

**DCAF REGIONAL  
PROGRAMMES**

**DEMOCRATIC  
CONTROL OVER THE  
GEORGIAN ARMED  
FORCES SINCE THE  
AUGUST 2008 WAR**

**Tamara Pataraia (Ed.)**



The Geneva Centre for  
the Democratic Control  
of Armed Forces

# **Democratic Control over the Georgian Armed Forces since the August 2008 War**

Edited by  
Tamara Patariaia

Geneva Centre for the Democratic Control  
of Armed Forces  
(DCAF)  
[www.dcaf.ch](http://www.dcaf.ch)

The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's partners include governments, parliaments, civil society, international organisations and the range of security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

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Edited by  
Tamara Pataraiia

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# PREFACE

Since its beginnings in the year 2000 the Geneva Centre for the Democratic Control of Armed Forces has been paying special attention to the security sector governance demands and interests of the countries of the Caucasus. This is evidenced by a long list of programme activities and events (annex). In line with previous cooperation products, this publication in the DCAF Regional Programmes series explores civil-military relations after the 2008 war.

DCAF would like to thank the contributors for their diligent and frank account of this important issue.

Philipp Fluri, Ph.D.  
Deputy Director DCAF

Geneva and Brussels  
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# INTRODUCTION

The principles of Georgian security sector governance have undergone serious changes since the country regained independence. During this period, the Georgian Armed Forces (GAF) remained the most important institution in the political system in Georgia because of several reasons. First of all, significant political and material resources had been spent on institutional building and reform efforts since its establishment. Secondly, the Georgian army had remained the focus of society because the GAF have been repeatedly used to defend the country's national interests and territorial integrity and had served in peacekeeping operations in Kosovo, Iraq and Afghanistan. In 2008 the GAF was engaged in a military confrontation with Russian regular military forces. The fact that the country has had to resort to military force so often indicates that the Georgian state-building process has been extremely difficult. Past experience also brought to light the problems and obstacles that hampered the development of modern Georgian armed forces as an institution based on responsible and efficient management methods and principles of democratic control over the military.

The articles presented in this study examine how efficiently the principles of democratic governance have been introduced into the Georgian defence sector and political system as a whole and evaluate if those undertakings meet the requirements of democratic management and control.

At the beginning of the 1990s the main features of the Georgian security sector were the existence of unaccountable, inefficient and weak state institutions, the abundance of bodies responsible for the management of military units, lack of coordination, undeveloped security policy, and low public awareness in and neglect of the principles of democratic control. Despite these problems (and perhaps in large part because of them), the Georgian government has frequently used armed forces to stamp out secessionist movements and defend national interests and territorial integrity. The legacy of this period is two unresolved conflict zones, Abkhazia and South Ossetia.

Due to these security problems and Georgia's foreign policy priority to align more closely with NATO and western democratic states, security sector reform became one of the main agendas for the Georgian government. Georgian leaders openly announced that the Georgian security sector, based on old Soviet tradi-

tions, must be overhauled and that the country should reform its defence and national security systems. Security sector reform began in Georgia, with the assistance of western democratic nations, in the late 1990s. Their main objective was to introduce civil control over the armed forces. At that time, however, the reform process was rather slow and lacked coherent strategy. Besides, other serious problems—such as insufficient political will, inadequate human resources and the ill-preparedness of the government and the public to embrace democratic principles in the defence system—also impeded defence reforms in Georgia. Nevertheless, despite these problems, beginning in 2002 Georgian servicemen took part in international peacekeeping operations in Kosovo and, later, in Iraq. Their participation in these missions was largely seen as a way to build up the country's military potential, train and equip military personnel, and make a valuable contribution to international peace efforts.

After the November 2003 revolution which brought a new government to power, the security sector reform process gathered pace and became a top priority in the development of democratic institutions in the country. NATO-Georgia cooperation has expanded since 2004 and resulted in the adoption of the NATO-Georgia Individual Partnership Action Plan (IPAP) which aims to facilitate security sector reform in Georgia. To support the implementation of IPAP, Georgia and NATO member countries launched various bilateral cooperation programs, designed to promote structural reorganisation of the Georgian defence sector, streamline targeted projects (building professional skills, improvement of the defence resource management system, officer training in Georgia and in foreign military educational institutions, consultations with foreign experts on the development of security policy, introduction of the principles of democratic control, knowledge and experience sharing, etc). The UK, Germany, France, the Netherlands, Turkey, Estonia, Latvia, Lithuania, Poland and others were involved in assistance programs for Georgia. However, the biggest assistance program in recent years has been undertaken by the United States. Its main aim was to facilitate defence sector reform in Georgia.

Although the large-scale modernisation of the defence sector, as well as democratic management norms, was still far from completion, in August 2008 the government again faced a serious challenge with regards to the use of its armed forces. The government made a decision to respond to the challenge militarily. The August events revealed the state of preparedness of GAF and its political-military leadership. There are several official documents assessing the Georgian army's

performance in the August war which identify the following problems in the Georgian defence system<sup>1</sup>:

- Weak communication between the defence ministry and the public misleading public understanding over the real causes of the war;
- An inadequate reserve system, reflected in poor planning, training, and performance of reserve forces;
- Management problems; the defence ministry's inability to carry out efficient strategic planning;
- Serious planning-related problems in the General Staff and a flawed personnel policy;
- The absence of a robust civil defence system.

Even the problems identified by the parliamentary ad hoc commission show that despite earlier reforms, the Georgian defence sector still fails to meet the requirements of democratic management and control. To promote further reforms in the defence sector, the NATO-Georgia Council was established in 2009 as underlying to the NATO-Georgia cooperation framework. Georgia has undertaken to implement Annual National Programmes, agreed within the framework of the Council. Georgian society is hopeful that these reforms will solidify the democratisation process and transform the current fragile political system into a more stable one, capable of implementing long-term objectives. For a country that has to tackle the consequences of resent resumed hostilities in conflict zones and ensure stability, peace, democratic reforms and sustainable development, it is vitally important to establish efficient democratic control over the armed forces and impose democratic governance principles in the defence sector. It will strengthen and consolidate the country's fragile political system. Under such circumstances, Georgian society, as well as its international partners, expects Georgia to reaffirm its commitment to democratic values, implement fundamental reforms and strengthen its democratic institutions.

The following articles represent an attempt to determine to what extent the current legislative base complies with principles of democratic governance and civil control practices applied in NATO and EU countries. It also reviews policy documents related to the Georgian defence and security sectors and evaluates the fea-

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<sup>1</sup> In 2009 the parliamentary ad hoc investigation commission published its findings about the causes and outcomes of the August war. The Georgian parliamentary ad hoc investigation commission was created to collect and analyse evidence related to Russian military aggression against Georgia, [www.civil.ge/geo/article.php?id=20241&search](http://www.civil.ge/geo/article.php?id=20241&search).

sibility of the defence and security policy goals of recent years and the obstacles which impeded their implementation. The articles analyse the Georgian parliamentary oversight system and study mechanisms of parliamentary control and the parliament's competence in the field of security sector control. They also review what defence management tools are in place at present, how decisions are made in the defence ministry, and how the defence establishment addresses problems of coordination.

The analytical report has been prepared by a team of experts from civil society organisations based in Tbilisi. During the study, the experts conducted desk research and in-depth interviews with senior government officials. Independent analysts and experts conducted a survey among civil society representatives and participated in roundtable discussions that supported the programme. The analysis shows that despite past reforms, the Georgian government still needs to strengthen efforts in order to introduce democratic control mechanisms of the armed forces and meet the requirements of democratic management of the defence sector.

# **Security and Defence Policy Development**

**Theona Akubardia**

## **Introduction**

In the wake of the August 2008 Russian-Georgian war, the first session of the newly created NATO-Georgia Council took place in Brussels on 2-3 December 2008. NATO urged Georgia to continue defence and security sector reforms, and revise its security documents with the lessons learned from the war in mind. NATO also recommended improving the personnel management system, ensuring transparency of the defence budget, and making Georgian armed forces compatible with NATO standards. In response to these recommendations, the Georgian government began developing new political documents in the field of national security in early 2009. At the end of 2009 efforts were still underway to formulate a new national security concept and other related strategic documents.

This article reviews Georgia's strategic security documents elaborated and enforced just before the 2008 war started and attempts to answer the following questions: How realistic and feasible were objectives and tasks specified in the 2005 National Security Concept and other strategic defence and security documents in light of the results of the 2008 war? How realistic was the assessment of risks and threats? How well were defence and security sector reforms planned, and how efficient and effective was their implementation? The article also analyses major principles and concepts set out in these strategic documents and mistakes made in their implementation and monitoring.

The article also describes how different governmental agencies interact and cooperate with each other in the preparation of these strategic documents and identifies problems and shortcomings of the process.

## **National Security Concept**

The Georgian defence and security policy is shaped by National Security Concept, Risk Assessment Paper, and National Military Strategy. These strategic documents belong to the list of main legal acts that should be endorsed by the Geor-

gian president in compliance with the Georgian constitution and current legislation, and the country's international obligations and agreements.

The development of National Security Concept was the Georgian government's first step towards creating a policy to deal with the threats and challenges facing the country, protect national interests, and ensure sustainable development, public and individual security, and freedoms and rights of the Georgian citizens. Preparation of the National Security Concept became a priority issue on the country's political agenda after NATO approved (on 29 October 2004) the Individual Partnership Action Plan (IPAP) for Georgia in the framework of NATO-Georgia cooperation. Real efforts to forge closer ties with Euroatlantic structures began in Georgia after the 2003 Rose Revolution, as the new Georgian government made integration with NATO its main foreign policy priority. At that time the country had two unresolved conflicts—in Abkhazia and South Ossetia—and Russian military bases on its territory, which seriously compromised its security.

According to NATO-Georgia IPAP, Georgia was required to implement a package of reforms in 2004-06 in the fields of defence and democratic institutional development. Georgia's first obligation under IPAP was to make membership of NATO and integration with EU its main strategic objectives and add respective clauses to the National Security Concept no later than 2004.

To fulfill these obligations, the National Security Council (NSC) of Georgia developed a national security concept in close cooperation and coordination with other governmental institutions, such as the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Defence, Ministry of Economic Development, and Ministry of Environmental Security. The concept was subsequently signed by the president, while on 8 July 2005 the parliament voted to approve the document.

Parliamentary debates were preceded by amendments to the procedural regulations of the parliament, which were designed to oblige the lawmakers to pass the document. It is noteworthy that both the parliamentary majority and opposition factions actively participated in the debates. Opposition representatives provided some valuable input during parliamentary committee hearings on the concept, which were welcomed by the majority and reflected in the final version of the document. It may be assumed that the National Security Concept 2005 was created on the basis of general consensus. Civil society organisations and academic circles were involved in its development. Prior to the parliamentary debates, a draft version of the concept was repeatedly discussed by NGOs, scholars and independent experts.

The 2005 National Security Concept of Georgia set the foreign policy, economic and social priorities and identified the following major threats and challenges to the country:

- Violated territorial integrity;
- Potential for renewal of hostilities in breakaway provinces;
- Russian military presence in Georgia;
- Terrorism and contraband trade;
- Corruption and inefficient government;
- Economic and social problems;
- Dependence on a sole energy supplier;
- Inefficient information policy;
- Environmental problems, etc.

To address the abovementioned challenges, the security concept specified a number of long-term measures aiming to protect fundamental national values. These measures included sustained efforts to support and strengthen democratic institutions, enhance defence capabilities, rebuild the territorial integrity by peaceful means, facilitate integration with Euroatlantic structures and develop partnership relations with foreign countries.

However, the development of events in the following years (2005–09), after the concept was officially adopted, showed that some aspects were not addressed adequately in the document. For instance, the concept said nothing about threats to stability and security caused by internal developments in the country. In 2007–08, when political tensions escalated in Georgia, governmental officials repeatedly warned that such threats were quite real. Nevertheless, the security concept did not offer any advice as to how the government could respond to these challenges.

Another illustration of the failure of the current security concept to assess the threats to the country adequately is the fact that the document presents Russia as a partner country for Georgia. This assessment is in stark contrast with today's reality whereby Russia is labeled as an occupying power by the Georgian government.

In reality, the location of Russian troops on Georgian territory entirely changed after the security concept came into effect. Under the 2006 Russian-Georgian agreement Russia pulled two of its military bases out of Georgia in 2007 – from Akhalkalaki and Batumi. At the same time, after the 2008 Russian-Georgian conflict Russia has considerably built up its military presence in the occupied territories of Abkhazia and South Ossetia. On 15 September 2009, the Russian government signed agreements with de facto Abkhaz and South Ossetian authorities to deploy Russian military bases in both self-proclaimed republics. According to official sources, there are about 1,000 Russian servicemen in each province at present



and Moscow plans to increase their number to 1,700 in the near future. The new reality must be reflected in the security concept.

According to Paragraph 5.8 of the 2005 National Security Concept, which focuses on Georgia's international cooperation, the UN and the OSCE must play decisive roles in the resolution of conflicts on Georgian territory. In reality, however, neither the UN nor the OSCE were able to meet political expectations of the Georgian government. Moreover, after the 2008 war Russia vetoed the OSCE mission in Georgia and forced OSCE observers to leave the country. As a result, the OSCE is no longer able to mediate the conflict. The security concept failed to foresee the development of these events and did not provide for any countermeasures.

The document identified Georgia's violated territorial integrity as the biggest threat to its security but it lacked a clear vision of the future and did not clarify how the broken territorial integrity could endanger the country.<sup>1</sup>

The chances of direct military aggression against Georgia were rated as very low in the National Security Concept. On the other hand, however, the document gave examples of how an attack on Georgia might happen. It warned that Georgian air, sea and land borders remained under real and imminent danger of intrusion by a hostile state or non-state actors, emphasising that there have been a number of such precedents in the past.<sup>2</sup> Besides, the security concept pointed out that the conferment of Russian citizenship on the residents of breakaway territories posed a potential danger, since in "certain circumstances" it could be used as an excuse for interfering in Georgia's domestic affairs. In fact, this assessment proved correct, as one of the pretexts used by Moscow to send troops to Georgia was to defend Russian nationals.

It is noteworthy that the Independent International Fact-Finding Mission on the Conflict in Georgia criticised the Russian "passportisation" policy in Abkhazia and South Ossetia in its report and confirmed that "the mass conferral of Russian citizenship to Georgian nationals and the provision of passports on a massive scale on Georgian territory, including its breakaway provinces, without the consent of the Georgian Government runs against the principles of good neighborliness and con-

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<sup>1</sup> According to the National Security Concept, "aggressive separatist movements—inspired and supported by external forces—led to violent conflicts, which resulted in actual secession of Abkhazia and South Ossetia from Georgia and termination of the Georgian jurisdiction over these territories."

<sup>2</sup> For more detailed information visit the website of the Georgian foreign ministry – [www.mof.gov.ge](http://www.mof.gov.ge).

stitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia.”<sup>3</sup>

According to the mission’s report, “already in spring 2008, a critical worsening of the situation in the Georgian-Abkhaz conflict zone could be observed. One of the sources of tension was the intensification of air activities over the zone of conflict, including flights over the ceasefire line both by jet fighters and by unmanned aerial vehicles (UAVs).” The mission reported that at around the same time “a Russian military railway unit was sent to Abkhazia to rehabilitate the local railway, allegedly for humanitarian purposes, in spite of Georgian protests” and concluded that due to these events “the stage seemed all set for a military conflict.”<sup>4</sup>

The results of the August war revealed that the security concept was not prepared on the basis of an adequate in-depth political analysis. On the one hand, for instance, the document highlighted the dangers associated with Russian support for separatist regimes and Russian “passportisation” policy in breakaway regions. On the other hand, however, it argued that the biggest danger to Georgia’s national security was the possibility that hostilities might resume in conflict zones and downplayed concerns that Georgia might become the target of a large-scale military aggression. As a result, the country’s defence resources were allocated inefficiently, decreasing the country’s defence capabilities.

The National Security Concept has been amended only once since its adoption by the parliament in 2005. In 2006 the government made a decision to significantly reinforce the country’s reserve forces. Within a few years the number of Georgian reservists was planned to reach 100,000. To reflect these plans, respective changes were made in the National Security Concept. Namely, in 2007 the principle of territorial defence was replaced with the concept of “total defence.” The regulations on the reserve forces were changed accordingly. But the parliamentary defence and security committee paid little attention to the changes. During parliamentary committee hearings lawmakers appeared to have scarce information about the issue, while NGOs were not given a voice in the process. The August 2008 war demonstrated that the reserve force was unable to rise to the challenge and fulfill its mission.

Once the war broke out in August 2008 the government ordered a mass call-up of reservists to active military duty. However, due to serious management problems (first of all lack of commanders; in one case, for instance, only five regular

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<sup>3</sup> Report of Independent International Fact-Finding Mission on the Conflict in Georgia, September 2009, Paragraph 12.

<sup>4</sup> Ibid., Paragraph 13.

army servicemen were assigned to lead a group of 500 reservists<sup>5</sup>) and inadequate training (18-day training program), the reserve forces sustained heavy casualties.<sup>6</sup>

Thus, the August 2008 war has completely changed the national security landscape in Georgia. It means that the National Security Concept of Georgia must be revised to be consistent with the new security situation.

At the beginning of 2009 the National Security Council began preparing a new security concept to address the new threats and challenges. A new risk assessment methodology has been applied in the process. The new document is still being developed and its first draft is expected to be published in 2010.

At the same time, however, MoD is anxious to overhaul military and defence policies in order to overcome negative consequences of the war as soon as possible. The following documents are under preparation in the MoD at present: National Military Strategy, Risk Assessment Paper, Strategic Defence Review, and Concept of the Reserve Force of National Guards, among others. However, because of the lack of coordination between NSC and MoD, there is a danger that MoD will adopt these documents before a new national security concept is approved. Under the current law, all defence policy documents must be written on the basis of the National Security Concept. This aspect is essential, as under the present circumstances it is all the more important to strictly follow the sequence of steps for creating policy documents.

## **National Military Strategy**

The National Military Strategy, the first-ever document of its kind in Georgia's modern history, was signed by the Georgian president in November 2005. The document specified the five-year goals of the armed forces. Every time there are changes in the field of national security, risks and threats should be reassessed and the military strategy should be revised accordingly. Such revisions can be carried out every year. The Department of Defence Policy and Planning of the MoD plays a leading role in the development of the military strategy and is responsible for coordinating the strategy with other governmental agencies.<sup>7</sup> The document also explains what functions the Georgian armed forces should perform to defend the national security policy. The National Military Strategy is designed to support and implement National Security Concept. The military strategy outlined the struc-

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<sup>5</sup> The Concept of the Reserve Force of the National Guards, available at [www.mod.gov.ge](http://www.mod.gov.ge).

<sup>6</sup> Law on National Reserve Service, available at [www.mod.gov.ge](http://www.mod.gov.ge).

<sup>7</sup> The Guide to Planning, Programming, and Budgeting.

ture of the armed forces and their capabilities for a five-year period, until 2010. The National Military Strategy 2005 established the following principles of defence:

- Evasive actions and defence against direct military aggression;
- Integration with NATO and international cooperation;
- Adequate assessment of the strategic environment;
- Promotion of stability in the Caucasus;
- Support for international security.

According to the National Military Strategy, Georgia has four main military priorities: defence, readiness, containment/prevention, and international military co-operation. The document also defined the general timeframe and described what military capabilities the armed forces needed to carry out their roles effectively. The August 2008 war revealed that the 2005 National Military Strategy was inherently flawed and difficult to implement in practice, mainly because the risks and threats identified in the document were not assessed realistically. Frozen conflicts and the potential for the emergence of new hot-spots on Georgian territory were said to have posed the biggest danger to the Georgian state. At the same time, the possibility of direct military attack against Georgia was assessed as unlikely, even though separatism and the Russian military presence in Georgia were listed among the most serious threats. The document also emphasised that there would always be forces in Russia that would seek to encourage separatist trends in Georgia with the help of Russian military bases. On the one hand, the military strategy acknowledged that even indirect Russian involvement in separatist activities in Georgia was a danger. But on the other hand, the document estimated—for unknown reasons—that the likelihood of large-scale military aggression against Georgia was low. The August 2008 war proved that this assessment was fundamentally wrong.

There is another aspect to be noted. Article 5 of the National Military Strategy stated that in case of military attack the Georgian army should put up the strongest possible resistance against the enemy and create an “unpredictable environment.” The document explained that “because of the small size of the Georgian territory, limited operational capability and the fact that strategic objects (cities, industrial centres, railway hubs, communication networks) are dispersed across the entire country there is no way for the army to retreat. With resources scarce, the armed forces will be hardly able to retake the territories invaded and occupied by the enemy.”

At the same time, the strategy advised that “the armed forces should avoid a full-scale and decisive encounter with a militarily superior enemy because of the

danger of total defeat. If necessary, the armed forces should resort to asymmetric warfare and guerrilla tactics using light mobile units in order to maintain combat effectiveness and inflict substantial losses on the enemy.”

These two provisions apparently contradict each other. One of them requires the armed forces not to retreat but render the strongest possible resistance because there will be little chance of regaining lost territories. The other warns against a decisive engagement with the enemy and recommends instead adopting asymmetric warfare tactics.

The August 2008 conflict showed that the Georgian armed forces preferred to use the second option. They avoided full-scale fighting with the Russian army, which easily occupied Abkhazia and South Ossetia as a result. But as the war ended in just a few days, the Georgian armed forces had no time to shift to mobile warfare tactics.

The principle of horizontal resistance (autonomy – decentralisation) is another controversial component of the 2005 National Military Strategy. During the August 2008 crisis this principle proved unworkable due to the lack of communication infrastructure for horizontal management and inefficient management and planning of the armed forces.<sup>8</sup> In addition, decentralisation of military operations quite expectedly appeared hard to implement in practice, since it requires extensive and lengthy training of army units and high professionalism of the military servicemen. Today there is no governmental institution in Georgia, including the MoD, with such knowledge and experience (the ability to make independent decisions or take autonomous actions, with no orders from superiors, and to make decisions when orders are inadequate and/or when unforeseen emergency situations arise).

It is noteworthy that apart from the military dimension, containment and prevention involves also political and diplomatic aspects. The nation's fighting spirit can also discourage an enemy from attacking. During the Russian-Georgian war nobody explained to Georgian citizens what they should do. There was no civil defence system, while the country's political leadership was not prepared to respond to the challenge adequately. For instance, one of the public statements of the chairman of the parliament caused panic in the country.

So, although the document required building efficient defence planning and crisis management systems and developing action plans against every potential danger, the war revealed that these requirements remained on paper. It came out

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<sup>8</sup> Report of the Temporary (Ad Hoc) Parliamentary Commission on Investigation of the Military Aggression and Other Actions of the Russian Federation Undertaken against the Territorial Integrity of Georgia, January 2009; available at [www.parliament.ge/index.php?sec\\_id=1315&lang\\_id=ENG](http://www.parliament.ge/index.php?sec_id=1315&lang_id=ENG).

that the Joint Staff of the Armed Forces had neither prepared tactical or operational plans in advance nor calculated most likely scenarios.<sup>9</sup>

The National Military Strategy also identified the need to upgrade and modernise the country's intelligence service. Instead, the military intelligence department was disbanded in 2005 and it was not until 2007 that it was restored. This factor, too, contributed to the failure to prevent the war.

According to the National Military Strategy, personnel of the Georgian armed forces—both officers and privates—lack professional military training and education. By 2008 the negative impact of an inadequate military education was already felt in the Georgian army. Many military educational institutions were closed in 2005-06, while the four-year training programme of the Military Academy of MoD was cancelled and replaced with a short, nine-month training course. In 2006 the president disbanded the Army Cadets Corps, which taught military theory and civil educational programmes. After graduation the students were promoted to officer ranks. But it seems that the Georgian leadership has recently realised the importance of proper military education. In 2009, in one of his statements, the Georgian president promised to restore the Army Cadets Corps, while under the new vision of the MoD it is planned to reinstate the four-year training programme in the Military Academy.

Besides, the National Military Strategy obviously overestimated the potential of international military cooperation as a war deterrent. Prior to the war too much hope was placed on this cooperation and assistance of partner countries. But these hopes were unfounded because Georgia did not have—and still does not have—any binding collective security arrangements with other countries or alliances.

The new reality that emerged from the August 2008 war has necessitated a revision of the National Military Strategy. The revised strategy document—the National Military Strategy—was prepared by the MoD in cooperation with civilian experts and is to be approved after the new National Security Concept comes into force. Its scope covers a wide range of topics, including the significance of the military strategy, national military tasks and objectives, training and development requirements, and principles and standards of the Georgian armed forces. However, the lifespan of the new document has not been determined yet.

Under the new military strategy, which builds on the lessons learnt from the August 2008 war, the armed forces should be drilled and trained to use both conventional and non-conventional defence tactics, and to take part in international

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<sup>9</sup> Ibid.

peacekeeping and stabilisation operations. However, it is hard to comment on the draft since it has not been officially approved yet.

## **Strategic Defence Review (SDR)**

The first steps to develop the Strategic Defence Review of Georgia were made in November 2004, following IPAP consultations. In 2005, the MoD outlined a three-stage concept to develop the document:

- Planning and assessment of military hardware and equipment, infrastructure and personnel;
- Preparation of the main strategic and supplementary documents; and
- Calculation of the optimal structure of the armed forces.

Although NATO member countries have 10- and 15-year force planning systems in place, at the initial stage the Strategic Defence Review (SDR) of Georgia provided for only an 8-year planning process. It is to be noted that the SDR summary report was preceded by a mid-term report, which was published in May 2006 in English and covered the second and the third stages of the process. The Georgian president endorsed the SDR summary report in November 2007. Measures listed in this document are among the main priorities of the MoD and Joint Staff at present.

The Strategic Defence Review included detailed analysis of the Georgian armed forces from a short-term (2007-09), mid-term (2010-2012), and long-term (2013-15) perspective and was based on the assessment of the political and military outlook for these periods. The armed forces have undergone restructuring in accordance with the SDR. Namely, the General Staff was reorganised into a Joint Staff, and Land Forces Command was created and fully staffed. The principle of total defence requires overhauling the reserve training and mobilisation systems. In view of Georgia's security situation, the MoD revised the SDR summary report in November 2007. The changes included measures to establish a 5<sup>th</sup> brigade of the armed forces. At the end of 2007 the MoD prepared the SDR implementation plan, which was intended to lay the groundwork for SDR transformation. However, no changes have been made since then.

The document comprised six chapters.

The third chapter examined political and military outlook and defence priorities and needs, which were also divided into three periods from 2007 to 2015. The experience showed, however, that the assessment of the military outlook was too optimistic and unrealistic. For instance, the assessment of the military outlook for 2007-09 period concluded that a large-scale military aggression against Georgia

was highly unlikely, though the danger of attacks by small armed units was considered quite real. It was also assumed that Russian peacekeeping troops would keep their positions in the conflict zones.

The assessment of the political outlook did not give any suggestions as to how “frozen” conflicts would be resolved in the Caucasus in 2007-09 and why de-facto authorities of Abkhazia and South Ossetia would seek negotiations with the Georgian government in 2010-12 to settle the conflicts on these territories.

Among other defence priorities, paragraph 3.3 of the chapter required that the army set up mobile combat units to deal with any danger to the country’s territorial integrity, develop an efficient reserve force on the basis of the concept of total defence, etc. But August 2008 revealed that none of these requirements had been fulfilled in time. The Reserve Force of the National Guards proved useless, as it was manned by students who were given brief training, which focused on quantity rather than quality. This approach led to disastrous consequences in August 2008. Today it is clear that the recruitment and training of reservists was not guided by a long-term strategic needs assessment and, in fact, amounted to little more than a PR campaign with the motto “Join the Reserve! It’s Cool!” It must be mentioned that the war completely changed the old approaches. But the new document is still under development.

The fifth chapter described the needs assessment methodology and planning scenarios. The risks and threats matrix was developed on the basis of the thorough analysis of the political and military outlook and a classified threats assessment paper. With regards to the process itself, it was the Ministry of Internal Affairs that played the leading role in the assessment of risks and threats, since it was responsible for maintaining law and order and ensuring security on the entire Georgian territory. The scenarios helped determine goals and tasks of the Georgian armed forces, which should be taken into account during the force planning process.

Table 1 illustrates that the conflict potential in breakaway regions, as well as the danger of international terrorism, was estimated as quite high, while a large-scale military intervention—like the one that befell Georgia in August 2008—was considered highly unlikely. In reality, a completely different scenario, not envisaged in the matrix at all, unfolded in August 2008. At first hostilities erupted in the breakaway regions, while a large-scale military aggression followed.

The sixth chapter defined the short-term, mid-term, and long-term structure of the armed forces. The total number of the armed forces personnel was planned to reach 26,007 in the 2007-09 period. For unknown reasons, however, the Georgian armed forces totaled 37,000 servicemen and servicewoman prior to the August 2008 war. Firstly, such an increase was not supported by defence documents.



Table 1: Threat Categories and Risk Assessment.

<i>Threat categories</i>	<i>Current conflict potential</i>	<i>Conflict potential trend</i>	<i>Warning and preparation time</i>	<i>Impact on vital interests</i>
Large-scale military intervention	Very low	On the decrease	Plenty	Catastrophic
Conflicts in breakaway regions	Quite high	On the increase	Little	Significant
The overspill of violence from North Caucasus	Low	On the increase	Plenty	Moderate
The overspill of violence from South Caucasus	Quite low	On the increase	Little	Moderate
International terrorism	High	On the increase	Little	Moderate

Secondly, it led to serious problems, most significantly to the shortage of officers and NCOs in the army. Virtually every brigade commander lacked training and experience to perform his duties efficiently. Their education and knowledge was enough, at best, to command a company, but surely not a brigade. The increase of the personnel strength of the armed forces does not seem to have been based on any realistic calculations. This factor played a very negative role in the war. At the battalion level, for instance, only 60-70% of the available officer positions were filled before the August 2008 war – hence serious management problems.

## Defence Planning and Management

A robust defence planning and management system, provided it is in place and working, is an indicator of the capability and efficiency of a country's defences. The ability to plan accurately and adequately plays a significant role in developing/implementing defence policy and in accomplishing the national military goals. The Georgian MoD set out to create a defence planning system in 2005-06. In 2006

the MoD drafted a law on defence, which was passed by the parliament the same year. The law regulates organisation and planning of defence and defines the role of defence planning in the defence policy making. In 2006 the MoD began conceptual development of a new defence planning, programming, and budgeting system in cooperation with the Netherlands Ministry of Defence, on the basis of a bilateral memorandum. In the framework of the cooperation, a team of Dutch military experts was sent to the Georgian MoD to help with the task. Basic planning, programming, and budgeting principles were outlined and in 2006 the MoD composed a guide to planning and programming. This document specifies the responsibilities of all actors and sets the schedule of the planning cycle. The system is designed to make the decision making process as efficient as possible and allocate available resources rationally and in a transparent way.

The development of strategic documents (Risk Assessment Paper and National Military Strategy) is the beginning of the process; the defence budget is the end. Each stage of the planning, programming and budgeting process is designed to ensure that objectives defined in the National Military Strategy are included in long-term program plans, help identify defence policy priorities, and develop four-year defence programs and one-year budgetary requirements.

The first guide to defence planning and programming was scheduled for publication in 2007. The defence policy and planning department of the MoD is responsible for the preparation of the document. The guide provides the basis for the distribution of defence resources for a four-year period: the budget year plus three years. The creation of the guide is the culmination of the process, which must prioritise current defence programs into a single, integrated and balanced program. It is an evaluation process that requires analysing all main programs. Reliable and consistent calculation of the costs associated with each program is an essential precondition for such analysis. It would be useful in this respect to identify and analyse different alternatives for the development of required military capabilities.

It is noteworthy, however, that despite the Dutch experts' support, the guide to planning and programming is nothing more than a guidebook. So far the MoD has not used it for the preparation of the defence budget.

The three-year defence budget planning, presented in Strategic Defence Review 2007, provides valuable data for analysis. The following table can help compare real and planned budgetary parameters.

This data is a vivid illustration of the lack of correct approaches and calculations in the defence planning process.

Table 2: The Draft Estimate of Future Defence Expenditure (in thousand GEL), in Accordance with SDR.

<i>Year</i>	<i>Planned GDP</i>	<i>Planned defence budget</i>	<i>Implemented defence budget</i>	<i>Defence budget, measured as a percentage of GDP</i>
2008	20,440,400	1,100,000	1,494,535	5.4%
2009	23,039,200	1,151,960	897,000	5.0%
2010	25,933,700	1,167,016.5	750,000	4.5%

## Conclusion

Georgia's experience in developing strategic documents highlights that in a dynamic geopolitical environment that is subject to rapidly changing circumstances it is vitally important to have permanent mechanisms and interdepartmental structures in place to regularly update and audit strategic documents. At the beginning of 2010, nearly two years after the war, Georgia's strategic documents were still waiting to be reviewed. The current legislation, namely the law on defence planning, does not provide for any real mechanism to monitor the implementation of these documents and require respective agencies to amend them in a timely manner. The law on defence includes a provision concerning the defence minister's responsibility to amend the documents in accordance with defence planning regulations. But the law says nothing about the respective parliamentary committee's control functions in this sphere. In addition, the current political balance in parliament (the dominance of the ruling party and weakness of the opposition) hampers parliamentary control and only worsens the problem. At present the revision of these documents depends entirely on the governing party's goodwill. Another indication of the weakness of parliamentary control is the fact that the defence budgetary planning process has not started yet, while the monitoring of defence expenditure is weak and inadequate. Besides, it seems that the defence planning regulations mentioned in the law on defence planning have not been developed by the MoD (at least there are no such documents at the ministry's website). This aspect also attests to the lack of parliamentary control.

It is clear that various governmental institutions do not coordinate their work when writing strategic documents. Unsatisfactory and substandard performance of the National Security Council, the main body responsible for analysing the security environment, is also evident. This may be vindicated by the fact that the MoD prepared and issued its documents before the National Security Concept was ready.

For instance, the new concept of reserve forces and the respective bill are likely to be brought into parliament for debate at the end of the year, since proposed changes must commence in the first days of 2010.

To overcome the abovementioned shortcomings, non-governmental organisations and independent organisations should be given a greater role in the preparation and revision of strategic documents. In this respect, one cannot but praise the MoD's efforts to put this tendency into practice. It would be more useful, however, if the NGO sector was given an opportunity to participate, together with the parliament, in monitoring the practical implementation of these documents, since such participation would increase the efficiency of control mechanisms, as well as the security sector in general. But the idea does not seem feasible at present, as donors are less interested in security sector reform, while the government lacks the goodwill to implement respective changes.

# **Overview of the Legislation Facilitating the Civil Democratic Oversight of Armed Forces in Georgia**

**Teona Akubardia**

This article aims to review the legislative base of the defence sector. The article also attempts to analyse the extent to which Georgia conforms to the democratic model of control of the armed forces, specifically, whether the nature of civil-military relations in Georgia and the role civilians play in these processes conform to Western standards.

## **The Separation of Powers in the Georgian Constitution – the Power of the President and the Executive Authorities**

The distribution of powers between the branches of government underwent significant changes after the constitutional amendments were enacted on 6 February 2004. Most of the amendments made to the constitution in the period 2004-09 seriously strengthened the president's powers at the expense of the parliament. These changes had an effect on the nature of democratic oversight of the security sector because they had a significant influence on the parliament's capacity to provide oversight of Georgia's security sector.

According to the current Georgian constitution, the president is the commander-in-chief of the armed forces. He has the power to appoint or dismiss members of the National Security Council—a body set up to oversee the building of the country's military and the organisation of the country's defences—as well as high-level military officers and the defence and interior ministers. As a result of the 2009 constitutional amendments, the president also appoints the minister of justice (the Prosecutor's Office now also falls within the remit of the Ministry of Justice).

These constitutional amendments have also resulted in the formation of a new executive organ – the Government, headed by the prime minister. The prime minister, like the president, also enjoys the right to dismiss members of the government. But the prime minister only appoints members of the government with the agreement of the president. He also coordinates and oversees the activities of

members of the government and is responsible to parliament and the president for the actions of the government.

The above-mentioned tenet somewhat neutralises the incongruity that arose in defence institutions and other security structures as a result of the problems of dual-accountability in the constitution. The right to dismiss the heads of the defence and interior ministries is given to both the president and the prime minister according to articles 79.5 and 73.1 of the constitution.<sup>1</sup> However, despite the fact that the president is no longer formally the head of the executive government under the new constitution, “the government is accountable to both the president and Parliament” (article 78), which highlights the president’s unilateral power to appoint, dismiss and control the interior and defence ministers.

Apart from this, among the powers delegated to the president, the most notable is that of the right to initiate legislation (Article 67), including the right to initiate a constitutional amendment which parliament can consider in an emergency session. This means that the president has the right to initiate a constitutional amendment that, if the required majority exists in parliament, can pass within the shortest possible time that the law allows. In the context of the current monopolisation of the Georgian political system by the ruling party<sup>2</sup> constitutional amendments do not require the achievement of societal consensus as amendments are passed solely through a parliamentary vote.

The president can also suspend or cancel the actions of institutions of the executive government if these are contrary to the Georgian constitution, international agreements or presidential normative acts (Article 73.3). In terms of the security sector, this clause further strengthens the president and allows him to control and direct the actions of the defence/security institutions.

The new constitutional amendments also strengthened the president vis-à-vis the parliament. Whereas under the previous constitutional norms the president did not have the right to dismiss parliament, the president now has the right to do so if parliament fails to approve the government and prime minister nominated by the president three times in succession. If this occurs, the president can unilaterally appoint the prime minister and dismiss parliament (Article 80.5). In addition to this, while this process is ongoing, no impeachment procedures can be initiated. Par-

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<sup>1</sup> Recommendations of the Venice Commission, Jonathan Wheatley, “The Process of Constitutional-Political Reform: The Political Elite and the Voice of the People” (2004), 40.

<sup>2</sup> For the duration of the 2004 and 2008 parliaments, both the government and a sufficient proportion of MPs as to constitute a two thirds constitutional majority were members of the ruling party.

liament itself can only dismiss the government with a three-fifths majority, which is rather difficult to do.

The president of Georgia also enjoys the right (Article 93.6) to either dismiss parliament and call new elections or dismiss the government if Parliament fails to approve a budget for a period of three months (the government has to present a budget to parliament no less than three months before the start of the next financial year).

In general, the president has a right to dismiss parliament apart from the following cases: (1) less than six months before parliamentary elections are scheduled, (2) if impeachment proceedings have been initiated, (3) at times of war or during a state of emergency, or (4) during the last six months of the presidential term (Article 51).

The constitutional amendments introduced after the Rose Revolution upset the balance of power between the government and legislative institutions. This was confirmed by the secretary of the Venice Commission on 4 February 2010. The Secretary of the Venice Commission, Gianni Buchicchio, stated that “the government must be more accountable to the Parliament and the judiciary must be really independent.”<sup>3</sup> The aforementioned tenets of the constitution limit the ability of the Georgian parliament to exert true oversight of the government or strongly demand its transparency, accountability and effectiveness, which is very important for the democratic oversight of the security sector. These legal restrictions have motivated MPs to approve the government, its agenda and its plans for the spending of state resources without too much hindrance and use their rights in order to retain their status as parliamentarians and avoid the risk of dismissal. It also prompts them to retain just the monitoring and evaluation of government actions of the myriad levers of oversight available. An in-depth analysis of Georgian law also reveals that parliament’s ability to conduct effective monitoring and evaluation (see the chapter on parliamentary committees) has become increasingly limited over the past few years.

The Georgian president also has a constitutional right to declare a state of war in the event of a violation of the country’s territorial integrity, a military mutiny or an armed rebellion; to conclude a truce if circumstances permit and within 48 hours submit this decision to parliament for approval; in the event of a state of emergency to issue decrees having the force of a law which will be in effect throughout the state of emergency. The decrees will be submitted to parliament (Article 73). According to Article 100 of the constitution, the Georgian president makes a decision to use military force and submits it to parliament for approval within 48 hours.

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<sup>3</sup> [www.civil.ge/eng/article.php?id=21951&search=constitutional commission](http://www.civil.ge/eng/article.php?id=21951&search=constitutional%20commission).

In addition, according to the law on the state of war, after a state of war is declared across the whole of Georgia, the functions of the executive government bodies in the sectors of state defence, public order defence and state security are handed over to the president – the commander-in-chief of the Georgian armed forces.

It is noteworthy that this instance of law was used twice during Mikheil Saakashvili's presidency. The president declared a state of emergency for the period of two weeks following the police dispersal of large-scale opposition protests in Tbilisi on 7 November 2007. The parliament approved the order for the declaration of the state of emergency across the whole of Georgia within constitutional timeframes (149 out of 150 MPs voted in favour of this decision on 8 November 2007).<sup>4</sup> The state of emergency was lifted on 16 November 2007. During the period of its operation, mass protests and strikes were banned throughout the country; several media outlets were closed and the number of news broadcasts was limited; political talk shows were not broadcast either.

The second instance took place on 9 August 2008, when according to the president's decree No 402, a state of war and complete mobilisation was declared throughout Georgia. The parliament approved the decree on the same day. In both cases, the parliament was unanimous and approved the president's decision within the shortest possible timeframes. This once again highlighted an idea that in conditions where the president has significant powers, it is hard to imagine a situation where the parliament will be able to seriously contradict or reject the president's decision pertaining to the use of military force in the country.

According to the law on defence, the Georgian president submits draft military doctrines and draft concepts of building Georgia's military forces to parliament for approval; approves the plans of the building, use and mobilisation of Georgia's military forces; the economic mobilisation plans; the military operational plans; issues orders concerning the conduct of combat operations by the armed forces; issues orders concerning the declaration of the mobilisation; approves state programmes of the development of weapons and military equipment, as well as the civil defence plan.

According to the law on defence, the president concludes international agreements and treaties on the defence sector. The Georgian president also makes decisions (based on initiatives from the foreign and defence ministries) concerning the voluntary dispatching of individual servicemen to fulfill peacekeeping activities. Nevertheless, according to the acting legislation, the use of the Georgian peacekeeping forces in operations for the preservation and restoration of international

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<sup>4</sup> [www.civil.ge](http://www.civil.ge), 8 November 2007.



peace and security, or other kinds of peacekeeping activities, is inadmissible without parliament's approval.

The Georgian president also oversees the activities of those bodies of the executive government which are responsible for overseeing exports of arms and dual use goods. In particular, he approves the list of military products and services that are subject to export control and the list of countries to which the export of products subject to import/export controls can be limited.

The president also establishes the rules which define what information is categorised as a state secret and the way such information is protected, and approves a list of data classified as state secret and a list of officials and powers that provide the defence of state secrets, etc.

Consequently, according to the acting legislation, the Georgian president has an exclusive mandate to manage the security sector, which reduces the parliament's control. The assessment below makes it abundantly clear that the president's power limits the extent to which MPs can hold the executive government to account because of their lack of capacity to exert influence on the appointment/dismissal of the government and their lack of the leverage necessary to provide budgetary oversight. This makes holding the security sector to account, ensuring transparency and democratic oversight more difficult.

## **Managing the Defence Sector**

As a result of the reforms carried out in Georgia in 2004-05, the management of the armed forces was improved, that is to say, its optimisation took place. Prior to this, the armed forces had been under the control of seven independent bodies whose functions were duplicated. As a result of the changes, the armed forces were concentrated into the Defence Ministry and the Border Defence Service was subordinated to the Interior Ministry.

The law on defence clearly defines the structure of the armed forces, which include the armed forces subordinated to the Defence Ministry and, in the event of a state of war, the Border Police forces of the Georgian Interior Ministry (Article 8.1, 2006; amendment, 25 May). The Georgian armed forces are composed of the ground and the air forces (Article 8.2). In the event of a declaration of a state of war, the Georgian Border Police of the Interior Ministry is subordinated to the armed forces (Article 9.8).

Consequently, according to the acting legislation, in peaceful times, the Defence Ministry is the only executive body accountable for the management, preparation and development of the armed forces, and the fulfilment of defence tasks. In addition, according to Article 99 of the constitution, the National Security Council led by the president is responsible for organising the country's military build-up and

defence. The prime minister, the national Security Council secretary, the finance minister, and the ministers of defence and internal affairs are permanent members of the National Security Council.

According to the legislation, the president as the head of the National Security Council and commander-in-chief is an instrument of civil oversight of the defence sector.

According to the amendments and supplements introduced to the Law On Georgia's Defence in December 2004 and afterwards, the mechanisms of the democratic civil oversight of the armed forces were further strengthened with regard to the Defence Ministry and came into compliance with the practice established in NATO countries, where, within the executive government, the Defence Ministry's functions are separated from the functions of the Joint Staff.

According to the new version of the Law On Defence, the defence minister became a state-political official fulfilling his duties through the ministry's civil office. The civil functions of the Ministry of Defence include: the shaping of the defence policy; the implementation of programmes necessary for the preparation, development and professionalism of the armed forces; and participation in the elaboration of the legislation regulating the defence sector through fulfilling the function of political leadership of the armed forces. The Defence Ministry also determines the plans and programmes of international military-political cooperation; defines and oversees the ministry's intelligence policy; defines the military reserve policy; facilitates the cooperation between the armed forces and the public with a view to improving relations between the military and the civil sector; facilitates the development of the social protection system for service personnel and their families, and ensures the management of defence resources.

According to the law, the Joint Staff oversees the combat preparation of the armed forces and the development of the command and control system; manages the military forces which make up the armed forces and the Border Police units during a war. The General Staff elaborates national defence and mobilisation plans, etc.

Therefore, when speaking about the role and responsibilities of the executive government in the management of the armed forces in Georgia, it is important to bear in mind that the competencies of the military staff and the Defence Ministry have already been separated. The ministry was divided into the military and the civil sections – the Joint Staff and the Defence Ministry (the General Staff was transformed into the Joint Staff and appropriate amendments were introduced into the constitution in July 2006).

According to the law on Georgia's defence and the law on the National Security Council, the president, at the initiative of the Security Council, prepares proposals

concerning the number of the military forces; approves the structure and army regulations of Georgia's military forces; makes decisions concerning the deployment and movement of the military forces of another country and immediately submits such decisions to parliament for endorsement. The president issues orders concerning the conduct of combat operations by the armed forces and approves state programmes for the development of weapons and military equipment.

### **The Elaboration of the Defence Policy**

The Georgian law On Defence Planning, which has been in force since 28 April 2006, regulates the elaboration, planning and implementation of the defence policy within the remit of the Defence Ministry.

According to the provisions of the law, defence planning—as part of the defence policy—facilitates the appropriate conduct of the process of Georgia's integration into the North Atlantic Treaty Organisation. It should be noted that this provision serves as a legislative base for Georgia's aspiration to NATO membership. The law also mentions the obligations Georgia undertook within the framework of the Individual Partnership Action Plan, specifically the definition of the role of the state and the public in the planning of defence and security policies.

The law On Defence Planning acknowledges that defence planning takes place on the basis of strategic-level legal acts and intra-agency decrees. The strategic-level legal acts of defence planning are approved by the Georgian president or parliament. On the intra-agency level, legal acts are issued by the defence minister.

In accordance with this law, the national security concept is seen as a strategic document. The law On the National Security Council obligates the Georgian Security Council to elaborate and coordinate the security concept. In addition, documents assessing Georgia's threats and Georgia's national military strategy are considered strategic level legal acts. These strategic documents are signed by the Georgian president and approved by parliament.

The law On Defence Planning, dated 28 April 2006, stipulates that the Defence Ministry has a leading role in defence planning in Georgia (Article 8). Other state bodies are obliged to help the Defence Ministry shape and implement defence planning within their remit.

The law also obliges the Defence Ministry to prepare a defence planning manual that will be released by the minister of defence of Georgia. According to the law, compiling annual programmes is the final stage of the defence planning. After this is analysed, the defence budget is drafted, which has effect on the state budget. Despite the fact that this law was adopted in 2006, the introduction and

implementation of the Planning, Programming, and Budgeting system (PPBS) into the central budget encounters difficulties every year.<sup>5</sup> Nevertheless, the parliament has not attempted to correct this imperfection.

The law on defence planning envisages interagency cooperation in the process of the elaboration of strategic documents. In particular, it obliges the Defence Ministry to elaborate, in close cooperation with other bodies, a document assessing threats, review the existing strategic situation for an extensive period of time and determine the threats and challenges facing the country. The Georgian president's decree approves the document assessing threats to the country.

For the attainment of defence sector initiatives envisaged by the Georgian national security concept, the law obliges an appropriate structural unit of the Defence Ministry to elaborate Georgia's national military strategy which, according to the law, is approved by the president of Georgia.

The military strategy approved in 2005, which is part of Georgia's security strategy, defines the conditions in which armed forces are used at home and abroad. The law On Defence defines the function of the military forces in the defence of Georgia's independence, sovereignty and territorial integrity, as well as in the fulfilment of the international obligations undertaken by Georgia. The military aims defined in the military strategy include: the defence, containment and prevention, the preparedness and international cooperation. The military strategy also obliges the armed forces to render assistance to civil bodies in the event of a natural or technogenic catastrophe using both soldiers and logistics. For this reason, the National Guard was identified as a structural unit responsible for extending assistance to civil agencies in the event of disasters.

### **Instances of Using Military Forces**

In the period of the reforms carried out in the security sector in 2005-2009, the Georgian government made a decision on the use of the armed (military) forces once, during a brief Russian-Georgian war in August 2008. The document prepared by the Independent International Fact-Finding Mission on the Conflict in Georgia confirms that the Georgian side declared the incursion of Russia's military forces as a motif that led them to start a military operation.<sup>6</sup> The international mis-

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<sup>5</sup> Planning, Programming and Budgeting System Manual, <http://www.mod.gov.ge/files/vyeeucgvkygeo.doc>.

<sup>6</sup> Mission report, 2009, chapter "August 2008 conflict in Georgia," point 14–16. "To protect the sovereignty and territorial integrity of Georgia, as well as the security of Georgia's citizens, at 23:35 on August 7, the President of Georgia issued an order to start a defensive operation with the following objectives:

sion looking into the causes of the August war has not observed instances of the violation of the laws.

Along with the report prepared by international experts several official documents also addressed the issue of assessment of the activities of the Georgian military forces. In particular, the Georgian interim parliamentary commission<sup>7</sup> looking into the causes of the August war published its final report in 2009. It said that during the August war the Defence Ministry's communication with the public had been ill-prepared. A statement by General Mamuka Qurashvili, that the Georgian side began the war in the conflict regions in August because it wanted to restore constitutional order, also confirmed this. The Georgian government dismissed Qurashvili's allegations. By doing so the government dismissed the possibility of having used the military forces against its citizens in the conflict zones.

Qurashvili's statement constituted the sole instance of an abuse of power by a military official. The parliamentary commission said a severe psychological trauma, as well as a head injury Qurashvili had received in the war, led him to make such a statement.

The parliamentary commission's report emphasises that the following problems were identified in Georgia's defence system during the war:

- Despite the fact that the army was supplied with appropriate modern equipment, there had been insufficient training that would ensure the proper use and functioning of the communication system. This showed during combat operations.

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- Protection of civilians in the Tskhinvali Region/South Ossetia
  - Neutralisation of the firing positions from which fire against civilians, Georgian peacekeeping units and police originated;
  - Halting the movement of regular units of the Russian Federation through the Roki Tunnel inside the Tskhinvali Region/South Ossetia.

The mission report does not comment on whether the Georgian president's decision was substantiated, although it notes that there are sources confirming that there was a flow of volunteers and mercenaries from Russia to South Ossetia and that Russian army units, in addition to Russia's united peacekeeping battalion, were present in South Ossetia as of 14:30 hours 8 August. It also notes that the Russian air force started operations against Georgia's facilities as early as on the morning of 8 August, earlier than what Russian sources report (p. 20).

<sup>7</sup> The Georgian parliament interim commission looking into the Russian Federation's military aggression and other actions aimed at the violation of Georgia's territorial integrity; available at [www.civil.ge/geo/article.php?id=20241&search](http://www.civil.ge/geo/article.php?id=20241&search).

- Combat operations revealed the total inadequacy of the reserve system at all levels – both on the level of the concept of functioning, as well as the planning, preparation and implementation of operations.
- Strategic planning was not carried out at an appropriate level by the Defence Ministry. Defects in the officers' personnel policy led to the loss of armaments.
- One segment of the officers had completed their course of studies only a few weeks before the Russian aggression. The General Staff had not prepared in advance a plan of retreat and had to make emergency decisions. This indicates that the General Staff had planned combat operations poorly.
- Answers to the questions concerning civil defence, posed by the commission members in the course of the commission's work, indicate that the civil defence system does not operate appropriately and is not attended duly.

Civil society and experts have no detailed information as to how decisions were made; how military operations were planned and implemented; and what challenges the Georgian army confronted during the military confrontation in 2008. For this reason, it is practically impossible to provide any additional information to assess the events.

In recent years, the Georgian military forces have also participated in peacekeeping operations. This was regulated by the law On the Georgian Armed Forces' Participation in Peacekeeping Operations, which has been in force since 1999.

In compliance with this law, representatives of the Georgian armed forces and civilians since 1999 have been taking part in operations for the preservation and restoration of peace and security in Kosovo,<sup>8</sup> Afghanistan and Iraq. During the war in August 2008, the Georgian president recalled approximately 2,000 servicemen serving in a peacekeeping mission in Iraq. However, in 2009, Georgia expressed its readiness to send 1,000 servicemen to contribute to ISAF in Afghanistan.

## **Parliamentary Oversight of the Defence Sector**

The Georgian constitution states that the Parliament of Georgia dictates the main direction of the country's internal and foreign policy and provides oversight of government activities. Parliament also oversees the defence sector in terms of the development of the Georgian army and the implementation of Georgian law.

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<sup>8</sup> [www.nato.int/cps/en/natolive/topics\\_38988.htm](http://www.nato.int/cps/en/natolive/topics_38988.htm).

According to the Law on Defence, the Georgian parliament approved Georgia's national military doctrine and the development concept of the Georgian armed forces. It also passes laws relating to the defence sector, approves the defence budget, the size of the armed forces, plans for the development of the armed forces as well as plans for times of mobilization, operational plans, the national programme for the modernization of Georgian military equipment and the civil defence plan.

Article 65 of the Georgian constitution states that the Parliament of Georgia has the right to ratify, announce and cancel international military agreements.

The constitution also states that parliament approves decisions to use the army within 48 hours of a presidential decision to do so.

Further, parliament approves a presidential decision to send troops to participate in international peacekeeping missions as part of Georgia's international commitments. Georgia is ready to send 1,000 soldiers to join NATO's ISAF mission in Afghanistan. The rights of soldiers sent abroad are covered in law no.2292 (On the participation of the Georgian Armed Forces in Peacekeeping Operations) which was passed on 22 July. It must be noted that there was no debate in parliament on the wisdom of sending troops to Afghanistan. Neither does parliament investigate the risk factor to troops participating in the mission, nor does it approve of a stand-alone budget for the mission.

### **The Work of the Parliamentary Committee on Defence and Security Affairs**

The role of the Defence and Security Committee of the Georgian parliament includes parliamentary mechanisms such as overseeing the implementation of laws and, if needed, the submission of a report to parliament. The Defence and Security committee also oversees the state and government institutions that are accountable to parliament and submits reports to parliament on these issues too if the need arises. The committee also enjoys the right to initiate legislation and it participates in the scrutiny and amendment of draft laws submitted to parliament as well as drafting reports and comments on draft laws and submits them to the relevant parliamentary organs.<sup>9</sup>

Defence policy documents reviewed by the parliamentary Committee on Defence and Security Issues include the National Security Concept, the Military Strategy and the Strategic Defence Review (SDR). Also important is the fact that amendments were made to parliament's regulations in 2005 to ensure that it approved the National Security Concept before the president released it. As for other

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<sup>9</sup> [www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=280](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=280).

military documents, the only mechanism of oversight parliament has is to hear information on them.

The parliamentary committee does not truly conduct monitoring of the main defence policy documents nor investigates the extent to which the development plans within the documents are being fulfilled. As the same ruling party controls both the government and the legislature, parliament does not hold the Ministry of Defence to account on the correction of existing problems. The opposition, meanwhile, is too weak to do this.

It must be noted that despite the commitments outlined in the law, Georgia probably does not have a civil defence plan, something that was clearly shown during the August war when no guidelines were given by state structures on the use of mechanisms of civil defence. Despite the fact that the Law on Defence dictates that Parliament must approve plans for the dislocation and deployment of military facilities, the parliamentary Committee on Defence and Security Issues has not considered this issue. This is because access to these documents is closed as a result of Presidential Order No.42 (On State Secrets). This means that Presidential Order No.42 blocks discussion of these issues, meaning that Parliament cannot fulfil its obligations under the Law on Defence. This limitation means that civil society is uninformed on how the fulfilment of this clause of the Law on Defence occurs.

### **Parliament Oversight of the Budget**

According to the regulations of the Georgian parliament, parliament approves the Law on State Budget and carries out parliamentary oversight of this budget. Members of parliament cannot demand specific and well-founded amendments to a draft bill of the budget the government submits to parliament. According to the law, the parliament either approves or refuses to approve the budget.<sup>10</sup>

Despite the fact that the Defence Ministry began drafting the budget system according to the Planning, Programming and Budgeting System (PPBS), it is necessary that changes be introduced into the Georgian law On Budgetary System in accordance to the parameters of the general budget. The defence budget should be presented to parliament in a programmatic fashion, but the law should be proposed either by the Georgian government or the parliament itself, something that is yet to occur. The existing budgetary form of the defence budget determines only several aspects: wages, official missions, other service, spending, subsidies and transfers, social welfare, other expenditures, etc. This makes it impossible for parliament to perceive in the slightest manner the demands of the defence budget. In

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<sup>10</sup> Law on Georgian budget system, Article 22.



the meantime, a detailed defence budget is submitted to parliament only after the budget is approved, which eventually weakens parliamentary oversight and the civil sector's monitoring on defence budget expenditure.

The constitution states that the Audit Chamber is responsible for the oversight of the use or spending of state resources.<sup>11</sup> The Audit Chamber is independent and is accountable to parliament. Twice a year, when the preliminary and full budgetary reports are released, the Audit Chamber presents its finding on the government's report. It also releases a report on its own work once a year. On the basis of this, the parliament's Finance and Budgetary Committee hears the report to parliament and, in the event of budget violations, demands an appropriate response from the government and relevant bodies.

Despite the fact that the Defence Ministry budget constituted about 8% of the Gross Domestic Product in 2007-08, and the government stated more than once that the former defence minister and the head of the ministry's procurements department spent budgetary funds in an improper manner,<sup>12</sup> the public had no information about the results of the Audit Chamber's findings concerning the defence budget at that time.

The Audit Chamber is responsible for scrutinising defence expenditures but its work in the defence sector cannot be considered satisfactory as it has not audited the Ministry of Defence for several years.

Moreover, the official website of the Audit Chamber only published a report on the chamber's operation in 2008, and its findings on the implementation of the state budget for a six-month period in 2007. This document does not discuss the way budgetary expenditure of the Defence Ministry complies with the law. *These documents have not been made accessible to the public, nor the details of the work conducted by the Audit Chamber at the Defence Ministry.*

## **The Trust Group**

The Law on the Trust Group defines a special mechanism of parliamentary oversight over the defence sector. The Trust Group—made up of MPs in the parliamentary Committee on defence and security issues—exists to scrutinise spending on the secret activities or special programmes of executive government bodies. The Trust Group is made up of five members, including the chairman of the par-

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<sup>11</sup> Constitution of Georgia, Article 97.

<sup>12</sup> The Georgian Prosecutor's Office charged former defence minister Irakli Okruashvili with power abuse and participation in money laundering; the procurements department head Iason Chikhladze was declared wanted by police; [www.civil.ge/geo/article.php?id=16279&search=ვოლკო](http://www.civil.ge/geo/article.php?id=16279&search=ვოლკო).

liamentary Committee on Defence and Security, two members from the parliamentary majority, one from a majority single mandate constituency and one from the largest minority bloc or political party. It must be noted that the Trust Group consisted of just three MPs in the previous parliament. The law was changed in 2008 to increase the number of members of the Trust Group to five. The previous parliament's Trust Group did not have an opposition MP member as the candidate selected by the opposition was rejected by parliament as he failed to get security clearance. The opposition then refused to name another candidate.

As for the work of the Trust Group, information was limited to the announcement of the fact that a meeting took place during the previous parliament. This tradition was continued in this parliament. The new parliament passed an amendment to the Law on the Trust Group that meant that the group would have to meet at least twice a year, as the Trust Group met just twice in 2008. The Trust Group does not conduct monitoring of military base infrastructure. As for the Defence Ministry's weapons procurement activities, according to legislation, the Trust Group only has access to information on a post-factum basis, so the Trust Group can only check the legitimacy of military procurement on a retrospective basis. This weakens Parliament's overall powers of oversight. Current legislation states that if the Trust Group finds a violation in Defence Ministry spending as part of its monitoring activities, it is to forward this information to the Budget and Finance Committee, which is then mandated to take the case further. We can see from this that, unless the prerequisite political will exists, changes have to be made to the law for the Trust Group to be able to conduct effective monitoring of secret defence related information. As things stand, the law only envisages the monitoring of funds allocated to the Ministry of Defence from the state budget.<sup>13</sup> Members of the Trust Group are not informed in advance of weapons procurement plans. Neither do they consider the conditions of tender competitions for large-scale military construction projects or check whether the companies that win are in line with key requirements. The description of the Trust Group's responsibilities provided in the legislation is too vague for civil society to monitor the process. For this reason, it is necessary for the Trust Group's functions and responsibilities to be more clearly outlined in the law.

Following from the above, the Law on the Budgetary System means that the Georgian parliament cannot consider the defence budget in detail and approve it on a line-by-line basis. Neither does parliament have a role in the creation of procurement policy; it lacks information even on the largest of contracts.

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<sup>13</sup> Law on Trust Group, Articles 7–8.

The Georgian parliament has to approve a decision to send troops to participate in foreign peacekeeping missions, but it does not approve the budgets of such missions. This money is approved as part of the overall state budget. Parliament also does not assess the risk factors to troops on missions, or information on whether troops are adequately equipped. The appointment of high-ranking military personnel is another process in which parliament has no role.

## **Media and Civil Society**

### **Transparency of Information – Legislative Base**

In accordance with article 28 of Georgia's general administrative code, any citizen of Georgia has a right to demand public information.<sup>14</sup> At the same time, Article 30 of the law stipulates that a public body may take a decision to designate public information to be classified if the law provides express requirements to protect such information from disclosure, establishes concrete criteria for such protection, and provides an exhaustive list of classified information. In addition, a public agency should render a decision on providing or denying access to public information immediately or not later than ten days.

In accordance with Article 41 of the law, a public agency should provide an applicant with information concerning his rights and procedures for filing a complaint. The agency should also specify those subdivisions or public agencies, which provide suggestions concerning a decision not to disclose information.

According to the law on State Secrets, the Georgian president approves the "Procedure for Defining the Information as a State Secret and its Protection; the list of information to be defined as a state secret; the list of those officials who are authorised to define specific information as a state secret, the list of those officials who are authorised to grant access to state secrets."<sup>15</sup>

The law also states that to be categorised as a state secret, information must contain "strategic or operational plans, documents that describe the preparation or execution of military operations, or those that describe details of the strategic or operational redeployment of forces, their mobilisation and readiness as well as on the utilisation of resources needed for mobilisation."

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<sup>14</sup> Public information shall be open except as provided in applicable legislation, or when openness expressly and inevitably undermines national security, but only if there is a reasonable presumption that the disclosure of such information will undermine the completion of a military, intelligence or diplomatic action that is planned or being implemented, or the physical safety of persons involved.

<sup>15</sup> Georgian Law on State Secrets, 1996.

Also secret are “programs for weapons development and defence technology,” as well as “information on the regime of operation, structure and composition of highly classified military and civil defence facilities.” The law also defines the Ministry of Defence as an organ of the executive government which is responsible for the security of NATO information. It follows that the Law on State Secrets defines in detail what information relating to the defence sector is a secret. However, it is not only this law that regulates the categorisation of defence-related information as secret.

Representatives of civil society often confront obstacles while attempting to request public information from the Ministry of Defence. For example, the head of the defence sector NGO Liberty and Justice wrote an official request for information to the Ministry of Defence asking that they give him figures on the number of female employees at defence institutions – information he needed to write a report on the gender situation in the security sector. He received a reply that this information is a secret. He did, however, manage to receive the same information without problems from the Ministry of Internal Affairs. The cause of such confusion may be seen in Presidential Decree No.42 On State Secrets, adopted on 12 January 1997. The second part of this decree relates to the defence sector and the clauses that hinder the receipt of public information and the use of mechanisms of basic democratic oversight. For example, the presidential decree states that collated information on the number of military staff at the MOD should be a secret. In other words, the number of military servicemen in the armed forces or in the civilian offices of the ministry is secret. However, it must also be said that the president gives a decree on the size of the armed forces every year, which is then approved by parliament and enjoys the status of law and is therefore public information.

This decree also states that all information on the construction of military “cities,” barracks and other objects are secret, as is information on the use of civilian buildings for military use (2.3.4). If we take into account the fact that the majority of Georgia’s military “cities” and bases were built in the years 2007-09, we see that not only ordinary citizens, but members of parliament were unable to procure the most basic information on how much money was spent on these building projects and why it was spent. The only information available is the total sum quoted by the Ministry of Defence representative to the parliamentary committee on defence.

The same presidential decree classifies information on the quality of civil defence while the Law on Defence states clearly that parliament approves of plans for civil defence (2.5.4). It must also be noted that this presidential decree is often used as justification by the government for refusing to give out public information. For example, during a session of the parliamentary committee on defence and security dedicated to the defence budget, the then deputy defence minister officially

stated that 450 million lari – almost half of the total defence budget of approximately 1 billion lari was secret. This secret article included funds for the construction of barracks and military bases, as well as money spent on the procurement of armaments. Moreover, members of the parliamentary Defence and Security Committee had no right to know even in general terms the total amount of money spent on the construction of military facilities, despite the fact that the president's decree No.42 does not say anything specific about such a restriction. Therefore, it is expedient to review a number of provisions of this decree so that they are rendered more specific, further misunderstanding is avoided and, most importantly, so that conditions for the democratic oversight of the armed forces is in fact put into practice, which is largely linked to the availability of public information.

### **The Protection of the Rights of Military Servicemen**

According to Georgian legislation, military servicemen enjoy the right to go to court to protect their rights.<sup>16</sup>

Article 83 of the constitution states that justice is upheld by a common system of courts, the status of which is dictated by organic law. The constitution states that a military tribunal can only be established in times of war and must form part of the common judicial system. However, despite this clause there have not been any military tribunals, and in the period after the August 2008 war when several military servicemen were charged with desertion, their proceedings took place in civilian courts.

Notably, there is no military ombudsman in Georgia. The Public Ombudsman's Office only conducts monitoring on the condition of military accommodation. However, according to organisations focused on the rights of military personnel, these are often being violated in different ways. For example, there is no provision for overtime pay for military personnel. Contracts between military personnel and the Ministry of Defence contain inequitable clauses. The right to appeal to the courts is limited. It must be noted that the Georgian parliament is less than active on the issue of upholding servicemen's rights and that the public is not informed of what Parliament does in this respect. At the end of 2009 the Ministry of Defence sacked up to 200 colonels and lieutenant-colonels after they failed their certification. Large-scale layoffs are also planned for 2010 in the Joint Staff and the civilian section of the Ministry of Defence.

Legislation states that military personnel can take the issue to court if he/she believes that their dismissal occurred illegally. At the time of writing, up to 50 cases

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<sup>16</sup> Law on the Status of Military Servicemen.

have been reported to an NGO concerned with the rights of military personnel.<sup>17</sup> Many dismissed military personnel have approached this organisation to help them go to court to defend their rights. Because the lawyer's service is rather expensive, the majority of military officers cannot overcome this obstacle independently. In addition to this, many human rights NGOs are not allowed to conduct monitoring of military units. The level of awareness among military personnel of their rights is low, while the Ministry of Defence refuses to allow the distribution of informative brochures outlining soldiers' rights.<sup>18</sup> In this case too, the level of response from the responsible parliamentary committee was non-existent.

### **The Potential for Dialogue and Participation**

The level of coordination and cooperation between civil society and the parliamentary committee on security and defence issues is unsatisfactory. The citizens' council—made up of journalists, security and defence experts, human rights activists and members of civil society—which was established in the late-1990s and worked with the parliamentary committee on defence and security, no longer functions. Moreover, information on parliament's website is not enough to ensure public participation. One prominent example of this is the fact that just three transcripts of defence and security committee meetings held in 2009 are posted on the site. Advance announcements of committee meetings almost never appear on the parliament's website which probably has a negative effect on the extent to which civil society is informed of the mechanisms of parliamentary oversight.

Civil sector is currently involved in a dialogue with the Ministry of Defence on reforms to the defence sector; a dialogue that is based on a memorandum reached with the ministry.<sup>19</sup> It can be said that this is the only format in which representatives of the civil sector have a regular opportunity to ask questions about changes in the defence sector and receive answers to them. Representatives of the NGO sector also have an opportunity to familiarise themselves with the main documents on defence policy and can express their recommendations and remarks to the ministry before the final version is released. However, information on the extent to which the targets outlined in these documents are met is rather hard to come by for people in the civil sector. The civil sector is not involved in the

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<sup>17</sup> [www.presa.ge/index.php?text=news&i=11612](http://www.presa.ge/index.php?text=news&i=11612).

<sup>18</sup> [www.ajl.ge/pages.php?lang\\_id=geo&cat\\_id=1&news\\_id=12](http://www.ajl.ge/pages.php?lang_id=geo&cat_id=1&news_id=12).

<sup>19</sup> [www.mod.gov.ge/index.php?page=77&lang=1&type=1&Id=221](http://www.mod.gov.ge/index.php?page=77&lang=1&type=1&Id=221) (In 2007 the Memorandum of Understanding was signed between the MoD and the Defence and Security Civil Council with the purpose of further close cooperation and civil society's active involvement in the armed forces controlling process.)

process of drafting defence legislation and information on the activities of the parliamentary committee on defence and security issues is lacking due to the unsatisfactory state of the website.

## **Conclusion**

A comparison of the Georgian political system and those of other democratic countries shows that there is an imbalance between the executive and the legislature. According to the constitution, the president has great power over the defence sector which is shown by the fact that he enjoys the right to appoint/dismiss the ministers of defence and the interior and approve strategic military documents. This is in contrast to the fact that the prime minister has very few functions in the defence sphere.

Mechanisms of parliamentary oversight are weak. Despite the legal requirements, the defence committee does not conduct effective monitoring of the implementation of defence policy.

According to the law on the budgetary system, Georgia's parliament does not enjoy the power to consider and approve defence budget articles in detail. Parliament does not consider procurement policy and does not possess information even on the largest contracts. The Trust Group, which is charged with overseeing the procurement of weapons by defence institutions and the construction of military infrastructure to ensure that money is being spent efficiently, does not work to a satisfactory standard and does not entirely fulfil its functions.

In addition to this, the NGO sector is not involved in parliamentary oversight of the defence sector. NGOs find it difficult to conduct monitoring of defence policy. This is because practically no information or reports exist on ongoing activities that are being conducted by the government or Parliament.

There is no dialogue between the civil sector and members of the parliamentary committee on defence and security. Moreover, recently, activities and events conducted by the Ministry of Defence are not being attended as often by representatives of the civil sector and by members of the parliamentary committee. The problem of a lack of parliamentary oversight also makes it difficult to raise awareness of developments in the defence sector among civil society.

The combination of the fact that there is no military ombudsman in Georgia and the lack of interest from the defence and security parliamentary committee has meant that the human rights situation among military personnel is less than satisfactory. This is because no institution—with the exception of one NGO—is dedicated to the protection of the rights of military personnel through mediation with the courts.

# Parliamentary Oversight of the Security Sector: Mechanisms and Practice

Shorena Lortkipanidze

The effective use of the mechanism of parliamentary oversight of the security sector means that a system of oversight and balance exists between the political institutions of the state and parliament is authorised to exercise one of its most important functions – oversight of the security sector.

The effective parliamentary oversight of the security sector depends on what powers are delegated to parliament as compared to the government and the security services. In terms of oversight, parliament's role involves exerting influence on the government's choice and decisions and acting according to the public interest. Parliament wields two basic mechanisms of implementing effective parliamentary oversight: legislative and financial-budgetary. Nevertheless, parliament's role and influence does not proceed solely from the constitution and laws. Parliamentary procedures and the country's tradition of parliamentary oversight of the defence sector are also of importance.

Effective parliamentary oversight means the following:

- Clearly outlining the parliament's constitutional and legal powers;
- Using well-recognised methods and instruments of parliamentary oversight;
- Parliament's possession of appropriate resources and competence;
- Existence of political will to exercise parliamentary oversight.<sup>1</sup>

In terms of parliamentary oversight of the defence sector it is important to examine the post-war situation in Georgia. This will enable us to make conclusions

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<sup>1</sup> Hans Born, Philipp Fluri, and Anders B. Johnsson, eds., *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians No. 5 (Geneva, Belgrade: IPU/DCAF, 2003).



not only concerning the situation in the sector, but also about the prospects of the country's democratic development in general.

This article examines the existing system of parliamentary oversight through the assessment of the aforementioned factors and their influence; it examines legislative mechanisms; determines the methods parliament uses to exercise oversight and the extent to which the instrument of dialogue with society is used. It also assesses the Georgian parliament's current resources and competence in terms of exercising oversight of the defence sector.

## General Context

Six years have elapsed since the Rose Revolution. There are differing views as to prospects of democracy in Georgia. Some people believe that the democratic processes underway in Georgia are defective because political powers are concentrated in the hands of a single team. Apart from this, *the Russian factor and its opposition to Georgia's Euro-Atlantic course have further repressed democratic processes*. The negative impact of the Russian-Georgian war is more than obvious today. The war challenged the sustainability and viability of Georgia's defence and security system. Currently, the country is in the process of revising its security concepts and defence strategy.

Despite the declared aims and tasks, the democratic process has a lot of defects in Georgia. The Russian-Georgian war and the prevailing situation in the country have exposed the following problems:

- The unequal distribution of power between the branches of government;
- Problems linked with the formation of political institutions into democratic institutions;
- Non-participatory approaches to strategic decision-making (the almost total exclusion of sectors of society and opposition parties from the decision-making process);
- The lack of the rule of law (the weakness of the judiciary);
- A traditional lack of trust in elections;
- Problems encountered in the process of the establishment of democratic and liberal values (problems related to human rights issues and the establishment of media and universal liberties);
- Two conflict regions, confrontation with Russia, and occupied territories;
- Economic crisis;
- Social problems (refugees, poverty and unemployment).

Notwithstanding the existing difficulties and problems, Georgia's western course and its Euro-Atlantic aspirations are cemented with its national security concept and other strategic documents. Georgia is a partner of the European Neighbourhood Policy.

Georgia's national security concept clearly outlines the country's basic values: independence, freedom, democracy, the rule of law, prosperity, peace and security. It also defines Georgia's national interests, as well as the threats, risks and challenges to Georgia's national security. The concept also determines the main directions of the national security policy: the development of democracy, improvement of defence capacity, restoration of the territorial integrity, Euro-Atlantic integration, the strengthening of foreign relations and the ensuring of economic, social, energy and ecological security. This document is a guide to the achievement of security.

In terms of the reform of the defence sector, the North Atlantic Treaty Organisation is the country's chief partner. Foreign aid is a significant factor in overcoming the post-war difficulties. However, the role of domestic political institutions is of great importance and political will is crucial for the development of democratic processes, including in terms of exercising democratic parliamentary oversight of the defence sector.

Given these difficulties, problems and challenges, it is of vital importance for this country to reform the management of the security sector. Parliament is one of the key institutions responsible for this process.

## **Legal Basis of Parliamentary Oversight in Georgia**

The reform of the security sector in Georgia was declared a priority after the Rose revolution. Security sector reform aims at strengthening the management of the security sector and making it more effective for ensuring security in conditions of democratic oversight. The management of the security sector on its part involves structures, processes, values and sentiments that shape security-related decisions and their implementation.<sup>2</sup>

Parliament, alongside other institutions, is the main instrument for developing legislation in the defence sector. It authorises security-related expenditures and oversees the security agencies, as well as executive and civil bodies.<sup>3</sup>

There is no single model for the reform of the security sector. The reform process is chiefly determined by the context of a country in question. There are three approaches: according to the first, the reform of the security sector is proposed by

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<sup>2</sup> DCAF Backgrounder, *Security Sector Governance and Reform*, [www.dcaf.ch](http://www.dcaf.ch).

<sup>3</sup> Ibid.

donors for the attainment of the effectiveness of a development assistance policy in Georgia. According to the second, in post-authoritarian countries, reform of the security sector is an instrument facilitating the conceptualisation and coordination of defence and domestic security reforms (this applies to post-socialist and post-Soviet countries). The third approach deals with the post-conflict reconstruction of the security sector, that is to say, this reform applies to countries which have experienced a violent armed conflict.<sup>4</sup>

If we examine the context, all three attitudes are relevant with regard to Georgia. Georgia is a post-Soviet country which has experienced several wars over the past 20 years. Actors of foreign aid greatly contributed to the establishment and maintenance of democratic processes. The reform process continues but ensuring consistency has always been a major hindrance to the development of the security sector. Frequent reshuffles of the people responsible for the reform process, as well as of the constitutional/legislative basis of the security sector has had an adverse effect on the process of the shaping of the defence and security sectors into solid democratic institutions. Parliament's role in security sector reform cannot be overestimated. In Georgia the Parliament's role, which has been significantly reduced under the existing constitutional model, strongly depends on the president's influence. Consequently, it fails to effectively balance and oversee the executive government.

### **The Georgian Parliament's Participation in Shaping the Security Concept**

Parliament's rights and obligations to exercise control of the defence institutions and the armed forces are defined in the Georgian constitution and the law On the Regulations of the Parliament of Georgia. According to the Georgian constitution, parliament represents the legislative branch of government; it defines the main directions of the country's domestic and foreign policy; and oversees the government's work.<sup>5</sup> Apart from this, the law On Defence stipulates that parliament determines the state policy in the defence sector; approves the military doctrine and the concept of the construction of the military forces, as well as the number of military forces; ratifies and cancels international military agreements and treaties; consid-

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<sup>4</sup> Heiner Hänggi, "Conceptualizing Security Sector Reform and Reconstruction," in *Reform and Reconstruction of the Security Sector*, ed. Alan Bryden and Heiner Hänggi (Munster/Geneva: Lit Verlag and Geneva Centre for the Democratic Control of the Armed Forces, 2004), 3–18.

<sup>5</sup> *Constitution*, Article 48.

ers and approves the defence budget, and oversees processes and the implementation of laws in this area.<sup>6</sup>

According to the legislation, parliament exercises its authority mainly through the Defence and Security Committee, which prepares draft laws, resolutions and other draft agreements; it has a right to put forward legislative initiatives, which facilitates greater Defence and Security Committee involvement in the construction of the military forces.

In tune with the experience accumulated in the past, despite the extensive powers the law delegated to it, the parliament is less involved in the elaboration of state security policy. For example, as it supported the development of the security concept, parliament had an opportunity to more adequately reflect societal attitudes, expectations and demands in the policy document and reform process. Parliament could have contributed more effectively to public debate and used this process as a mechanism to engage in dialogue with the public. However, Georgia's security concept was elaborated basically on the basis of the recommendations made by international security experts<sup>7</sup> and various executive bodies led by the Security Council which contributed to the elaboration of the final draft. The working blueprint of the document was mainly discussed by representatives of nongovernmental organisations and the academic sector on the basis of the initiatives of the Defence Ministry and the National Security Council.

Georgian parliamentarians are still expected to participate in the elaboration of the new security concept. More specifically, the public expects them to assess the text of the 2005 concept, examine past mistakes and take them into consideration when drafting the new document. Discussions on this topic are underway in the nongovernmental sector. Independent experts are reviewing several aspects that were not properly assessed in the 2005 concept. However, members of parliament are not involved in this public discourse.

### **Executive Government's Report before Parliament**

In 2007-09, the Georgian parliament, its committees and other relevant structures insufficiently used the mechanisms of oversight at their disposal to scrutinise the defence and security sector. Specifically, the Defence and Security Committee only formally exercised its right and obligation to oversee the sector. Representatives of the executive agencies rarely presented reports at committee sessions, and representatives of the civil society and academic circles were seldom invited

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<sup>6</sup> Law on Defence, Article 4.

<sup>7</sup> David Darchiashvili, *Politicians, Soldiers, Civilians* (Tbilisi: State University Publications, 2000).

to attend committee hearings dedicated to relevant legislative amendments, new bills or other issues.

For example, the defence minister addressed members of the Defence and Security Committee only once throughout the period 2007-09. On 28 May 2009, members of the committee held a session at the Defence Ministry. Discussion included the new defence concept, the situation in the occupied territories, and "the preparation and everyday life of the Georgian army."<sup>8</sup>

Apart from this, members of the public believe that prior to 2007, the Parliamentary Defence and Security Committee regularly received information concerning the reforms that were underway in the security sector.<sup>9</sup> Throughout 2005, the deputy defence minister attended committee sessions on five occasions and took part in discussions relating to various issues. In addition, representatives of non-governmental organisations determined that in 2005-06, hearings, bills and reports on the progress of reforms were held regularly at open parliamentary hearings. Military persons and civil servants, as well as civilian experts and representatives of academic circles were frequently invited to attend sessions of the Defence and Security Committee. Since 2007, this practice had virtually disappeared.

Civil society representatives claim that they have not attended the committee sessions since 2007 because the committee has not invited them. According to the committee provisions, Defence and Security Committee sessions are public although in reality attendance is limited and requires special invitation. In accordance with the committee's current regulation, interested representatives of the public can be invited to attend or address sessions only following the approval of the committee chairman.

The aforementioned legislation specifies that it is practically impossible to attend sessions without cooperating with the committee. Apart from legal obstacles, it is difficult to access advance information about the dates and agenda of the committee sessions. Entering parliament also requires permission from the committee chairman.

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<sup>8</sup> It should be noted that this document does not take into consideration the activities conducted within the framework of the Georgian parliamentary commission examining Russia's military aggression and other actions aimed at violating Georgia's territorial integrity. In the course of the work of the commission, public discussions were held with the participation of the committee members and senior government officials, including the president, the defence minister, and the national security council secretary, because this had not been done by the Defence and Security Committee.

<sup>9</sup> [www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=282](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=282).

Therefore, parliamentary oversight of the defence and security sector was less dynamic in previous years, even though reforms in Georgia's security sector, specifically the defence sector proceeded more intensively during the period and parliament had a special role in the effective oversight of the reforms.

Apart from this, in 2007-09, the process of the Georgian parliament's oversight of the defence and security sector coincided with a difficult and politically unstable period in the country's development. The past two years saw an escalation of Georgia's domestic political confrontation, which resulted in two early elections in 2008 – presidential and parliamentary. Nevertheless, the situation has not been wholly conducive to stabilisation, because it led to the Russian-Georgian war. In addition, the non-parliamentary political opposition and the political elite remained in a state of confrontation throughout 2009 (protest rallies continued from 9 April to 25 June 2009).

### **Parliamentary Oversight of Defence Resources**

The Defence and Security Committee is responsible for considering relevant chapters of the defence budget and preparing conclusions for parliamentary consideration.<sup>10</sup> According to Article 93 of the constitution, parliament begins considering the draft budget three months prior to the beginning of the year, when the Georgian government, at the president's consent, submits Georgia's draft state budget to parliament for approval. At this stage, the Parliamentary Defence and Security Committee and the Trust Group defend the interests of the defence sector.

Observation of the budgetary process by the Georgian parliament makes it possible to say that discussions of the draft budget are held at long intervals and often continue into the beginning of the following year. If the parliament delays the budgetary approval process, the constitution states that the Finance Ministry continues spending for the subsequent month according to the previous budget. This occurs every month until the new budget is passed.

If it is not possible to agree on the main parameters of the budget, it returns to government for correction. Legislators either fully approve the draft budget or reject it altogether.<sup>11</sup> During the process, members of parliament cannot demand con-

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<sup>10</sup> The mandate of the parliamentary Defence and Security Committee extends to the following bodies: the Defence Ministry and the Joint Staff, the State Security Special Service, the Border Police Department, the Foreign Intelligence Service, which is directly accountable to the president; the National Security Council also has a certain mechanism of control.

<sup>11</sup> Law on Georgia's Budgetary System, Article 22.

crete and substantiated amendments to the draft defence budget because their rights in the budgetary process are restricted. Parliamentarians have no access to the detailed draft defence budget that is submitted by government to parliament.

The Defence and Security Committee has already received the draft budget 2010 for consideration. In tune with the practice that has been established in recent years, members of the committee have not voiced any negative remarks with regard to budget 2010. More so that—in tune with the recommendations by Western partners (EU and the US administration)—there has not been a rise in defence spending. According to the draft budget 2010, the defence budget will amount to 750 million lari. This amount fully complies with the government's declared policy that defence spending is unlikely to rise in the course of the next couple of years.

The action plan signed with Georgia's Western partners made different negative remarks about the defence budget. Specifically, the draft budget is heard only according to the main economic categories and is, in general, limited to just one page. This limits the parliament's capacity for budgetary oversight. The main thrust of defence policy has meant that a task exists for the Defence and Security Committee and for parliament as a whole. It must foster and encourage the reform of the control of defence resources and the entrenchment of programmatic budgeting in the defence sector. Specifically, a planning, programming and budgeting system (PPBS) should be implemented as quickly as possible within the framework of ongoing defence sector reforms. The Defence Ministry has already developed its planning document on this but its implementation is hindered by complications every year at the stage of integration with the central budget.<sup>12</sup>

### **Trust Group Mandate**

According to the existing legislation, after parliament approves the budget, the detailed budget of the Defence Ministry becomes accessible only to a small group of MPs, members of the Trust Group. The Trust Group is obliged to oversee the closed provisions of the Defence Ministry because budgetary oversight is a key instrument of democratic governance.

According to the Georgian legislation, the Trust Group operating in the Georgian parliament is itself not in a position to exercise oversight and collect factual information from outside sources. If members of the Trust Group believe that the executive government abused power or acted illegally, members of the Trust Group are obliged to demand that an investigative commission is set up, which will be entitled to collect documentary evidence and conduct an investigation.

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<sup>12</sup> Textbook on Planning, Programming and Budgeting, <http://www.mod.gov.ge/files/vyeeucgvkygeo.doc>.

Since 2008, two opposition MPs have been members of the Trust Group. In the previous parliament, opposition MPs decided to boycott the membership of the Trust Group because members of the majority did not allow the opposition's preferred candidate to become a member of the Trust Group. Despite the fact that the Trust Group was fully staffed and functioned in 2008, its activities remained unnoticed by the civil society and defence experts. In particular, experts believe that members of the Trust Group can exercise their powers in a more effective way. Legislative amendments introduced in the past are also evidence of this. For example, the first draft of the law on the Trust Group in 1998 stipulated that the Trust Group sessions were due to be held at least once every month. However, after the amendments introduced in the law on 12 September 2008, sessions of the Trust Group can be held at least twice per year. In 2009, the Trust Group met only once on 28 October 2009, whereas its previous meeting had been held in November 2008.

Other shortcomings have been observed in regard to parliamentary oversight and the operation of the Trust Group in recent years. In 2006-08, when the Georgian government was implementing large-scale military construction projects, the closed section also covered these projects. Some representatives of nongovernmental organisations believe that Trust Group members should have taken a more active part in scrutinising activities and overseen the expediency of the construction and military procurements expenditures, as well as their cost-efficiency.

Georgian and foreign experts express interest in the procedure of the oversight of the Defence Ministry expenditures, especially in procurement policy. They are also interested in the legality of the procurement procedure. This interest increased after defence spending rose to an unprecedented high in 2007-08. A defence strategic document, dated May 2006, notes that parliament plans to adopt laws on the planning of long-term procurements in the near future,<sup>13</sup> as well as laws supporting the compatibility of the military and civil services, which should improve the procurements process at the ministry and make it more transparent and effective. It is possible that by way of adopting these laws Georgian MPs will improve the practice of parliamentary oversight of servicemen in the future.

Compared to other democratic countries (the US and some NATO members), the Georgian parliament currently has no right to hold debates on procurement plans and policy in the defence sector. The law does not oblige the government to report to parliament about particularly large procurements of armaments.

The Georgian parliament can exercise oversight of military procurements only through the oversight of the cost-efficiency of spending through a report by the

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<sup>13</sup> Georgia SDR Progress Review, MOD, 2 May 2006, Tbilisi, Georgia.



Audit Chamber. This confirms the fact that parliament's role in resource planning is limited.

### **Activities of the Audit Chamber**

Parliament has one more important lever through which it exercises oversight of defence resources. This is related to the activities of the Audit Chamber. The activity of the Audit Chamber, whose head is elected by parliament, does not comply with the practice and norms established in the West – the EU-Georgia European Neighbourhood Policy (ENP) action plan includes targets for achieving higher levels of effectiveness and restructuring.

Over recent years, parliament has showed less interest in the Audit Chamber's annual reports on the defence and security sectors. Neither parliament nor the public paid much attention to the Audit Chamber reports. The Audit Chamber's 2009 report states that "the chamber submitted the following documents to parliament in recent years: reports on the performance of the state budget 2007 and the state budget progress report for 2008; report on the Audit Chamber's activities in 2007, which was duly discussed by parliament committees and factions, as well as at parliament plenary sessions."

However, these documents are not fully accessible on the Audit Chamber's website. The details of the report on the amount of work the Audit Chamber conducted at the Defence Ministry are also inaccessible for the public. For the time being, the Audit Chamber's site has published only reports on the chamber's activities in 2008 and the report on the performance of the state budget for a period of six months in 2007. These documents do not review the extent to which Defence Ministry's spending of budgetary funds complies with the law.

### **Political Will and Parliament's Competence to Exercise Parliamentary Oversight**

Parliamentarians' political will is the most important element of parliamentary oversight of the defence sector.

In the Georgian context, constitutional amendments are quite common. Amendments proposed by the president are instantly supported by parliament without debate. This is a result of the fact that there are 150 MPs in the 2008 parliament and the ruling party has a constitutional majority. There are only 12 opposition MPs. Such a distribution of power brings into doubt the ability of parliament to fulfil its role. Consequently, nearly all government initiatives in the security sector are supported by parliament. To a certain extent, MPs ideologically justify the government's initiatives. Owing to the fact that the ruling party is interested in

maintaining the executive government, they are not seeking to publicly criticise the government.

In light of the circumstances, it is important that parliament receives information from relevant bodies concerning the current processes in the security sector. Parliament's positions will inevitably weaken unless the government reports to it before taking appropriate decisions and parliament becomes one of the chief participants in the discussions.

An important function of parliament relates to its capacity to hold discussions with the public on the changes that are underway in the security sector. Since the end of the 1990s, a civil council has operated in the defence and security committee, which includes defence and security experts, journalists, civil society representatives, and human rights activists. The council was a consultative body which also exercised civil and democratic oversight of the sector. The council considered important conceptual documents and bills relating to the security and defence sector. The practice almost disappeared, although the civil council formally exists to this day. The 2008 parliament has never convened meeting of a consultative nature.

Cooperation between parliament and the public has been undermined in recent years and civil society representatives believe that information on the parliamentary website is insufficient for ensuring public participation.

## **Parliament's Role in the Protection of Military Servicemen's Rights and the Principle of Gender Equality**

The protection of the rights of military servicemen is part of parliament's health and social security mandate. However, the Defence and Security Committee oversees the rights of military servicemen on the following issues: dismissal, ranking issues, and disputes relating to the late payment of salaries. The committee also reads citizens' letters and the committee's lawyers respond to them or, if this is not possible, the letter is forwarded onto the appropriate body. Otherwise, assistance is given to the citizen within the competency of the committee.

Organisations concerned with the protection of military servicemen's rights state that parliament does not fully utilise its powers of oversight in this sphere. They also indicate that corruption or violations of conscripts' rights very rarely occur in defence institutions. However, in our defence system, which is formed mostly of professionals signed up on a contractual basis, servicemen rights are being violated in the following areas: the inequity of the terms of military service contracts, the fact that there is no rule ensuring that overtime work is paid, the limitations placed on the right of military personnel to appeal to the courts. In addi-

tion to this, nongovernmental organisations working in the sector argue that programmes dedicated to the post-combat rehabilitation of troops are not sufficiently accessible. Representatives of military rights NGOs are not allowed into military units. The distribution of booklets informing soldiers of their rights is also prohibited. In the context of the above, civil society organisations believe that the work of parliament in the area of military servicemen's rights is not active enough and that the public is not sufficiently informed of either human rights or the activities of defence committees in this area.

Gender equality is one of the foremost values of democratic development. The integration of gender into parliament's oversight of the security sector makes it more accountable, effective and assists in the creation of policies and institutions that foster equal rights.<sup>14</sup>

When we speak of an inclusive security policy, we mean the accounting of the needs and wants of both men and women in the security policy-making process. In Georgia, a consultative council on gender equality was formed in conjunction with the chair of parliament. The council is led by the vice-speaker. The council drafted a law which would establish quotas for women in the electoral lists as well as support measures for female candidates. The draft law prompted much discussion and controversy as it was determined that it was a product of political correctness and that in reality the issue was not a significant problem. According to the chair of the council, one problem that faces the draft law is the lack of preparedness of the defence sector and absence of a clear position on how the principle of gender equality should be integrated in the defence sector and the armed forces.

Another problem is that the issue of gender equality is seen as one of political correctness and the discussion of the role and status of women is no more than a formality. In reality, the activity of women is not expressed through participation in politics, the decision-making process, in conflict resolution or in the formulation of security policy. Just 4% of Georgia's MPs are women, one of whom is a member of the Defence and Security committee.

## **Conclusion**

Commitments undertaken within the framework of the EU-Georgia Action Plan of the European Neighbourhood Policy involve the introduction of the practice of effective management and the exercise of democratic oversight of the armed forces by increasing the effectiveness of parliamentary oversight. This means the observance of democratic procedures of decision-making in the defence sector, the creation of an effective system to manage defence resources and the ensuring of

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<sup>14</sup> *Parliamentary Oversight of the Security Sector and Gender*, DCAF Backgrounder 7.

public participation in the elaboration of the defence policy. In accordance with the EU-Georgia action plan, the following measures are designed to strengthen democratic institutions in Georgia:

- The strengthening of the Georgian parliament; in particular, exercising parliamentary oversight (including the defence and security sectors);
- The increasing of the level of legal knowledge and legislative screening in order to harmonise Georgian legislation with European standards;
- Defending the rights of conscripts, including introducing a system of civilian oversight and monitoring of the armed forces.

Therefore, the strengthening of the mechanisms of parliamentary oversight of the defence sector is one of the chief security priorities. To attain this goal it is important that all stakeholders participate. The demands of donors are important elements for the enactment of the mechanism of parliamentary oversight.

The August war shattered the country's defence and security. A lost war and the threat of renewed aggression challenges the defence and security sectors, as well as parliament, which is expected to exercise oversight and prevent the major post-war threat facing the defence and security sector: isolation from the public and other sectors and political institutions.

# **Decision-Making in Georgia's Defence Sector**

**Shorena Lortkipanidze**

This article examines the process of decision-making in Georgia's defence sector. The report analyses the way the country's legislation defines the accountabilities of important decision-makers in the defence sector, the way security and defence policy documents are drafted, the way the accountabilities of the leadership of the armed forces are defined, and the observance of formal decision-making procedures on the sectoral level. It also examines the way legislation defines the role and function of the institutions of democratic oversight of the military sector. The existence of the mechanism of effective control and balance in the system of state management is one of the most important aspects of democracy. If the principle of power distribution is upheld, the distribution of responsibilities and accountabilities is ensured, which is extremely important for making a number of decisions in the defence and security sector (distribution of budgetary resources, elaboration of security and military strategy). The article also emphasises what kind of decisions are made in the Georgian defence sector and what factors facilitate decision-making in this area.

## **Democratic Practice**

According to the tradition practiced in western democratic countries, decision-making in the defence sector takes place on the basis of the relations between political and administrative agencies. The level of a country's political, economic, social and legal development, which is one of the cornerstones of the idea of good/effective management, also influences decision-making procedures. The importance and relevance of decision-making in the security and defence sector is linked with political developments in a country.

The governments of all countries face a significant challenge – to ensure their countries' national security. For this to happen, it is essential that the following decisions should be made in the defence sector:

- Define what decisions should be made;
- Decide who should make decisions;

- Define how resources should be distributed;
- Define what investments should be made in the sector.<sup>1</sup>

Apart from this, countries should decide what formal methods of decision-making are acceptable and appropriate for them and what agencies are mainly to account for the decision-making process. Below are the kinds of decisions that are customarily taken in the defence sector:

- Defence and security concepts and strategies; the defence doctrine; the outlining of the threats the armed forces can neutralise;
- Deciding on the organisation of the armed forces, leadership and structure to respond to threats;
- Defining the resources to provide for combat capable armed forces;
- Defining the durability of operations, for which troops are prepared,<sup>2</sup> etc.

The established tradition of state management significantly influences the principles of decision-making. Traditions mainly determine who is responsible for the decision-making process in the defence sector.

## **The Development of Independent Georgia's Defence and Security Sector**

Georgia's defence system, as well as the country itself, has faced many difficulties and problems since the 1990s. At the initial stage, the country's defence system was created on the basis of Soviet traditions, mainly from non-professional volunteers, and was manned with personnel who had been trained according to the Soviet army traditions. This led to the weakness of civil oversight of defence institutions, as well as to domestic political disturbances and the emergence of military confrontation.

In the 1990s, the Georgian political system saw the strengthening of informal paramilitary groups and the increase of their influence on politics, economy and nearly all aspects of life in Georgia. The defence and security sector was also criminalised. Defence institutions enjoyed a low level of trust among the public. The central government suffered a defeat in the conflict regions in 1993 due to troubled civil-military relations and incompetence and disobedience among ser-

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<sup>1</sup> See the introduction of Stuart Johnson, Martin Libicki, and Gregory F. Treverton, eds., *New Challenges, New Tools for Defense Decisionmaking* (Santa Monica, CA: RAND, 2003).

<sup>2</sup> David S.C. Chu and Nurith Berstein, "Decisionmaking for Defense," in *New Challenges, New Tools for Defense Decisionmaking*.

vicemen.<sup>3</sup> It should also be noted that at the beginning of the 1990s, formal procedures of defence planning and decision-making were non-existent in the system of state management.

In the second half of the 1990s, the West began to actively support Georgia's efforts to develop its defence institutions. To strengthen the country's defence sector, partner countries provided substantial assistance to Georgia, increasing capacity building in the defence and security sector.

The prospects of Georgia's rapprochement with the West began to take shape at the end of the 1990s. Relations with NATO within the framework of the Euro-Atlantic Partnership Council (EAPC) and the Partnership for Peace programme (PFP) were strengthened in 1998-1999. Bilateral cooperation between Georgia and NATO member states were also strengthened.

The second half of the 1990s saw the beginning of significant progress in the conceptual understanding of national security. The development of Georgia's national security concept was actively discussed at the official level, in which the nongovernmental sector was also involved.

Western values and principles began to gain solid ground in the strategic thinking of that period. These projects emphasised the need to uphold liberal values, human rights and universal liberties; the necessity of democratic oversight of the armed forces, as well as of political pluralism and self-governance. However, it is noteworthy that owing to a number of problems, including corruption, energy crises and the ineffectiveness of democratic institutions in addressing social and economic problems, Georgia was seen as a failed state.

Changes initiated within the framework of cooperation between Georgia and NATO member states comprised the following issues: defence policy, restructuring, interagency coordination, legislative programmes and initiatives, issues of democratic oversight, the reorganisation and management of the Defence Ministry, and the reforming of the defence and border defence services.

In February 2004, Georgia signed the Individual Partnership Action Plan (IPAP) with NATO. These significant strategic decisions had been prompted by new realities and a clear-cut political course: deterioration of the relations with Russia and strategic partnership with Euro-Atlantic structures.

The expansion of the European Union, which took place on 1 May 2004, created need for deep political and economic interdependency. New prospects and priorities of the partnership with the EU took shape during this period. Political dialogue and reform, which are the key priorities of the EU-Georgia Neighbour-

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<sup>3</sup> David Darchiashvili, *Politicians, Soldiers, Civilians* (Tbilisi: State University Publications, 2000).

hood Policy action plan, require the strengthening of democratic institutions and the introduction of the practice of good governance.<sup>4</sup>

The next stage of democratic reform in Georgia's defence institutions was linked with the intensification of cooperation with NATO and an increase in the capabilities of the armed forces. At the beginning of 2006, a new phase was marked by intensive dialogue between NATO member states and Georgia, and by the promise after the Bucharest summit that Georgia had a real prospect of becoming an alliance member. NATO's Intensive Involvement concept with regard to Georgia also developed during this period.

The situation has significantly changed since the Russian-Georgian war in August 2008. Georgia's NATO prospect seems less optimistic, although relations are still developing: the NATO-Georgia commission has been established and the Annual National Programme was initiated in 2009 and 2010. The upholding and establishment of democratic norms in the process of decision-making in the defence sector is just as relevant today as it was prior to the conflict.

Decision-making in the defence and security sector and the process itself is a link between politics, structures and tradition.

The main principles of decision-making in developed democracies are: lawfulness of decisions and the compatibility of decisions with the norms and procedures envisaged by the law. In developed democracies, law is a regulating force to maintain the equilibrium between the national security and defence capacities.

The decision-making process in Georgia's defence sector is regulated by the following laws:

- Constitution of Georgia – it defines the role of the Georgian president, parliament and the executive government in important decision-making in the defence system.
- Law on Georgia's Defence defines the powers of the government agencies in the defence sector.
- The Law on the Security Council is also of importance. This is actually where certain discussions and interagency cooperation begins before important decisions are made. Georgia's Security Council today coordinates the process of the overview of the national security policy. The document of threats and the national security concept are prepared with immediate participation of the Security Council.
- The Defence Ministry is a critical institution, making and executing decisions. On the intraagency level, decision-making is regulated by the plan-

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<sup>4</sup> Action Plan EU Georgia, ENP, 2006.



ning, programming and budgeting system. This specialised manual aims at ensuring effective management and oversight (including financial) of existing and planned resources and the drafting of the best possible budget. Different sections of the ministry participate in the decision-making process.<sup>5</sup>

As discussed above, the reforms underway in the defence sector have been initiated both by processes that are conducive to the creation of an international environment (relations with NATO and EU), as well as by domestic political, social and cultural factors. In order to have an idea of how the decision-making process works in the Georgian defence sector, it is important to examine the legislation and its implementation.

## **Who Takes Decisions in the Defence Sector**

When one discusses Georgia's political system, he/she cannot overlook the fact that the president's role in decision-making has been increased immensely in recent years. This becomes apparent when one examines parliament's limited powers and the fact that the government (led by the prime minister) is heavily dependent on the president.<sup>6</sup>

## **Making Decisions Concerning the Defence Budget**

In accordance with the amendments introduced to the Georgian constitution in February 2004, the Georgian president is authorised to dismiss the government or disband parliament and schedule early elections if parliament fails to adopt the government-proposed budget within three months (Article 93.6), or if parliament fails to approve the government and the prime minister proposed by the president three times consecutively. In this case, the president is still in power to approve the prime minister and disband parliament (Article 80.5).

In accordance with Article 22 of the Law on the Budgetary System, if the president disbands parliament over a failure to approve the budget, the president approves the state budget through a decree and within one month of the recognition

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<sup>5</sup> PPBS manual, Ministry of Defense of Georgia, *Textbook on Planning, Programming and Budgeting*, [www.mod.gov.ge/files/vyeeucgvkygeo.doc](http://www.mod.gov.ge/files/vyeeucgvkygeo.doc).

<sup>6</sup> On the basis of constitutional amendments in 2004, a new executive body was set up – Government, led by the prime minister. The prime minister, like the president, has a right to dismiss members of the government. Nevertheless, it is only by the president's consent that he/she appoints members of government, coordinates and oversees the activities of government members; he/she is responsible for the government's performance before the Georgian president and parliament.

of the new parliament's powers, he submits it to parliament for approval. In addition, the president proposes that parliament should introduce amendments to the annual budgetary law.

The aforementioned articles of the constitution and law confirm that the president has immense powers in the distribution of budget resources. This influence is obvious on parliament, power-wielding ministers, as well as the prime minister. As far as their appointment and dismissal is concerned, the president has supreme powers.

According to the Law on the Budgetary System, the executive government is to take the Georgian president's state priorities into account when working on the state budget drafting. Apart from this, in a situation where the president has great powers, parliament cannot really oppose the proposed bill and cannot demand that additional amendments be introduced. Amendments into the draft annual budgetary law can only be introduced following the president's consent; that is to say, an amended draft should again be proposed to parliament.

In addition, in compliance with the existing sectoral norms, the president maintains influence on the budgetary process underway at the ministry. During both the drafting of the defence budget and its implementation, the president has a right on the basis of a relevant decree, to intervene in the decision-making process concerning organisational issues inside the Defence Ministry, such as the termination of the activities of important financial departments (procurement department) for the purposes of reorganisation or liquidation.<sup>7</sup>

The Georgian defence system in the near future plans to move to the programme financing system, which will ensure: 1) the creation of PPBS effective management structures and transparent decision-making procedures; 2) the drafting of basic programmes for the development of military capabilities, comprising a four-year period of resource distribution. Shifting to the programme budgeting system will significantly improve the effectiveness of funds management at the Defence Ministry and the system of the country's financial management will bring Georgia closer to the established standards in democratic countries.

In 2008, the Defence Ministry published the defence planning, programming and budgeting manual. However, a programmed defence budget has not yet been submitted and integrated in the state budget. According to the Finance Ministry, the state budget will be formulated according to the programmes in the near future. This has already been implemented in five ministries as part of a pilot scheme (the Defence Ministry is not included).

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<sup>7</sup> On the Procurement Department of the Georgian Ministry of Defence – Order No. 156 of the Georgian Defence Minister, 5 May 2005, Tbilisi, [www.mod.gov.ge](http://www.mod.gov.ge).

Several amendments have been introduced each year into Georgia's budget law since 2007. It should be noted that the bulk of amendments were intended to increase the defence budget, which the government attributed to the need to implement speedy reforms in the defence sector. Therefore, only through presidential powers was it possible to initiate, within a limited period of time, an unprecedented increase in the defence budget, without additional debate or detailed discussion and to submit the draft budgetary amendments to parliament for approval.

For example, the 2007 defence budget was defined according to the Law on the Budgetary System as 513.3 million lari. In the spring, budgetary amendments were passed by the parliament and 442.1 million lari was added to the defence budget. Later in the same year, the president proposed another amendment which was passed by parliament giving an additional 315 million lari. This meant that the final defence budget for 2007 was 1.2712 billion lari – the budget had grown by two and a half times during the course of the year.

In July 2008, the government proposed to increase the initial defence budget (1 100 000 GEL) by GEL 295 million, bringing the total 2008 defence spending up to GEL 1.395 billion. The government's decision to increase defence spending was justified with threats posed by the breakaway regions.

Therefore, the increase in defence spending in 2007-08, which took place without detailed parliamentary discussions—also bypassing decision-making, and advance planning and resource management systems at the Defence Ministry—confirms the fact that the president had the final say in this process.

### **Drafting Strategic Documents**

According to the Law on Defence, the president of Georgia submits a draft military doctrine and a draft concept of the building of the armed forces to parliament for approval. The president is authorised to approve the plans of the revival, use and mobilisation of the armed forces, economic mobilisation plans and military-operational plans. He issues orders concerning the conduct of combat operations and the declaration of mobilisation and approves state programmes of weapons and military equipment procurement, as well as the civil defence plan.

According to the Law On the Security Council, the Security Council is the president's advisory body. The Council was established to organise the military's build-up and national defence, the strategic planning of national security and foreign policy, law enforcement, and political decision-making on national security issues.<sup>8</sup>

The Security Council discusses and analyses important strategic issues concerning the defence and security sector. The Security Council, led by the presi-

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<sup>8</sup> Law On National Security Council, 2004.

dent, includes the prime minister, the foreign minister, the defence minister, the security minister and the finance minister, as well as the presidential aide in strategic security issues and the Security Council secretary.

Within the framework of Georgia's cooperation with NATO, the security planning process was institutionalised in 2004 on the basis of the reforms carried out in the defence sector. A law demanding observance of procedural norms during the drafting of strategic political documents was also created. The elaboration of strategic documents takes place in three stages: two major documents assessing the threats and the national security concept are drafted and approved at the initial stage. These two documents act as umbrella documents for the rest. The national military strategy is drafted on the basis of these documents. Such documents were first created in Georgia in 2005-06.

However, it should be noted that these documents were the first attempt to institutionalise the review and planning process of the defence system. They were elaborated in the executive body and the process caught civil society ill-prepared.

This was caused by lack of expertise in the civil sector, as well as by limited access to information concerning the decision-making mechanisms in the defence sector. This rendered the process of working on the documents somewhat ineffective. The procedure proved to be well-elaborated and compatible with the IPAP, although the documents resembled political declarations rather than statements of responsible government policy in agreement with the public.

Strategic documents are being revised in Georgia following the events of 2008. The intraagency commission, which was established on the basis of a presidential decree, oversees the drafting of security policy documents under the supervision of the Security Council (the commission now operates on the basis of a presidential decree dated 30 October 2008). The intraagency commission oversees the discussion of national security issues. According to the law, the president has a decisive role in this process owing to the fact that strategic documents at the Security Council are drafted under his supervision. According to the law, relevant strategic documents are approved by the president of Georgia or parliament.<sup>9</sup>

The threat assessment document, which is a closed document, is drafted at the Security Council and approved through a presidential decree. The president is also empowered to approve the national military strategy drafted by the Defence Ministry.

Georgia's national security concept, which represents the state's vision of safe development and outlines the demands, aims and ways of achieving the demands

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<sup>9</sup> Law on Georgian defence planning, 2006.

in different areas of politics, is approved by parliament and signed by the president.

Apart from the fact that the president has a right to take part in the elaboration of strategic documents and approve them, experience shows that many amendments have been made to the national security documents at his discretion. On the president's initiative, an amendment to shift to a comprehensive defence system was introduced to the security concept in 2006. At the same time, a decision was made to establish the universal reserve system on the president's initiative and it was put into practice without public debate. In each separate instance, parliament approved the proposed amendments without discussing alternative proposals.

### **President's Other Powers – State of War, State of Emergency, Conclusion of Truce**

The Georgian constitution empowers the president to declare a state of war, which parliament should approve within 48 hours. The president can also issue decrees having the force of laws which operate until the lifting of the state of emergency. The decrees are submitted to parliament when it gathers (Article 73). Therefore, after the declaration of the state of war, presidential decrees do not require parliamentary discussions and can be approved in a speedy manner. Presidential powers are also unlimited with regard to the executive government. According to the Law on the State of War, after the declaration of the state of war, the functions of the executive government bodies in the areas of state defence, provision of public order and state security across the whole country are handed over to the president – the commander-in-chief of the Georgian armed forces.

According to Article 100 of the constitution, the president of Georgia makes decisions concerning the use of military forces or, if conditions permit, the conclusion of a truce (Article 73) and within 48 hours submits it to parliament for approval. The president used both these decisions during the Russian-Georgian war in August 2008.

The president used the aforementioned powers twice in 2007-08. After police dispersed protesters in November 2007, he declared a state of emergency. On 8 August 2008, during the Russian-Georgian war, he declared a state of war throughout the country. In both cases the parliament approved the president's demand within constitutional timeframes.

## **International Agreements on the Deployment of Foreign Military Forces and Voluntary Dispatching of Military Servicemen Abroad**

According to the Law on Defence, the president concludes international agreements and treaties in the defence sector. Parliament is authorised to ratify these treaties.

In addition, the Georgian president makes decisions (at the proposal of the ministries of defence and foreign affairs) concerning the voluntary dispatching of separate military servicemen to fulfil peacekeeping missions. The Defence Ministry sends proposals to the president on the structure and number of the peacekeeping forces; equips them with appropriate equipment and other material and technical means. However, according to the acting legislation, without parliament's consent, Georgia's peacekeeping forces cannot be used in operations for the preservation and restoration of international peace and security, or in other peacekeeping activities.

The president makes decisions concerning the deployment, use and movement of the military force of a foreign country for the purposes of defence, and immediately submits such decisions to Georgian parliament.

## **Defence Ministry's Role**

One of the main directions of the reforming of the Georgian defence and security sector is the Defence Ministry's transformation into a civil institution led by a civilian minister, whereby the Chief of the Joint Staff would lead the armed forces and be accountable to the civilian defence minister.

The Law on Defence defines the rights and obligations of the Defence Ministry: the Defence Ministry is a body of the state management of the Georgian armed forces and is responsible for their training and development and the fulfilment of their functions.<sup>10</sup> The minister of defence, who is a civilian-political official, is responsible for the management of the Defence Ministry.

The Joint Staff of the Georgian Armed Forces is a structural subunit of the Georgian Defence Ministry which carries out the operational management of the armed forces.

The function of the Georgian armed forces is defined by the Law on Defence and comprises the defence of the territorial integrity and the fulfilment of international agreements. In compliance with the principles of democratic oversight, the Armed Forces carry out these functions under the supervision of the Defence Ministry.

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<sup>10</sup> Law on Defence.

According to the Law on Defence Planning, the Georgian Defence Ministry drafts the defence planning manual on the basis of Georgia's national military strategy and Georgia's threat assessment document. This document outlines Defence Ministry priorities and measures planned for state defence for a lengthy period of time. The defence planning manual is published by the Georgian minister of defence.

The appropriate structural unit of the Georgian Defence Ministry periodically prepares Core Military Development Programmes for the next few years on the basis of the Defence Planning Textbook. This includes every planned activity aimed at the modernisation of the military, including equipment, training, logistics, and the maintenance and improvement of infrastructure among other things. Co-operation with NATO is another aspect included in the Core Military Development Programmes published by the defence minister.

The final stage of the defence planning process is annual programming. The defence budget is formed based on these documents. However, as stated above, the PPB system has not yet been implemented in the defence sector despite the fact that the legislation and internal regulations are already in force. The introduction of a programming budget for the defence sector depends on the presence of sufficient political will.

## **Conclusion**

The level of transparency in decision-making, its consistency and compatibility with the law and procedures renders legitimacy, sustainability and effectiveness to decisions. The strategic documents that were elaborated in recent years no longer reflect present realities and they are being revised. Visions changed after the war, as did the real distribution and public perception of the threats facing the country. Decision-making in compliance with democratic norms was called into question after the war because there is a risk that the decision-making process will again be halted and there will be a little chance to present it to the public. The government has a forceful argument for stopping this process – restriction of democratic processes under the threat of war as a necessary and tested strategy for ensuring the attainment of security purposes.

Below is a list of problems that are apparent in the decision-making process in the defence sector:

- The process of the reviewing Georgia's security policy is not well-realised yet and there is still a lot to be done. It is of importance to prepare human resources which will be able, with the use of new approaches, to create a conceptual framework of security. Decision-making processes in the West

are based on the critical analysis of capacities and interests, a concept that is practically disregarded in Georgia.

- Traditional real politic approaches prevail in the national security sector. It is important that knowledge of modern approaches expands and democratic organisational culture becomes established in those state institutions responsible for defence and security. This will encourage transparent processes.
- It should be noted that given the traditional understanding of critical security issues and sectors, having significant influence on security is not regarded as a priority and is often paid less attention.
- The role and involvement of civil society in the strategic planning of national strategic documents exists on the formal level and is often superficial. There is practically no demand for incisive analysis. The consistency of the process raises doubts. Widely-shared decisions and public perception over the ownership of decisions are of great importance.
- Factors of organisational culture are important in decision-making. This is a formal area but one that influences the values and motivation of decision-makers.
- The defence and security sectors remain firmly dominated by males. A more equal gender distribution is needed, and not just in terms of sheer numbers. The main aim should be the formulation of a strategy aimed at increased democratisation.

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# DCAF Activities in the Caucasus

## Events

### 2010

- *DCAF-ODIHR-AJL Roundtable on Human Rights in the Armed Forces*  
Roundtable focused on the principles and practices of human rights observance in the OSCE area, with a special focus on status and needs in the Georgian Armed Forces.

### 2009

- *Introductory Course on Security Sector Governance and Oversight* - for Government Officials and Members of the National Assembly of Armenia – Yerevan, October.

### 2008

- *Launch of the DCAF-ODIHR Handbook on Human Rights in the Armed Forces* (English and Russian versions), Tbilisi, May 2008.

### 2007

- *PfP Conference on Defence Policy and Strategy*, Montreux, February.

### 2006

- *Border Security Assessment and Advice Team Mission to Azerbaijan, Baku, June-July 2006*

On behalf of NATO, and funded by MoD Switzerland, the DCAF Border Guard unit supplied a representative to an international team sent to Baku in June-July to analyse the current status of the State Border Service (SBS) and make appropriate recommendations for its improvement.

- *DCAF-UNDP Roundtable for Parliamentarians on Security Sector Oversight, Kiev, June 2006.*

A Turkish MP and UNDP Turkey representative participated in the DCAF-UNDP Bratislava Regional Centre for Europe and Turkey follow-up roundtable for Parliamentarians to compare experiences of establishing oversight mechanisms with parliamentarians from the former Soviet Union.

- *UNDP-DCAF Training, Research and Recommendations on the Role of the Ombuds Institution in Security Sector Oversight*  
In July, in partnership with UNDP Regional Centre for Europe and the CIS, Bratislava, DCAF conducted a fact-finding mission to Georgia on the role of the Ombuds Institution, as well as holding a training seminar for parliamentarians and parliamentary staff on security sector oversight issues in CIS countries.
- The Georgian Public Defender also attended a follow-up conference on the role of Ombuds institutions in security sector oversight in Karlovy Vary in December. The recommendations generated by this process are available in the DCAF-UNDP publication, *Monitoring and Investigating the Security Sector*.

## 2005

- *Partnership Action Plan – Defence Institution Building (PAP-DIB) Regional Conference and Training Course – Tbilisi April 2005* (with NATO IS, Georgian & Swiss Missions to NATO).
- *Joint DCAF-Council of Europe Seminar on Democratic Oversight of the Security Sector*  
Strasbourg, March. Attended by Georgian CSOs.
- *National Security Concept: Assistance and Publication*  
At the request of the Defence and Security Committee of the Georgian Parliament and the National Security Council, DCAF was consulted on the drafting process for Georgia's National Security Policy. DCAF also supported its publication in Georgian and English. The Concept was adopted by the Georgian Parliament on July 8<sup>th</sup> and formally launched on 4<sup>th</sup> October 2005 at the Georgian Parliament.
- *NATO PA Training Event for Parliamentarians*  
In June 2005, using resources provided by DCAF, NATO PA organized a four-day Defence Institution Building Programme for members and staff of the Georgian parliament, representatives from the Ministry of Foreign Affairs, Ministry of Defence, General Staff and the President's Administration of Georgia at their headquarters in Brussels.
- *NATO PA New Parliamentarians Programme*  
Two Georgians participated in this DCAF co-sponsored event in Brussels in July 2005.
- *DCAF-UNDP Roundtable for CIS Parliamentarians on Security Sector Oversight*

Georgian and Armenian parliamentarians, including defence committee members, participated in a roundtable at which the status and needs for improved parliamentary oversight of the security sector in the CIS were discussed at a three-day roundtable. Research on the status of democratic oversight in the Caucasus was also presented. A follow-up publication *Democratising Security in Transition States* was issued.

- *Meeting of the PfP Consortium Security Sector Reform WG* on “Democratic Defence Institution Building in the Former Soviet Union,” Garmisch-Partenkirchen, December.

## 2004

- *DCAF-IPU Handbook on Parliamentary Oversight of the Security Sector – Georgia*

A formal press conference was held at the official launch event at the Parliament in June 2004. 1000 copies were distributed, of which c. 500 went to MPs and parliamentary staffers and the remainder to the media and civil society groups.

- *UNOMIG Policing Standards Mapping Exercise*

At the request of the then SRSG Amb. Heidi Tagliavini, during late 2004 a DCAF team conducted a mapping survey, analysis and needs assessment of contemporary policing standards on behalf of UNOMIG focusing on cooperation in the UNOMIG Area of Responsibility. The report was submitted in December 2004 and cooperation on a number of follow-up programmes with the UN Human Rights Office in Sukhumi and the UNOMIG CivPol management team continued until 2006.

- *58th Rose-Roth Seminar – Azerbaijan*

In November, a DCAF staff member attended the seminar to discuss democratic control issues within regional and NATO DIB (Defence Institution Building) Programme contexts.

- *Workshop on the Armenian language version of the Handbook on “Parliamentary Oversight of the Security Sector,”* Yerevan, June
- *Workshop on the Georgian language version of the Handbook on “Parliamentary Oversight of the Security Sector”*

## 2003

- *Conference “Democratic Control over Armed Forces,”* Tbilisi

With support of the Estonian Ministry of Defence, ISAB organized a Conference. A DCAF member presented a paper on “Civilians in Defence Ministries.”

- *PfP Consortium SSR Working Group Meeting* – “Security Sector Governance in Southern Caucasus.” Joint Meeting with the Regional Stability Group in Southern Caucasus and South Eastern Europe, Reichenau, Austria.

## 2002

- *NATO PA Rose-Roth Seminar* – Georgia (co-sponsored by DCAF)
- *Conference* – “NATO and Democratic Civil Control of Armed Forces” Armenia NATO Office of Information and Press and the Yerevan Press Club.
- *Conference* – “NATO and Democratic Civil Control of Armed Forces” Azerbaijan NATO Office of Information and Press and the Baku Press Club

## Publications

### 2010

- *Pataraiia (Ed.), “Democratic Control over the Georgian Armed Forces since the August 2008 War”*
- *DCAF-ODIHR Handbook on Human Rights in the Military*  
Available in Russian and Georgian.

### 2007

- *PAP-DIB Status and Needs Assessment for the Caucasus and Moldova*  
Publication of Swiss MoD funded DCAF *PAP-DIB Readiness Surveys*, assessing Georgia’s defence reform status and needs within the framework of the Partnership Action Plan – Defence Institution Building programme.  
The study places PAP-DIB reform needs in their national and regional contexts and considers common PAP-DIB relevant reform priorities in the region and recommends which issues NATO partners should prioritise for programming assistance in terms of facilitating institutional policy and planning reforms, civilian participation in defence reforms, building transparency and accountability mechanisms, and integrating improved awareness-raising in reform projects.
- Translation and Publication of the DCAF-Storting-Durham University Handbook on “*Making Intelligence Accountable*” and Occasional Paper No. 4 on *Parliamentary Oversight of Defence Procurement*.

**2006**

- *Reprint of Azeri Version of the DCAF-IPU Handbook*  
The OSCE mission in Baku reprinted – gratis – the Handbook on Parliamentary Oversight for distribution within Azerbaijan.
- *National Security Concept: Assistance and Publication*  
In January, DCAF funded a second reprint of the Georgian National Security Concept (see Projects 2005) due to high domestic and international demand.
- *Monitoring and Investigating the Security Sector* – UNDP, Georgian version.

**2005**

- *Georgian Security Sector Laws* (Security Sector Legal Assistance)  
All extant acts relating to the Security Sector translated and published in English as “The Security Sector Laws of Georgia.”
- *Georgian Security Sector Governance Self-Assessment*  
Completing the research begun in 2002, the findings of CCMRSS’ research were published along with papers by Western experts mapping the current status and prospects of the Georgian Security Sector as “After Shevardnadze: Georgian Security Sector Governance After the Rose Revolution.” A revised and expanded version of the book has also been published as “From Revolution to Reform: Georgia’s Struggle with Democratic Institution Building and Security Sector Reform.” Includes: *Article on Contemporary Georgian Police Reform*, Co-author Dr. Jozsef Boda (Head, UNOMIG CivPol).
- *Azeri version of the DCAF-IPU Handbook – Launch Proceedings*  
Published in August as Jafar Jafarov (ed.), *The Concept of Security Sector Reform and Its Impact on Azerbaijan’s Defence and Security Policy* (Baku: Aypara, 2005).
- *Translation Programme*  
During 2005 translations of DCAF studies on the *Transformation of Police in Central and Eastern Europe*, and the *Intelligence Oversight Handbook* began in Georgian and Azeri. The Transformation of Police study will have a preface written by the Director of the Police Academy Dr. Levan Izoria. The book launch was held in cooperation with the Georgian Parliament and civil society representatives including ALPE.
- *Democratising Security in Transition States*, UNDP, Georgian version.
- *From Revolution to Reform: Georgia’s Struggle with Democratic Institution Building and Security Sector Reform*

- *Defence Institution Building*: Papers presented at the Conference on “2005 Partnership Action Plan on Defence Institutions Building (PAP-DIB) Regional Conference for the Caucasus and Republic of Moldova, held in Tbilisi, 25 April 2005.

## 2004

- *DCAF-IPU Handbook on Parliamentary Oversight of the Security Sector – Georgia*  
Published in March 2004, launched at the Georgian Parliament in May 2004. 1000 copies distributed, of which c. 500 went to MPs and parliamentary staffers and the remainder to the media and civil society groups.
- *DCAF-IPU Handbook on Parliamentary Oversight of the Security Sector – Armenia*  
Published and subsequently launched at the Armenian Parliament in June 2004. 1000 copies distributed, of which c. 500 went to MPs and parliamentary staffers and the remainder to the media and civil society groups.
- *DCAF-IPU Handbook on Parliamentary Oversight of the Security Sector – Azerbaijan*  
Published in May 2004 and launched at the Azeri Parliament in September 2004. 1000 copies distributed, of which c. 500 went to MPs and parliamentary staffers and the remainder to the media and civil society groups.
- *Security Sector Governance in the Southern Caucasus: Challenges and Visions*
- *Collection of Georgian Security Sector Laws (Security Sector Legal Assistance) - Georgia*  
Extant acts collected and translated into English during 2004 for publication.

## 2003

- *Collection of Georgian Security Sector Laws (Security Sector Legal Assistance)*  
Extant acts collected and translated into English during 2003 for publication in 2004.

## 2002

- *Stock-Taking on the Standing of Security Sector Reform in Georgia*  
A DCAF staff member initiated research with CCMRSS in Tbilisi mapping the Georgian security sector.

# Civil Council on Defence and Security

The Civil Council on Defense and Security was founded in 2005. The Council members represent Georgian civil society – NGOs, independent experts, and journalists who have specific experience and expertise in the development of security and defence policies, promotion of democratic control over the armed forces, and close monitoring of defence and security reforms.

The main objectives of the Civil Council on Defence and Security are to:

1. Create a platform for public debate among the civil society, officials from security/defence sector (executive and legislative branches), promote democratic control over the armed forces; monitor implementation of concrete responsibilities undertaken by Georgian government in the NATO-Georgia cooperation framework;
2. Increase the level of participation of civil society in the development of security and defence policy documents, improve the analytical capacity of the Council members in the area of security and defence policy analysis;
3. Widen knowledge and public awareness of the state security and defence policy, principles of democratic control over the armed forces, functioning of transparent and accountable defence management system.

The activities conducted under the auspices of the Civil Council provide an efficient instrument in the hands of civil society to facilitate the accomplishment of the above mentioned tasks and objectives. The engagement in the Council activities gives more independent power to experts/members of CCDS, increase the role of CCDS, and provide CCDS members with an opportunity to influence the defence cooperation agenda during the dialogue with the officials.

The Ministry of Defense and the CCDS signed a memorandum of understanding in 2007, 2008, 2009, which provides a good background for deepening and widening the scope of cooperation between the defence ministry and the civil society organizations.

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The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform and security sector governance. DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and conducts policy-related research to make recommendations to ensure effective democratic governance of the security sector.

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