíàðà ñèèðèèà è ïíóóáíðäýááíáðí íó ïð èííðèðóðèèðá", Ìæäóíàðíáíè ïðíðáíèý, Nî 5-6, 1995, pp. 31-34.

¹⁹ For a detailed discussion see Zhelyu Zhelev, "Â áíèýíàðà ñèèðèèà", Sofia, 1998; Philip Dimitrov, "Íàðèííàíèýð èííñáííóí áúá áúíóíàðà ñèèðèèà è ïíóóáíðäýááíáðí íó ïð èííðèðóðèèðá", Ìæäóíàðíáíè ïðíðáíèý, Nî 5-6, 1995, pp. 31-34; Philip Bokov, "Îðàçèääíóóð è áúíóíàðà ñèèðèèà: èðèðè-ái ñäèää", Ìæäóíàðíáíè ïðíðáíèý, Nî 5-6, 1995,

The main restriction on the efficient work of the CNSC came from the deep split and the conflicting relationship between the institutions (the Government and the President) on major foreign and security policy issues, NATO membership in particular. This situation has been often referred to as “the war of institutions”. Former President Zhelev frequently used the CNSC meetings to publicize its divergent positions with the Government.

Nevertheless, the result has not always been negative. In May 1995, after the BSP majority had blocked the adoption by the National Assembly of a resolution on NATO membership drafted jointly by the parliamentary committees on Foreign Policy and National Security, the CNSC met to discuss the situation and recommended the continuation of efforts to reach consensus within the two committees. In January 1996, the President, motivated by media reports on an alleged reluctance of the Zhan Videnov government to commit Bulgaria’s participation in the NATO-led IFOR in Bosnia and Herzegovina, convened the CNSC to seek clarification. It resulted in a communique which stated that the government had undertaken timely measures and established the necessary contacts with NATO concerning a possible contribution to IFOR. Thus, the decision on Bulgaria’s contribution to IFOR was shaped on an inter-institutional basis.

The role of the Consultative National Security Council was fostered significantly in the political crisis in early 1997. In the midst of a governmental and parliamentary crisis and mass popular protests, the new sworn in President P.Stoyanov summoned the CNSC, and after several hours of heated debate representatives of all parties reached agreement which brought the crisis to an end.

In the field of national defence, the President as Supreme Commander-in-Chief of the Armed Forces has far greater political and moral authority than in the foreign and security policy. Since the beginning of his term of office, President Zhelev has actively sought to establish a positive relationship with the military. His effort was facilitated by the selection of Colonel-General Atanas Semerdzhiev as Vice President. Gen. Semerdzhiev had previously served for more than two decades as Chief of the General Staff and Deputy Minister of Defence and rated high among the military commanders.

President Zhelev visited on several occasions the Ministry of Defence, the General Staff, and other military facilities to demonstrate his concern for the security and defence of the country and his respect for the professional military. His campaign met the positive attitude of the army. In the wake of the pluralistic democracy the Bulgarian military, and the high command in particular, were very sensitive to emerging criticism coming from various party headquarters and the media. The starting debate on such essential matters like the personnel strength of the armed forces, the defence budget, the term of conscription, etc., intensified the concern among the military commanders about the ability to maintain their social status and access to resources. The majority of seats which the Bulgarian Socialist Party received in the first free elections in June 1990 alleviated to some extent this concern but the clear trend towards an increased social and

political role of the pro-reform democratic forces left the generals uncertain about the immediate future²³.

The discomfort of the military increased with the first practical steps in implementing civilian control over the armed forces. The normal difficulties related to this radically new development were aggravated by the modest knowledge and experience - both in military and administrative matters - of the civilian officials who implemented the democratic control. This was often paired with certain hostile attitudes to the military establishment. The result was a growing distrust of the military towards the senior civilian officials in the Ministry of Defence²⁴.

As a consequence, the military establishment badly needed the reassurance of their Supreme Commander-in-Chief - the President. Another reason for their affinity to the Presidential institution was that the President, though himself a civilian with no experience in defence and military matters, was largely seen as part of the chain of military command which also fostered a more trustful and disciplined approach towards his opinions and decisions. In periods of friction and tensions between the General Staff and the civilian Minister of Defence, the military leadership often referred their positions to the President seeking his arbitration and support. In situations when the Chief of the General Staff or other senior military commanders were in disagreement with the President or had to take side with a government hostile to the President, they nevertheless were reluctant to be involved in open conflict with the Supreme Commander. Only on one occasion the Chief of the General Staff opted to side with attacks against the President, and was subsequently released of his duties.

On his part, the President exercised his constitutional authority in a fairly responsible manner. In contrast to some experiences in other Central and Eastern European countries (notably Poland) where the President has intentionally opposed the military against the civilian Defence Minister, the Bulgarian President has hardly been involved in acts encouraging military disobedience with respect to the civilian MoD leadership²⁵.

All these factors contributed to the establishment of a relatively stable pattern of a special positive relationship between the President and the high military command which was a major input in the smooth development of civilian control and civil-military relations in Bulgaria.

However, this relationship has not always been idyllic. Encouraged by his high profile as Supreme Commander, after his re-election by direct vote in 1992 President Zhelev established a French-style Military Cabinet within the Office of the President. The

²³ For a more detailed analysis see Daniel N. Nelson, Jeffrey Simon (ed.), "Political Dynamics and the Bulgarian Military", in: "European Security Policy after the Revolutions of 1989", Washington, the NDU Press, 1991, pp. 479-512.

²⁴ See Valery Ratchev, "Bulgaria's Policy on NATO Expansion - a Challenge to Military Professionalism", in: Andrey Ivanov (ed.), op.cit., pp. 48-49.

²⁵ For a detailed analysis of the development of civil-military relations in Central European countries see Jeffrey Simon, "Central European civil-military relations and NATO expansion", MacNair Paper # 39, April 1995, Washington, National Defense University.

Military Cabinet was headed by a Chief with the rank of Major-General who also was attributed the title of General-Adjutant, and included three military advisers (acting senior military officers) on the Army, the Air Force and the Navy. The establishment of the Military Cabinet was in principle a reasonable initiative from the point of view of increasing the military advice and expertise to the Supreme Commander-in-Chief.

However, in November 1993 the President, allegedly upon advice of the Chief of the Military Cabinet, issued a highly controversial decree defining the functional responsibilities of his Military Cabinet. The content of the document was presented to the Minister of Defence, the Chief of the General Staff and the Commanders of the three services in a letter by the Chief of the Military Cabinet which was leaked to the media²⁶.

The act of the President reaffirmed the legal provision that his Military Cabinet had no directive or control functions with respect to the Minister of Defence and the Armed Forces. It was not intended to substitute the direct contacts of the President with the Defence Minister, the Chief of the General Staff or the commanders of the services. At the same time, the decree attributed to the Military Cabinet a number of responsibilities which were seen as going far beyond the constitutional authority of the Office of the President, and as an attempted intervention in the responsibilities of the Government and the General Staff.

According to the document, the Military Cabinet was entitled to have full access to information concerning the defence and the armed forces. The Chief of the Military Cabinet and its members assumed the right to attend the meetings of the Supreme Military Council (advisory body with the Defence Minister), the Military Council to the Chief of the General Staff, and even the Military Councils of the services. They were to have full access to the military commanders at all levels, to all military facilities, and to all documents developed in the military headquarters. Furthermore, the Military Cabinet was entitled to exercise control over the implementation of instructions issued by the President. Paradoxically, the President has never been vested with the power to issue instructions to the military commanders. The MoD had to inform in advance the Military Cabinet of all drafts for Presidential decrees. The decree and the related letter met an extremely strong criticism from the Government, the Minister of Defence and the General Staff which saw an attempt of the Office of the President to compensate for its limited powers concerning the armed forces. As a result, it was never implemented in practice.

President Petar Stoyanov opted not to establish a special military division within his Office, probably because of the controversial experience of the Military Cabinet. Instead, he included in his administration a “secretary” (the new denomination for the President’s advisers) on national defence issues. The newly appointed secretary had previously served as Chief of Office of the Chief of the General Staff. With this choice the President obviously intended to facilitate his direct relationship with the High Military Command. Subsequently, when the Chief of the General Staff was released of his duties, he was himself appointed President’s secretary on national security issues.

²⁶ See Òðóä, 26.11.1993.

President Stoyanov has successfully maintained and improved his positive and trustful relations with the military leadership. His high moral authority, and new political style of direct and open dialogue, have largely contributed to an enhanced influence on the formulation of the foreign, security and defence policy. The latest example is the preparation of the National Security Concept, the Military Doctrine and the long-term programmes concerning the armed forces.

In August 1997, the President attended a meeting of the High Military Command to discuss the basic principles and stages of the military reform. President Stoyanov participated actively in the discussion and formulated his own viewpoints and recommendations. He also appealed to the Government (the Prime Minister and the Defence Minister also attended the meeting) to speed-up the formulation of the National Security Concept and the other relevant political guidance needed for the reform of the armed forces²⁷. Some observers saw in the intervention of the President, which also supported the intention of the General Staff to proceed with the development of a draft Military Doctrine in the lack of a National Security Concept, an inappropriate act from the point of view of the civilian control²⁸.

Indeed, the General Staff was encouraged by the President's remarks and in late 1998 presented to the Minister of Defence a draft of the Military Doctrine disregarding the absence of relevant political guidance. Nevertheless, the overall result of President Stoyanov's intervention was positive. The work on the draft National Security Concept was intensified. The President was kept regularly informed of this work, and occasionally intervened in the process through the Consultative National Security Council. When the final version was approved by the Government and referred to the National Assembly for adoption, the President formulated several remarks and proposals concerning his involvement in the work of the proposed Security Council under the Prime Minister. His proposals were supported by the Government and fully taken into account in the final document.

In the area of PfP policy, the President's role has been limited to representational and steering functions. Immediately after the PfP initiative was launched in early January 1994 President Zhelev convened an informal meeting with the participation of the prime minister, the foreign and defence ministers, the chief of the general staff, and the chairmen of the parliamentary committees on foreign policy and national security. The meeting discussed in details the national positions concerning PfP which the president would later present to Ambassador M.Albright visiting Bulgaria as a personal representative of the US president ... The participants decided that the president will sign the PfP Framework Document on behalf of the Bulgarian government. Agreement in principle was also reached on the establishment of a working group under the Council of Ministers to formulate practical proposals concerning Bulgaria's participation in the PfP.

²⁷ *Áúéääðñèà äðìèý*, 23.08.1997.

²⁸ Dimitar Yonchev, "Éóèðððíè è äðáíááè ìñíááíñðè íà äðáæääíñèèý éíñððíè áúððó ñèñðáíàðà çà íàðèííàèíà ñèáððíñð á *Áúéääðèý*" á "Ááíñèðàðè-íðí íáúáñðáí è äðáæääíñèèýð éíñððíè áúððó ñèñðáíàðà çà íàðèííàèíà ñèáððíñð: Ñðááíèððáèáí íáæèç è éóèðððíè ìñíááíñðè", *Ñíðèý*, 1997, p. 187.

Subsequently, the President has expressed on a number of occasions different aspects of Bulgaria's PfP policy, as developed by the government. In comparison with the NATO membership issue, participation in the PfP as a consensual policy has provided few, if any, opportunities for the president to "check and balance" the governmental behaviour. The President's influence on PfP issues has been also limited because of the rather complicated and technical nature of the PfP planning process requiring specific expertise. In addition to the military advisors, for the last 7 years the President has had on his staff only 1 or 2 foreign and security policy advisers and the input of the Office of the President to the PfP policy was modest. It should be noted that the President has contributed to the establishment of civilian expertise on security and defence issues through gathering an informal group of civilians with different professional background to support the work of the President's foreign and security policy advisers. While this informal think-tank has had a clear-cut political profile defending the pro-Western orientation of the foreign and security policy, it was largely isolated from the official information and the internal workings of the government, and had limited expert knowledge on practical policy matters. For this reason, their input into the formulation of the PfP policy, and the security policy in general, has often been seen as wishful thinking.

The Government: the centre of the decision-making process

The main responsibility for the direction and the implementation of the foreign, security and defence policy lies with the Council of Ministers and the competent Ministries. The Council of Ministers is a collective decision-making body. The Prime Minister heads, co-ordinates and bears responsibility for the overall policy of the government. However, each minister is accountable for his own activity. The Council of Ministers has the constitutional right to rescind any illegitimate or improper act issued by a minister. The Council of Ministers decides on matters which are explicitly defined as its responsibility by the Constitution and the legislation, which fall within the competence of more than one ministry, or on which there is disagreement or dispute between different ministries.

In the realm of foreign policy, security and defence, the Council of Ministers has a most important policy-making role. With its information resources, and technical and expert back-up, the government is the real protagonist in the decision-making process.

The Council of Ministers is also the lead institution in establishing the legal basis of the national security and defence. As mentioned earlier, almost all bills in this area have been introduced by the government according to its legislative programme. In addition, the government adopts its own legal acts in implementation of the existing legislation. Thus, in 1994 the Council of Ministers adopted a Concept for Bulgaria's participation in peacekeeping operations. According to the concept, any decision for participation in peacekeeping operations should be taken on the basis of an assessment of its merits and compatibility with the established objectives and principles as well as with the specific foreign policy objectives. Another essential provision of the Concept was that any

decision concerning participation in peacekeeping operations should be taken on a case-by-case basis and in accordance with the aims and principles of the UN Charter, pending an invitation by the UN or the OSCE. As a rule, such participation should be limited to conflict prevention, peacemaking, peacekeeping and peace building efforts. The Council of Ministers was authorised to take decisions on participation with unarmed military experts (staff officers for multinational headquarters, military observers, logisticians, communication and transport supporting officers, etc.), with civil police and other civilian personnel (observers, administrative personnel, etc.), as well as on contribution with equipment and logistics.

Concerning long-term policy formulation, the government has the exclusive authority to elaborate and introduce for adoption by the National Assembly the National Security Concept and the Military Doctrine, as well as sufficient instruments to ensure that the final texts of these documents do not differ substantially from the government's draft. Another goal-setting authority of the Council of Ministers is the 4-year programme declaration of government which defines the strategic goals, priorities and objectives of its policy²⁹.

In some instances, the Government has even challenged the authority of the National Assembly in defining the long-term strategies and programmes on national security and defence. In 1994, the Government approved a Military Doctrine which was never endorsed by the parliament. Nevertheless, it still remains a reference document for the military. In 1995, the Council of Ministers adopted by decree a Concept of the reform of the Bulgarian Army by 2010. The Concept itself was classified "top secret" and was not published in the State Gazette³⁰. The National Assembly was not informed about the document. In February 1998, the new government cancelled the 1995 Decree and the Concept itself. However, with the same act it adopted a Plan on the organisation and structure of the Bulgarian Army which was again "top secret"³¹. Only in April 1998, rather by coincidence, in the framework of a parliamentary debate on the status of the armed forces upon request by the opposition, the National Assembly was informed about the Plan and endorsed the document³².

In the area of foreign relations, the Council of Ministers is the institution authorised to conclude, confirm or denounce international treaties. It has also the authority - directly or through the Foreign Ministry - to undertake political commitments and to express the official positions of the state on international issues.

An illustration of the Government's involvement in foreign and security policy-making is the key issue of NATO membership. In 1992, the first UDF government headed by Prime Minister Philip Dimitrov missed the opportunity to issue a clear-cut policy statement

²⁹ Iđiađaiā řa Iđaaēōāēñōāīōī řa Đāīōāēēēā Áúēāāđēý (1997-2001) "Áúēāāđēý 2001", Ńīōēý, řaē 1997 ā.; Iđaaēōāēñōāāīā řa Iđiađaiā řa 1995-1998, Ńīōēý, řaē 1995 ā.

³⁰ Ĩñōāīīāēāīēā řa ĩēēñōāđñēēý Ńúāāō 1 216 řō 1995 ā. řa řđēāīāīā řa Ĕīīōāīōēý řa đāōīđīāōā řa Áúēāāđñēāōā āđīēý āī 2010 ā., "Áúđāāāī āāñōīēē", 1 103, 1995.

³¹ Ĩñōāīīāēāīēā 1 44 řa ĩēēñōāđñēēý Ńúāāō řō 18 ōāāđōāđē 1998 ā. řa řđēāīāīā řa ĩēāī řa řđāāīēçāōēīīōī ēçāđāēāīā ē ñđōēōđōđāōā řa Áúēāāđñēāōā āđīēý āī 2010 ā., "Áúđāāāī āāñōīēē", 1 22, 1998.

³² See Āāīīēđāōēý, 4.04.1998.

expressing Bulgaria's desire to join the Alliance. At the time, the Alliance itself did not contemplate any enlargement, and the issue was not pressing.

The government of Prime Minister L. Berov which came in office as a result of a political stalemate and had to rely for its survival on the BSP support in the parliament, was very cautious not to provoke any controversy. It focused its attention on Bulgaria's participation in the Partnership for Peace initiative launched in 1994.

The BSP government headed by Zhan Videnov was implicitly against NATO enlargement and Bulgaria's membership. On the other hand, for a number of reasons mentioned earlier, the Government was unwilling to oppose openly NATO membership, and opted for an ambiguous position³³. This made the issue highly sensitive and potentially destabilizing. Consequently, the attention of the government was focused on routine cooperation with NATO, and particularly on the Intensified Dialogue with the Alliance on issues of the NATO Enlargement Study published in late 1995. The intensified dialogue offered the BSP government an excellent opportunity to delay the final decision on membership proper, while displaying a constructive and positive attitude towards consultation and cooperation with NATO.

The Government was actively involved at all stages in the conduct of the intensified dialogue, providing political guidance and assessment of the results. As some observers have noted³⁴, there is sufficient grounds to believe that experts had been isolated from the formulation of the essential aspects of the position of the Government on NATO membership. The decision on Bulgaria's participation in the intensified dialogue which in different circumstances would have been taken rather routinely was adopted by the Council of Ministers, in a closed session, which was indicative of the sensitivities involved. The Council of Ministers also established the political framework for the Bulgarian participation in the dialogue, adopting a Discussion Paper which summarized national responses to the various precepts and principles included in the enlargement study and served as a basis for the discussions. The Government also tasked a number of key ministries to elaborate their opinions on relevant NATO enlargement issues, and to assess the possible implications for Bulgaria in their field of responsibility. This was presumably intended, *inter alia*, to apportion the burden of responsibility for the difficult decisions ahead among as many members of government as possible.

An important part of the political dialogue with NATO was the visit of the Secretary General in Sofia in May 1996. At the talks, the Bulgarian side was represented by a governmental team including the Prime Minister, the Minister of Foreign Affairs, the Minister of Defence, and the Chief of the General Staff. Having in mind the routine practice according to which talks with foreign dignitaries, including with the NATO Secretary General on previous occasions, are conducted in a series of separate meetings with the relevant officials, this special arrangement could be interpreted as designed to demonstrate to the guest and the public opinion an unanimous position of the government

³³ For a detailed analysis see Antony Todorov, "The Bulgarian Political Parties and NATO", in: Andrey Ivanov (ed.), *op.cit.*, pp. 29-38.

³⁴ Ivan T. Ivanov, *op.cit.*, p. 41.

until 1991, Warsaw Pact issues. In 1992-1997, the department also included UN-related political and disarmament issues. In mid 1997, a special department was established to deal with NATO, WEU, OSCE and other security issues.

The department represents the MFA in the inter-ministry co-ordination arrangements concerning NATO membership, as well as, in most cases, in the MFA/MoD co-ordination on a permanent or ad hoc basis. There is no arrangements for temporary assignment of MoD officials to the MFA, or vice versa, though the issue has been recently discussed.

In addition to its constitutionally assigned role as the source of foreign policy expertise, the MFA is universally seen as the major provider of civilian knowledge in the field of the international security policy. Paradoxically, it is also largely considered by the military elite, including the military officials in the MoD, as an important institutional player in the implementation of civilian control, especially in the field of security policy.

The MoD: problems of interface and integration of civilian and military advice

In November 1991, Bulgaria acquired its first civilian Minister of Defence since 1930s. Mr Dimitar Loudzhev, who served as Deputy Prime Minister in the previous coalition government of Dimitar Popov, was appointed by Prime Minister Philip Dimitrov as Minister of Defence in the first UDF government.

The new civilian minister undertook energetic measures to establish the principle of democratic control over the military starting with personal changes and restructuring of the MoD³⁹. The civilian administration was structured in three branches called “blocks”: political affairs, defence economics, and social and administrative matters. A civilian state secretary and two civilian deputy ministers were appointed to oversee the three blocks respectively. The minister appointed other senior civilians to head different departments responsible for personnel, public relations and media, among others. Civilians were also appointed personal advisors to the Minister. In the following years, the MoD has largely remained structured along the same lines, with a few changes in the responsibilities and the titles of the departments. At some point the position of State Secretary was replaced with a third Deputy Minister for military/political affairs.

Since 1991, the MoD was headed by five civilian Ministers, and a number of civilian deputy ministers. Nevertheless, by 1998 the ministry has largely remained a military-minded institution. Several factors contributed to this situation. The frequent change of government has been almost inevitably followed by removal of senior officials within the MoD as the civilian staffing of the ministry has been based predominantly on the “political appointees” model. This has prevented the creation of a stable civilian core and has had negative effect on the accumulation and improvement of civilian expert knowledge. Such knowledge has been scarce initially as the long-standing monopoly of

³⁹ For a detailed report on the appointment of the first civilian Minister of Defence see Kjell Engelbrekt, “Reforms Reach the Bulgarian Armed Forces”, RFE/RL Research Report, 24 January 1992.

defence and military expertise held by the military staff in the communist era meant that very few individuals in the new governments had any experience in the field⁴⁰. The civilian leadership of the ministry has not done much to improve the situation. Few civilian officials have been able to make use of the educational and training opportunities provided by the enhanced cooperation with NATO and its member states, and those who attended various courses were not always lucky to retain their positions. The absence of significant career opportunities for civilian officials, and their inferior position to the military colleagues in terms of payment and other social advantages have further deteriorated the situation.

The emerging “civilianization” of the defence ministry suffered severely from the overall policy of the BSP government in 1995-1996 which disregarded the principle of civilian control of the military⁴¹. The appointment of a retired admiral and a retired colonel as minister of defence and deputy minister for military/political affairs, respectively, was followed by a re-militarization of other positions at the lower level, and by general disrespect for the expertise of civilian officials.

Since 1991, the security policy-making has been conferred on the secretary of state/deputy minister for military/political affairs, and the department for “Policy and Security Issues” which was created with main responsibilities for international security policy, the international contacts of the MoD, and cooperation with NATO in particular. The department - later reduced to “International Cooperation”, and currently under the name of “Euroatlantic Integration and Security Policy” - still remains the only policy department within the ministry. Since its establishment and until 1997, it was headed by a military official. The department was one of the first to incorporate civilian expertise, mainly newcomers from research institutes and university graduates. In 1991, a career diplomat from the MFA was appointed as his deputy, and this practice lasted for several years: with the appointment of a civilian head of department in early 1997, the position of deputy was “re-militarized”. However, other civilian officials have never occupied senior positions in the department, and in subsequent years were reduced in number and further alienated from the decision-making.

The military side of the house is represented by the General Staff of the Bulgarian Army. According to the 1997 amendments to the Law on Defence and the Armed Forces, the General Staff is fully integrated in the MoD⁴². The Chief of the General Staff, together with the civilian deputy ministers, has the responsibility to assist the work of the Minister of Defence. In the specific area of international security, he is responsible to provide assessment and advice to the Minister on military and technical aspects.

⁴⁰ For more detailed analysis see Chris Donnelly, “Armies and Society in the New Democracies”, *Jane’s Intelligence Review*, vol. 7, No 1, Spring 1995, p. 4.

⁴¹ For instance, the BSP Programme declaration of government had no reference to this important principle of the defence and security policy (see *Îðààèðàèñòàáà ïðîãðàìà çà 1995-1998, Ñîðåý, ìàé 1995 ã.*)

⁴² The LDAF-95 had established a “MoD system” which comprised of the Ministry of Defence itself and the Bulgarian Army. In the LDAF-97 the notion of “MoD system” has been replaced with “the Ministry of Defence” which includes the Bulgarian Army.

This has been made possible by the absence of independent civilian expertise within the MoD to provide for checks and balances in the decision-making. The military officials which prevail within the MoD have been loyal to their civilian leadership but for obvious reasons they have not been able in most cases to provide independent assessments or recommendations. Thus, the civilian decision-makers in the MoD have been often compelled to rely on the sole expert opinion of the General Staff . As a result, the MoD has largely failed to become a source of civilian expertise in the national security policy-making and its contribution to this process has been confined to represent the military reasoning.

The Government's role in the formulation and implementation of Bulgaria's PfP policy

Bulgaria's participation in the Partnership for Peace is an inter-ministry effort. Despite of the fact that defence-related and military cooperation prevails in the PfP programmes, the scope and the level of participation in this cooperation have important political aspects and forms an important part of the foreign policy of the country. Different aspects of Bulgaria's PfP policy fall under the responsibility of the MFA, the MoD, the General Staff, as well as other ministries. Accordingly, the Government has an active integrating role in the decision-making process.

Immediately after the Brussels Summit in January 1994 which launched the Partnership for Peace, the Bulgarian government discussed Bulgaria's accession to this new cooperative arrangement. On 17 January 1994 the Council of Ministers approved Bulgaria's participation and established a inter-ministry Working Group to prepare the accession to the PfP. The group was chaired by the Minister of Defence and included the Foreign Minister, the Finance Minister and the Chief of the General Staff. The National Assembly was invited to send its representatives to attend the work of the group.

The designation of the Defence Minister as a leading figure in the inter-ministry effort was indicative of the initial understanding of the PfP as a predominantly military undertaking. This understanding had been certainly influenced by the role of the US Secretary of Defence in the development of the initiative which was also initially announced in a defence-related context - at the informal meeting of the NATO defence ministers in Travemunde, Germany. Nevertheless, as the mandate of the Working Group - to prepare the accession to the PfP Framework Document - involved largely political, diplomatic and legal issues, the MFA had practically the lead role in its work. The Foreign Ministry was also the leading ministry in the elaboration of the Presentation Document defining the interests, goals and priorities of Bulgaria's participation in the PfP. Though the MoD and the General Staff experts were much better qualified to determine the country's specific needs and requirements in the practical PfP cooperation, the MFA officials had a more professional insight in the new and complex PfP procedures, and a unique expertise to elaborate the sophisticated diplomatic language of the document. In balance, the Presentation Document had the advantage of a qualified formulation of the country's political interests, objectives and priorities while lacking detailed technical/military substance and, probably, bold ideas on the future cooperation with NATO going beyond what the current political framework permitted.

The practical work of the Working Group gradually impelled some changes in the concept of the interdepartmental delimitation and co-ordination of responsibilities. The subsequent decision of the Council of Ministers approving the Presentation Document assigned a Deputy Minister of Foreign Affairs as head of the Bulgarian delegation to submit the document to NATO and conduct the subsequent negotiations on the first Individual Partnership Programme. The delegation also included high level representatives of the MoD and the General Staff.

Concerning co-ordination with other state institutions, the Council of Ministers tasked the Defence Minister and the Foreign Minister to inform the parliamentary committees on Foreign Policy and National Security on the content of the Presentation Document and the follow-up consultation with NATO authorities, as well as to send the document to the Consultative National Security Council.

The Council of Ministers addressed two other important aspects of Bulgaria's participation in the PfP - the funding policy and the staffing of the future Liaison Office in NATO headquarters. The MoD was tasked to develop, in consultation and agreement with the MFA, and introduce in the Council of Ministers a funding request and a proposal on the status of the military liaison officers. The ensuing funding arrangements established the PfP budget as a separate chapter in the MoD budget which would also take care of the financial needs of the MFA. Thus, the MoD was attributed the lead role in the financial management of PfP participation which was motivated by the fact that the MoD and the General Staff spent the bulk of the PfP funding. Until 1997 this arrangement, however, was not implemented consistently. It should be noted that the financial planning of national PfP-related activities has remained one of the most problematic aspects of Bulgaria's PfP policy. The reason was as much the scarcity of available resources as the deficiencies in the overall defence planning and budgeting process.

In November 1994 the Council of Ministers endorsed the finalised IPP and authorised the Deputy Ministers of Foreign Affairs and Defence responsible for NATO affairs to participate in the North Atlantic Council meeting in 16 plus 1 format, and to declare Bulgaria's acceptance of the document. This decision reaffirmed the shared responsibility of the MFA and the MoD, and the lead role of the MFA, in the development and the subsequent update of the IPP. In the following years, the Council of Ministers has no longer been involved in the annual update of the IPP which was delegated to the two Ministers, and to the institutional arrangements for inter-ministry co-ordination.

Nevertheless, the Government remained involved in the formulation of Bulgaria's interests and priorities within the NACC/PfP process. It regularly endorsed the principal elements of the mandate for the participation of the Foreign and Defence Ministers in the NACC Ministerial meetings, and was informed on the results of this participation with subsequent approval.

Several problems may arise and impact negatively the efficient decision-making. It is not always clear where the main responsibility lies, as a comprehensive "division of labour" between the two ministries has never been worked out. The MFA tends to assert its primary responsibility for all issues that have significant implications for the foreign policy. With the increasing involvement of the MoD and the General Staff in practical cooperation with NATO and their growing role in the everyday management of cooperation activities, they tend to see the process as routine business and disregard the foreign policy aspects. This has been, for instance, the case of Bulgaria's participation in NATO/PfP exercises which are planned and implemented under the responsibility of the General Staff. The MFA is involved in the process at the final stage when the issue is referred for approval by the Council of Ministers, and when the formal procedure requires the opinion of the MFA.

The indistinct demarcation of responsibilities has also encouraged the MoD on some occasions to initiate, through the mechanism of defence and military attaches, consultation and negotiation with foreign partners on issues with serious implications for the foreign policy of the country. The involvement of military liaison officers at NATO Headquarters in the cooperation process has added significance to the problem. Occasional disagreements between the two ministries as to the primary responsibility for a particular decision may further complicate the decision-making process.

The routine inter-ministry co-ordination procedure is additionally complicated by internal for each ministry decision-making procedures and bureaucratic requirements which are not always identical. The internal regulations of the MFA are more flexible and allow the responsibility for an opinion to be taken at a lower decision-making level. In the case of MoD, usually an opinion has to be referred for approval at the highest level.

To facilitate the process, the practice of establishing *ad hoc* joint working parties has been used frequently. The working parties discuss the issue and formulate joint recommendations. As they are established on an *ad hoc* basis, the final decision remains the responsibility of the decision-makers of the two ministries and usually the routine co-ordination procedure has to be applied again.

The procedure described above does not have a firm legal basis and is founded on tradition and previous experience. Therefore, it largely depends on the current status of relationship between the MFA and the MoD at the high political and the working level. At different stages, the procedure has been applied with variable success.

The problems identified, and the intensified international cooperation, with NATO in particular, has motivated the Council of Ministers, upon initiative of the MFA and a joint motion from the MFA and the MoD, to adopt in January 1996 a decision on the improvement of co-ordination between the MFA and the MoD concerning Bulgaria's involvement in bilateral and multilateral security and defence cooperation. The decision tasked the Foreign Minister and the Defence Minister to establish a Standing Working Group for co-ordination and interaction concerning cooperation with NATO and Bulgaria's participation in the WEU and the OSCE Forum for Security Cooperation

(hereafter referred to as the Standing Working Group, or SWG). The Deputy Minister of Foreign Affairs responsible for relations with NATO, WEU and OSCE was assigned to exercise oversight on the work of the Standing Working Group.

The Standing Working Group (SWG) was established shortly after, and a document defining the members, the structure and the working procedures was adopted at its first meeting and subsequently endorsed by the ministers.

The group is chaired by the Deputy Foreign Minister overseeing its work, and is headed jointly by the Directors of the International Organisations Department of the MFA and the International Cooperation Department of the MoD, the two departments with central responsibility for security and defence cooperation. In the absence of the Deputy Foreign Minister, the meetings are chaired by the two Directors or their representatives on the basis of rotation. This rather sophisticated arrangement was designed to reaffirm the lead role of the Ministry of Foreign Affairs in foreign and security policy as defined in a 1995 decree of the Council of Ministers, while respecting the equal standing of the two ministries in the decision-making process. On several occasions, depending on the importance of the issues discussed, the Deputy Minister of Defence for Political/Military Affairs also participates in the work of the SWG, though with no formal status.

The other members include on a permanent basis 2 senior officials from each department. One of the MFA officials is assigned the functions of executive secretary. The rules provide for participation on *ad hoc* basis and upon invitation of relevant experts from the two departments as well as from other MFA and MoD departments, the General Staff, and other ministries, as appropriate.

According to its rules, the SWG meets on a regular monthly basis with extraordinary meetings, when necessary. The draft agenda is prepared by the executive secretary in consultation with the two departments, and is endorsed by the Deputy Minister or the two co-chairmen. The discussion on the agenda items is introduced, in principle, with a written or oral report. The executive secretary is responsible for the advance distribution of the written reports and other relevant papers, as well as for the elaboration of draft decisions.

As a result of the discussion, the SWG adopts either decisions, when the issues fall within the competence of the Deputy Minister or the two directors of departments, or recommendations to the higher decision-makers, in most cases the Foreign Minister and the Defence Minister. The decisions and recommendations are included in a record which is approved by the Deputy Minister of Foreign Affairs and is reported to the two Ministers for information and appropriate guidance.

The Standing Working Group has structured its work in several main areas. In the area of policy formulation and implementation, one of the major responsibilities of the SWG in 1996/97 has been the preparation and conduct of the Intensified Dialogue with NATO on the results of the enlargement study. The decision of the Council of Ministers on

Bulgaria's participation in the Intensified Dialogue assigned a specific responsibility to the Standing Working Group - to elaborate the Discussion Paper which Bulgaria was to present to NATO as an initial basis for the dialogue. The SWG discussed two papers prepared by MFA and MoD experts respectively, and approved the overall structure of the document. In addition to the political guidance provided by the Council of Ministers on the major national positions to be included in the Discussion Paper, the SWG formulated more detailed views on some of the issues involved. The MFA was tasked to lead the work on the political aspects of the paper, and the MoD - on the defence-related and military aspects. Some specific issues were referred for elaboration to the Liaison Office in NATO.

The MFA and the MoD developed separately their respective inputs. As the content of the paper was seen as predominantly political, the General Staff apparently was reluctant to be actively involved in the process. As a result, the initial viewpoints on the military aspects of the NATO enlargement study were set out in very general terms.

The MFA and the MoD inputs were then integrated by the MFA in one document and approved by the SWG. The group also approved a draft joint report by the two ministers referring the draft for endorsement by the Council of Ministers. Subsequently, the SWG took the responsibility for organising and implementing Bulgaria's participation in the intensified dialogue: the Bulgarian team for the discussions with NATO was headed by one of the co-chairmen of the SWG (the Director of the International Organisations Dept. in the MFA), and included other members of the group. Representatives of the General Staff were included in the team on ad hoc basis, depending on the agenda of the meeting with NATO. Under the auspices of the SWG, joint expert work was carried forward on an almost permanent basis. In advance of every meeting with the NATO team, the SWG discussed the written positions to be submitted by Bulgaria and reported them to the ministers for endorsement. Most of the positions within MoD's competence treated military issues and were developed by the General Staff. However, they were channelled to the SWG through the MoD, and representatives of the General Staff did not participate in the discussions in the SWG. Accordingly, they were not able to contribute to the formulation of guidelines and receive direct instructions on their work. This led to some misunderstandings as to the substance and the presentation of these positions which had to be cleared through a long and complicated procedure. The quality of the papers submitted and the presentation of Bulgaria's positions at the dialogue meetings also suffered from the insufficient level of transparency in the field of defence and the armed forces. The absence of the military experts prevented the work from becoming a genuinely integrated civil-military effort.

After the completion of the 1996 round of the intensified dialogue, the SWG approved a draft joint report by the Foreign and Defence Ministers informing the Council of Ministers on the results and "lessons learned" from the discussions with NATO. The process was repeated in early 1997 with a few differences concerning the working procedures. The Bulgarian team for the dialogue sessions was headed by Deputy Ministers of Foreign Affairs and Defence who also chaired jointly the meetings of the Standing Working Group. The new arrangement reinforced the authority of the SWG in

the formulation of national positions. Concerning the substance of Bulgaria's participation, the decision of the Government to apply for NATO membership significantly improved the quality of the presentations of the Bulgarian team, introducing clarity of statements and detailed information, particularly on defence-related and military matters.

Concerning other policy issues, the Standing Working Group has been involved in discussions on CFE adaptation and CSBM-related issues, on regional security cooperation, etc.

The second major area of activity of the SWG in 1996/1997 has been the planning and co-ordination of Bulgaria's participation in the NACC/PfP process. Following the adoption of the Individual Partnership Programme between Bulgaria and NATO in 1994, the Government has delegated the responsibility for its implementation and further development to the Ministers of Foreign Affairs and Defence. The first update of the IPP was carried out in early 1996, and the newly established SWG provided the framework for a co-ordinated MFA/MoD effort.

The initial selection of the specific activities from the Partnership Work Programme, most of which fell within the area of military cooperation, was carried out by the General Staff. The MoD departments responsible for procurement, financial policy, civil protection, etc. also selected activities in their respective areas of competence. The inputs of the General Staff and the MoD departments were integrated by the International Cooperation Department of the MoD, and then referred to the MFA.

The MFA produced an assessment of the draft Bulgarian proposals from the point of view of the political goals and priorities of Bulgaria's participation in the PfP. It also took care of establishing the right balance between military and non-military activities, introducing a number of proposals in the areas of democratic control of the armed forces, crisis management, defence policy and strategy, defence planning and budgeting. Those were the areas where the MFA was directly involved in practical cooperation activities, and the civilian input to the PfP policy formulation is still largely seen as the responsibility of the MFA. The absence of special structures within the MoD responsible for defence policy and planning, crisis management, etc., also contributed to an increased MFA role in the process. The opinion and the proposals of the MFA to add or delete some specific activities were sent back to the MoD and the General Staff for further consideration.

Upon confirmation from the MoD, the draft proposals were submitted for approval by the SWG, together with a draft Bulgarian assessment of the IPP implementation in 1995 which was developed jointly by the MFA and the MoD, in parallel with the IPP update and following more or less the same pattern. Here again, the MFA was responsible for introducing integrity to the assessment and an "interface" with the objectives and priorities of Bulgaria's PfP policy.

The SWG itself was not actively involved in the elaboration of the two drafts as this was a sophisticated exercise requiring specific technical expertise. However, the SWG played an useful steering and co-ordinating role. It also organised the subsequent consultation and negotiation with the NATO authorities to finalise the assessment and the updated IPP. The SWG considered the initial remarks and proposals of the NATO team concerning the documents, and provided guidance to the experts for further work. It also decided to include in the IPP, pending final endorsement by the Ministers, additional assets and infrastructure facilities available for PfP exercises and other activities. The SWG established the delegation which was to represent Bulgaria at the PMSC meeting for the finalisation of the update process.

Following the PMSC meeting, the SWG received a report from the Bulgarian participants, and considered the final draft of the IPP for 1996/97 and of a joint Bulgaria/NATO assessment of IPP implementation in 1995. The two documents were approved by the SWG and referred to the Ministers of Foreign Affairs and Defence with a recommendation to be endorsed. At the same meeting the SWG discussed the financial aspects of the IPP, and tasked the MoD with the financial planning for the implementation of the cooperation activities agreed. In 1997 and 1998, the process was repeated, following almost the same pattern.

The SWG also co-ordinated Bulgaria's participation in the PfP Planning and Review Process (PARP) in 1996/97. It took the decision on Bulgaria's participation and established an expert group to prepare and conduct the process. The group included experts from the MFA and MoD, as well as from all divisions of the General Staff. This represented a breakthrough in the existing practice of involving the military expertise of the General Staff almost exclusively through the MoD. Subsequently, the SWG followed regularly Bulgaria's participation in the PARP, acting often as the ultimate decision-maker.

An important share of the SWG activity is occupied with functions of operational management. On the basis of semi-annual Work Schedules including the main national activities concerning cooperation with NATO, the group is able to define a set of priorities, to identify existing open issues, and to organise and co-ordinate the work of the relevant MFA and MoD structures.

The SWG has at its disposal several instruments in this respect. It takes decisions on operational issues which fall entirely within its responsibility which is the responsibility of the Deputy Minister(s) and Directors of departments participating in the decision-making. The collective decision-making has several advantages, not least the advantage of avoiding the long and complicated procedure of interdepartmental co-ordination through correspondence.

When the issues discussed go beyond the responsibility of the SWG, it formulates recommendations to the authorities concerned, usually the Minister of Foreign Affairs and/or the Minister of Defence. When an issue needs a formal decision by the Council of Ministers, the SWG proceeds with preparation of draft reports from the relevant

Minister to the Council of Ministers. In most cases, these are joint reports by the two ministers. The drafts are then referred to the ministers for approval and submission to the Council of Ministers. This relatively new arrangement has resulted in a simplified procedure for inter-ministry co-ordination.

The SWG also exercises control on the implementation of decisions taken by the Government, the two ministers, or by the group itself. Last but not least, the SWG has provided a new channel for regular exchange of information between the MFA and the MoD, increasing the level of transparency and allowing for an informed discussion of issues of common interest and responsibility.

The decision of the Government to apply for NATO membership (February 1997) created a new situation, and the preparation of the country for the future membership became a national effort. It required a new institutional arrangement to co-ordinate the work on a broader basis, including almost all ministries, and also at a higher level of decision-making.

To this end, on 17 March 1997 the Government established with a decree⁴⁸ an Inter-Ministry Committee on NATO Integration co-chaired by the Minister of Foreign Affairs and the Minister of Defence. The members of the committee include the Deputy Ministers of Foreign Affairs and Defence responsible for NATO affairs, the Chief of the General Staff, and Deputy Ministers of 12 other ministries or governmental agencies. The President's secretaries for foreign affairs and national defence are invited on a permanent basis to attend the meetings of the committee.

The Inter-Ministry Committee is assigned the following responsibilities:

- development of the overall policy of the Government concerning the integration in NATO;
- direction and co-ordination of the implementation of the National Programme for preparation of Bulgaria's accession to NATO;
- co-ordination of work in fulfilment of Bulgaria's commitments undertaken in the framework of PFP and bilateral agreements with NATO;
- consideration and adoption of programmes and other documents concerning the cooperation with NATO;
- preparation and submission of draft decisions to the Council of Ministers;
- co-ordinating the spending of financial resources allocated by the Council of Ministers for the implementation of the National Programme.

The Inter-Ministry Committee meets every month with an agenda established by the Minister of Foreign Affairs in consultation with the Minister of Defence, and based on proposals by the members of the committee.

⁴⁸ *Индонацията на България за присъединяване към НАТО* 1997 г. на 17 март 1997 г. с указ № 17 от 17 март 1997 г. за създаване на Междуминистърски комитет за интеграция в НАТО, "Августински вестник", 124, 1997.

The new institutional arrangement also incorporated the Standing Working Group which was assigned additional functions as operational body with responsibilities for the preparation of the meetings of the Inter-Ministry Committee and the implementation of its decisions. The SWG meetings in implementation of operational body functions are chaired jointly by the Deputy Ministers of Foreign Affairs and Defence, and its members include representatives of all the ministries represented in the Interdepartmental Committee.

In its capacity of operational body the SWG has the following responsibilities:

- to prepare opinions and proposals on issues included in the agenda of the Interdepartmental Committee meetings;
- to propose draft decisions to the Inter-Ministry Committee;
- to co-ordinate operational work in implementation of decisions of the Inter-Ministry Committee;
- to organise and oversee the practical implementation of the National Programme on NATO;
- to define the specific tasks of the Working Groups established by the Inter-Ministry Committee.

The Government has tasked the Inter-Ministry Committee to establish expert-level Working Groups to support the work of the committee in the following specific areas: elaboration of a National Security Strategy; review and assessment of national legislation and international commitments; improvement of national arrangements for crisis management; education and training; armaments cooperation; modernisation of infrastructure. The committee was conferred the right to establish other Working Groups, as appropriate. The WG are chaired by members of the Committee, and include experts from the competent ministries. They develop specific programmes in the area of responsibility, and organise the implementation of specific areas of the National Programme.

The Inter-Ministry Committee has no permanent staff. Its work is supported by an Executive Secretary assisted by officials from the relevant MFA and MoD departments and by co-ordinators from the other ministries.

With the establishment of the Inter-Ministry Committee, the Government has delegated to a large extent its proper responsibilities in the decision-making concerning relations with NATO. In addition to the responsibilities explicitly defined in the decree, the committee accumulates further responsibilities ensuing from its membership. Its authority is reinforced by Art.5 of the decree which obligates all ministries to seek agreement with the Inter-Ministry Committee on all issues concerning cooperation and integration with NATO.

The Inter-Ministry Committee has provided an effective framework for co-ordination of work within the government concerning cooperation and integration with NATO. The agenda of the Committee is structured around three major areas.

The first part is devoted to the formulation of national positions concerning NATO enlargement and Bulgaria's application for membership. It includes regular exchange of information on relevant foreign policy developments and international activities. The information is provided by the Foreign Minister and the Defence Minister in written form, with brief oral introductions and opportunities for questions and discussions. The topics discussed include the intensified dialogue with the Alliance, Bulgaria's participation in EAPC meetings, foreign and security policy initiatives, important developments in bilateral relations with NATO member states, Bulgaria's contribution to regional security and stability, etc. The foreign policy advisor of the President informs the committee on the President's foreign policy agenda concerning relations with NATO. The aim is to raise the awareness of the members of the committee on the context for the elaboration of Bulgaria's positions.

Immediately upon its establishment, the Inter-Ministry Committee discussed the main elements of Bulgaria's diplomatic strategy to join the Alliance and adopted a position paper setting out the country's position on NATO enlargement and the future membership. The papers had been elaborated by the MFA and agreed with the MoD prior to the meeting of the committee. On the eve of the NATO Madrid Summit, the Inter-Ministry Committee met with President Petar Stoyanov to discuss Bulgaria's attitudes on the expected important decisions and the Bulgarian participation in the EAPC Summit. The committee also discussed an MFA initiative on enhanced Euro-Atlantic cooperation in South Eastern Europe to be presented in Madrid. Subsequently, the Inter-Ministry Committee provided political guidance on Bulgaria's participation in the intensified dialogue with NATO on issues of membership, as well as in the EAPC and the enhanced PfP.

The second area of the committee's activity is the regular assessment and guidance of the implementation of the National Programme on preparation for NATO accession. In addition to the review of the overall implementation of the programme, each meeting of the committee focuses on some specific issues, such as measures to improve transparency in the field of defence, interoperability with NATO in different areas, development of Partnership projects under NATO Security Investment Programme and Partnership Armaments Cooperation Projects, etc.

An important recent development is the on-going comprehensive review to assess Bulgaria's compatibility with NATO in the political and military field. The aim of the review, which is implemented within a special working group, is to evaluate the progress and identify critically existing "bottlenecks" in the preparation for membership, as well as to formulate appropriate recommendations for future action. The results of the review should serve as a basis for further development of the pre-accession strategy.

The third major area of responsibility of the Inter-Ministry Committee is the overall planning and management of Bulgaria's participation in the EAPC and the enhanced PfP. The committee has assumed the responsibility for developing and updating the Individual Partnership Programme, and Bulgaria's input in the EAPC Action Plan and the

Partnership Work Programme. It also co-ordinates the financial planning and management.

In implementing its functions, the Inter-Ministry Committee takes decisions within its competence established by the decree of the Council of Ministers, or the competence of the different ministries represented in the committee. It also elaborates and submits draft decisions to the Council of Ministers.

A major recent development reinforcing inter-institutional and inter-ministry co-ordination in the field of national security was the establishment of the Security Council under the Prime Minister. The Council was constituted in September 1998. It is expected to achieve, *inter alia*, the much needed co-ordination in the analysis of intelligence information and crisis management. The work of the Security Council will be supported by a permanent administrative and expert staff.

The first meeting of the Security Council was devoted entirely to Bulgaria's preparation for NATO membership and the forthcoming participation of the Prime Minister in the North Atlantic Council in 16 plus Bulgaria format in the framework of the intensified dialogue with the Alliance on issues of future membership.

Conclusions

The 1991 Constitution and the special legislation concerning national security and defence have provided a sound democratic legal and constitutional framework for the formulation of Bulgaria's security and defence policy.

A legal division of authority between the state institutions responsible for national security has been gradually established. It seems that the appropriate balance has been found allowing for a stable and relatively smooth functioning of the national security system. Legal checks and balances has set the boundaries of the institutions' powers. In particular, the legislation has defined the responsibilities of the President as Supreme Commander-in-Chief and the Government (the Prime Minister and the Defence Minister) concerning command and control of the armed forces.

In terms of civil-military relations, the principle of democratic (civilian) control over the armed forces has been institutionalised and implemented with growing success across the national security system. It has been successfully tested on a number of occasions when the political leadership has managed to assert its decision-making authority challenged by individual representatives of the military establishment. However, the real test for the civilian control is still to come with the practical implementation of a delayed and painful restructuring and significant downsizing of the armed forces.

Until recently, a particular weak point in the legal/institutional framework for managing national security has been the absence of clearly defined crisis management structures and procedures. The legislation has provided for some of the necessary crisis management elements but they have not been integrated into a stable system. The National Security Concept adopted in the Spring 1998 has marked notable progress in establishing the necessary framework through the creation of the Security Council under the Prime Minister which was attributed some essential functions of a crisis management centre (co-ordination of intelligence information and threat analysis, *inter alia*). Its efficiency has yet to be tested in practice.

The legislation on security and defence has not obviously solved all the legal problems that arise in the complex decision-making process. In the legislative framework, concerning defence in particular, there are still important gaps, and some aspects need yet to be legally clarified. Moreover, many of the unresolved problems are not constitutional but rather political. Their eventual solution will come with the establishment of appropriate detailed procedures and the accumulation of democratic political culture.

An outstanding gap in the legal regulation of the security and defence policy is the absence of a Military Doctrine. The National Security Concept has deliberately excluded from its content detailed definition of the basic principles and priorities of national defence with the understanding that the issue will be addressed by the Military Doctrine.

The delayed adoption of the document may hamper the on-going effort to reform the armed forces. The outdated term of “Military Doctrine” also raises questions.

In the period of transition, the actual process of policy-making has often deviated from the constitutional and legal requirements. The confrontational nature of Bulgarian politics so far and the extreme political polarisation of the state institutions has led to the emergence of several institutional centres of decision-making with different potential to influence the process. The constitutional framework has not always been sufficient to ensure stability and continuity. Another negative development was the separation of political legitimacy from the expert knowledge.

In this context, each of these institutions has strived to take advantage of the existing legal ambiguities to increase its powers. This has been especially relevant in periods when these institutions belonged to different political forces and had diverging policies. Frequently, the claims on greater authority have given rise to tensions and conflicts among the institutions but they have never gone beyond the limit where the democratic system would stop functioning. In terms of civilian control of the military, the conflicting inter-institutional relations have encouraged the military establishment to exploit the situation in order to increase its leverage on the formulation of the defence policy.

The National Assembly’s primary role in the field of national security and defence has been to establish the constitutional and legal framework, including for the civilian control of the armed forces. The National Assembly has been also effective in approving the long-term principles and priorities of Bulgaria’s foreign and security policy, mainly through the adoption of the National Security Concept.

The other major constitutional role of the National Assembly - controlling and correcting the national security policy and strategy and the budgeting process - has been so far exercised with modest success. The increasing activity of the permanent committees on national security and on foreign and integration policy should be acknowledged. Regular hearings and discussions have contributed transparency to the decision-making. Nevertheless, the parliamentary control in this area is still rather weak. The main reason is the lack of experience and expertise among the parliamentarians, as well as of supporting expert staff and information resources. While the limited financial resources allocated to national security and defence currently diminish the magnitude of this problem, parliamentary scrutiny of the defence budget and expenditure should be significantly upgraded in the future. In the work of the current 38th National Assembly there are positive signs of growing inter-party agreement on major national security issues, re-enforcing the consensus-building capacity of the parliament.

The role of the President in the decision-making process is determined by a controversy in his constitutional status: he is elected by direct vote for a 5-year term and at the same time has very limited prerogatives. In 1990, the President became the most legitimate institutional player in the formulation of the new, pro-Western foreign and security policy of the country.

In the field of foreign policy, the President's role is largely representational. The prerogative to appoint the head of the Intelligence Service and the consequent control over the intelligence information is probably the President's only real source of power in the day-to-day decision-making process. However, the political instability and the constant change of government, as well as the lack of a national consensus on major policy issues, have encouraged him to ignore the constitutional limitations and undertake a pro-active role in the policy formulation. An important aspect of the President's effort to influence the decision-making process has been his contribution to the consensus-building, mainly through the Consultative National Security Council. The Council provides the Presidential institution with a unique capacity to harmonize national security positions on inter-institutional, interdepartmental, as well as on inter-party level. Until 1997, the deep split and the conflicting relationship between the institutions on major foreign and security policy issues prevented the Council from displaying its consensus-building capacity on key national security issues. Its role was fostered significantly in the political crisis in early 1997 when the newly sworn-in President Petar Stoyanov made use of the CNSC in order to reach important agreements which brought the crisis to an end.

In the field of national defence, the President as Supreme Commander-in-Chief of the Armed Forces has greater prerogatives. He has exercised his constitutional authority in a responsible manner and has generally not been involved in acts encouraging military disobedience with respect to the government and the civilian MoD leadership. This has contributed to the establishment of a stable positive relationship between the President and the high military command which was a major input in the smooth development of civilian control over the armed forces and normal civil-military relations in Bulgaria. The high moral authority of the current President, his political style of direct and open dialogue, and the capacity to master consensus contribute to an enhanced influence of the Presidential institution on the formulation of the foreign, security and defence policy, as well as to a more positive and trustful civil-military relationship.

The main responsibility for the direction and the implementation of the foreign, security and defence policy lies with the Government. With its information resources, technical and expert back-up, the government is the real protagonist in the decision-making process. The Council of Ministers has largely controlled the legislative programme in the area of national security and defence. It also has sufficient instruments to ensure that the legislation adopted by the National Assembly does not differ substantially from the bills introduced by the government. Concerning long-term policy formulation, the government has on some occasions challenged the authority of the National Assembly in defining long-term strategies and programmes on national security and defence which are going beyond the 4-year term of office of the current executive.

Theoretically, the Government has to discuss and decide on security issues, but in practice it usually routinely approves policies examined and formulated at the level of the relevant Ministries.

Within the Government, the Ministry of Foreign Affairs has direct responsibility for the formulation and implementation of the foreign policy. It is also the ministry with central responsibility for security policy, as far as international security is concerned. This has become increasingly relevant with the growing understanding of international security as a broader area, going beyond military security, and the priority of political means in providing guarantees for the national security. The important role of the MFA in the national security system is also recognised in the National Security Concept which states that only the full membership in NATO and EU will provide complete guarantees for the national security, and is a national priority.

With respect to NATO, the MFA has direct responsibility to direct and co-ordinate the formulation and the implementation of the foreign policy concerning Bulgaria's accession to the Alliance. The Ministry is responsible for the development and implementation of a single state policy on all aspects of this relationship, as well as for the implementation of Bulgaria's commitments in the framework of the EAPC and the PfP.

The MFA is universally seen as the major source of civilian expertise in the field of the international security. It is also largely considered by the military as an important institutional player in the area of civilian control, especially in the field of security policy-making.

Although the Ministry of Defence has been under the control of civilian ministers since 1991, it still remains largely a military institution. The frequent change of government and the subsequent removal of the senior MoD officials, predominantly political appointees, has prevented the creation of a stable civilian core and the accumulation and improvement of civilian expert knowledge. The shortcomings in the training of civilian officials and the absence of career opportunities have further deteriorated the situation. The "civilianization" of the defence ministry suffered severely from the policy of the BSP government in 1995-1996 which disregarded the essentials of civilian control and proceeded with re-militarization of a number of positions at the high and lower level, paralleled with general disrespect for the expertise of civilian officials.

The defence legislation has integrated the Bulgarian Army and its General Staff into the structure of the Defence Ministry and has gradually established an improved division of responsibilities between the General Staff and the civilian Minister. A major success was the establishment at an early stage of the principle of political neutrality and non-partisanship of the military.

Civil-military congruence has been achieved on fundamental foreign and security policy issues. Existing differences of views or disagreement as to some issues do not generally hamper the decision-making process, and the political leadership has the final say. The General Staff has in general complied with its constitutional role of providing military assessment and advice necessary for an effective decision-making at the political level. It has been cautious to avoid opinions that could be interpreted as political. However, distinguishing the political from the pure military aspects is not an easy task, and the

temptation to have the final say has always been strong. In this regard, the General Staff has made effective use of the legal ambiguity as to its responsibility to organise the elaboration of the draft Military Doctrine, and has submitted to the political authorities a draft going beyond a classical military doctrine and addressing important policy issues, such as military security policy, assessment of security risks and threats, principles of national defence, international defence co-operation, etc.

The decision-making on foreign and security policy issues, and the relationship with NATO in particular, presents a number of situations when the General Staff has been able to strongly influence the policy formulation through the power of its unique military/technical expertise. This has been facilitated by the absence of independent civilian expertise within the MoD, or of any input from NGOs and security studies institutes, to provide for the necessary checks and balances. As long as the General Staff and the military officials in the MoD control the expertise and the information that are used in the decision-making, the Defence Ministry will fail to become a source of civilian expertise and control in the national security policy-making and its contribution will be confined to representing the military reasoning.

The establishment of institutionalised arrangements for inter-ministry co-ordination on major foreign and security policy issues has contributed significantly to the improvement of the decision-making process and the civil-military relations. Although they have so far been focused on cooperation and integration with NATO, these arrangements have provided a useful pattern of everyday cooperation and co-ordination in the policy formulation and implementation in the field of national security.

Recommendations

1. Additional legal moves are required to replace the remaining outdated legislation in the field of national defence and the armed forces, and to provide for a more coherent legal framework. Sound civil-military relations in general, and in the security policy-making in particular, require urgent adoption of special legislation concerning the Military Intelligence, the Military Counter-Intelligence, and the Military Police, as provided by the Law on Defence and the Armed Forces. The elaboration of a special law defining the structure and functions of the Ministry of Defence, as in the case of Poland and Romania, could be considered as well.
2. Existing legislation on security and defence matters should be assessed and, where appropriate, adjusted to the new circumstances (the National Security Concept, the Military Doctrine, the results of the NATO compatibility review, etc.).
3. The Military Doctrine of the Republic of Bulgaria should be finalised and adopted as a matter of priority. The provisions of the doctrine should be in strict compliance with the National Security Concept. In view of the intention to enlarge the scope of the document to include basic principles of national defence, the outdated term of “Military Doctrine” should be replaced with “Defence Doctrine (or Concept)”, as in the case of other CEE countries (the Czech Republic, Hungary, Slovakia). As the substance of the document transcends the competences of the General Staff, Art. of the Law on Defence and the Armed Forces providing that the Chief of the General Staff organises the elaboration of the draft should be abolished.
4. Upon adoption, the Military Doctrine, in its turn, should serve as a basis for the on-going reform and restructuring of the armed forces. Accordingly, the Plan on the organisation and the structure of the Bulgarian Army until 2010, adopted in February 1998, should be reviewed and adapted, as appropriate, to the National Security Concept and the Military Doctrine.
5. Additional legal and other norm-setting instruments are needed in the area of crisis management. While the recently established Security Council under the Prime Minister has provided for the political structure to deal with threats and crises, supplementing the military planning and the civil emergency planning organisation, there is significant scope for further efforts towards an efficient integration of a crisis management system in terms of legal provisions, working methods and procedures. The elaboration of a special law on crisis management could be considered in order to set out clear definitions related to this recently introduced concept and to establish clear guidelines and procedures.
6. The work of the Security Council itself should be based on clear Terms of Reference, and would also benefit from a permanent expert and administrative support staff, as well as secure communication and information means.

7. A re-definition of responsibilities between the newly established Security Council under the Prime Minister and the Consultative National Security Council under the President will be beneficial for the smooth functioning of the national security system. While the first will have more operational functions, the second could focus on harmonising positions and consensus-building on inter-institutional and inter-party level, as well as on fostering public awareness and debate.

8. Parliamentary control over defence and security policy needs significant improvement through special training of parliamentarians on matters, such as threat assessment, defence planning and budgeting, defence procurement, etc., as well as through ensuring appropriate expert support staff.

9. The Ministry of Defence should urgently address the need of closing the gap between the requirements of the MoD's constitutional role and the absence of some essential instruments for its effective implementation. A stable defence policy and planning system should be established, provided with the appropriate structures, and connected to the defence budgeting process.

10. Another priority of the MoD should be the fast development of integrated civil-military departments to balance civilian and military advice. This task is particularly pressing with respect to the department responsible for international security policy and defence cooperation which should be staffed predominantly with well trained civilian personnel. Arrangements for temporary assignment of MoD officials to the MFA, and *vice versa*, would also contribute to an improved situation in this area.

11. Further effort is needed to determine a clear division of responsibilities between the civilian-led MoD and the General Staff in key areas such as force planning, personnel management, defence budgeting, procurement, defence-related and military cooperation. The aim should be to avoid redundancy and overlapping and to improve accountability. An appropriate way to deal with this problem could be a law on the structures and functions of the MoD which would introduce stability in the process of decision-making.

12. Special training of civilian officials and military officers employed both in the MoD and the General Staff is needed to improve their knowledge and experience in the new environment. Western-trained civilian and military personnel, younger officers in particular, should be used more effectively and promoted to responsible positions.

13. Inter-Ministry co-ordination arrangements should be periodically re-assessed and adapted to the dynamically evolving requirements. Clear guidelines should be defined with respect to the division of responsibilities, in particular in the area of NATO integration and participation in the PfP. Civilian control on specific issues could be enhanced through a more active and informed participation of other ministries, the Ministry of Industry, the Ministry of Finance, *inter alia*, in the work of the Inter-Ministry Committee on NATO Integration. The Committee should also improve its control functions with respect to policy implementation.

14. An improved legal framework is urgently needed to foster transparency in the area of security and defence, coupled with educational efforts to promote new thinking among the military concerning secrecy. Transparency should be considered a critical factor for a genuine democratic control of the armed forces.

15. The work of NGOs and “think-tanks” should be integrated into the security and defence policy-making. The civilian control in particular would benefit from their independent assessments and recommendations. PfP cooperation efforts, e.g. the PfP Consortium of Defence Academies and Research Institutes, should contribute more effectively to developing a strong NGO component within the security and defence community of Partner countries.

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