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Democratic Control of Armed Forces in the OSCE Area: Problems and Challenges¹

The end of the Cold War and the collapse of communism have had enormous repercussions for the armed forces of the OSCE participating States. Old Cold War missions were rendered redundant overnight. Defence budgets and force structures were cut. Military strategies had to be fundamentally rethought and armed forces were asked to take on new peacekeeping and intervention missions. Even in the established democracies of the West, these changes have posed major challenges and created new stresses in relations between the armed forces and society. Against the background of already difficult political and economic transitions, the countries of Central and Eastern Europe have faced the far more demanding task of converting communist militaries into the armed forces of democracies. Furthermore, the successor states of the Soviet Union and Yugoslavia had to create armed forces either from scratch or from the remnants of the Soviet and Yugoslav militaries. In addition, armed forces were important actors in the wars that broke out in Yugoslavia and parts of the former Soviet Union.

These developments have had major implications for civil-military relations - which may be broadly understood as the relationship between the armed forces and the societies which they are a part of - in the OSCE area. One of the core elements of civil-military relations is the relationship of a country's armed forces to domestic politics. Thus a primary concern of academic literature on civil-military relations has been to explore military praetorianism - the phenomenon of military intervention in domestic politics (whether through direct means, such as military coups and the establishment of military governments, more subtle forms of pressure on or oversight of civilian authorities, or in coalition with other authoritarian forces) and military influence over states' foreign and military policies (where it is argued that praetorian militaries may be more prone to pursue aggressive foreign policies and use armed force). From a democratic perspective, military praetorianism contradicts the fundamental principles that the people of a country should choose their government, and that the government should define the policies of the state.

There is less consensus, however, on exactly what constitutes an appropriate normative model of civil-military relations for democracies. The terms "democratic control", "civilian control", "democratic armed forces" and "democra-

¹ The article draws on a research project undertaken with Anthony Forster and Timothy Edmunds on "The Transformation of Civil Military Relations in Comparative Context". This was funded by the programme "One Europe or Several?" of the Economic and Social Research Council (ESRC).

tization of the military" are often used vaguely and interchangeably, with no clear definition of exactly what is being discussed. The most appropriate definition is that in a democracy, armed forces should be under the political control of the legitimate, democratically elected, civilian authorities of the state.² This implies that the military as an institution should not be involved in domestic politics, and should be the apolitical servant of the democratic government and/or president. It also implies that defence policy (in terms of the overall direction of defence policy, the defence budget and the structure of the armed forces) and foreign policy (especially military aspects of foreign policy, such as decisions on the use of force) should be under the control of the elected government and/or president. The core of democratic civil-military relations may thus be understood as *political control of the military by the state's democratically elected authorities*.

Democracy, however, involves more than simply the free and fair election of a political executive and that executive's control of state institutions and policies. Democracy also involves constraints on the power of the state and the political executive (in order to prevent the abuse of that power), parliamentary oversight of the executive and its conduct of public policy, the right to free speech and expression, as well as the opportunity for wider non-governmental, "civil society" discussion of public issues. Thus, it may be argued that democratic civil-military relations also require constraints on the state's or executive's use of the armed forces, parliamentary oversight of the armed forces and defence policy, the right to free discussion on matters relating to the armed forces, and (at least the possibility of) an informed "civil society" debate on such matters. More controversially, some argue that conscript-based armed forces - drawing on the tradition of the "nation in arms" - are more "democratic" than fully professional (i.e., all volunteer) militaries, because the former are more likely to reflect the broad socio-political make-up of society. While there are various arguments for (and against) conscription, it is suggested here that, as long as a country's military is under the control of democratically elected authorities, conscription should not be seen as prerequisite for democratic civil-military relations, and conscript-based armed forces are not necessarily more democratic than professional armies. Against this background, this article examines the challenges of securing and consolidating democratic control of armed forces in the OSCE area.

2 Cf. Andrew Cottey/Timothy Edmunds/Anthony Forster, Democratic Control of Armed Forces in Central and Eastern Europe: A Framework for Understanding Civil-Military Relations in Post-Communist Europe, Working Paper 1/99, ESRC, "One Europe or Several?" Programme (Sussex European Institute), Sussex 1999 (also published as TCMR Paper 1.1, Civil-Military Relations, in: Internet Resource Centre, September 1999, http://civil-military.dsd.kcl.ac.uk/TCMR%20Papers/Theoretical_Framework.htm).

The Western Democracies: Postmodern Militaries?

In Western Europe and North America, the period since 1945 has witnessed the spread and consolidation of democratic control of armed forces. Some countries, notably the United States and the United Kingdom, but also states such as Sweden and Switzerland, had long-standing traditions of democratic, civilian control of armed forces that were not disrupted by the Second World War, and continued into the post-war period. In countries such as France, the Netherlands and Belgium, the re-emergence of democratic control of the military was part of the wider re-establishment of democracy following liberation. The experience of France, where the political instability of the 1944-1958 Fourth Republic and troubled colonial withdrawal from Algeria produced fears of a military coup, however, showed that the consolidation of democratic civil-military relations was not necessarily easy. In Germany and Italy, where the military had been a central pillar of the wartime fascist regimes, the establishment of democratic control of the armed forces was an important part of post-war democratic reconstruction. In Germany, this produced the unique concept of the "citizen in uniform" as a bulwark against a return to militarism or authoritarianism.

In Southern Europe, authoritarianism and military praetorianism continued until the 1970s. The militaries were important pillars of Franco's regime in Spain and the Salazar/Caetano regime in Portugal, and undertook coups in Greece in 1964 and Turkey in 1960 and 1980. In the 1970s, Spain, Portugal and Greece underwent transitions to democracy and these countries have subsequently consolidated democratic political control of their militaries (although not without an attempted coup in Spain in 1981). In the case of Turkey, the military withdrew from government, and democratic elections were re-introduced in the 1980s, but the armed forces continue to have substantial influence over domestic politics (forcing the fall of an Islamist-led government in 1997), as well as foreign and defence policy.³ Nevertheless, by the 1990s, all members of the EU and NATO (with the exception of Turkey) had relatively secure democratic political control of their armed forces. While their specific models of civil-military relations vary significantly - in terms, for example, of conscript or professional armed forces, the respective roles and powers of presidents, governments and legislatures, and the nature of national debates on defence - all the countries of Western Europe and North America have political control of the military by democratically elected authorities, parliamentary oversight of the armed forces and wider "civil society" debates on defence policy.

Recent decades have, however, heralded a number of major social, political, technological and international changes with important implications for civil-military relations and democratic control of armed forces. Charles Moskos

3 Cf. Gareth Jenkins, *Context and Circumstance: The Turkish Military in Politics*, Adelphi Paper 337, Oxford 2001.

and his colleagues argue that the cumulative impact of these developments is fundamentally changing the nature of armed forces, creating what they call "postmodern militaries". The postmodern military is defined by: reduced threats to national territory; the development of smaller, largely professional (i.e., volunteer) armed forces; the adoption of new missions, in particular peacekeeping and humanitarian intervention; a requirement for professional soldiers to develop new roles and skills, for example as statesmen; public indifference towards the military; civilians as a major component of the armed forces; the integration of women and the acceptance of homosexuals within the armed forces; and the acceptance of civilian service as an alternative to military service.⁴

The emergence of postmodern militaries is driven by a number of factors. First, broad social attitudes to issues such as deference to authority, race, gender and sexuality have changed significantly since the 1960s, generating pressure for armed forces to reflect these changes in their own practices. As a consequence, most Western states are currently undergoing difficult debates about the role of women and homosexuals in the military. Some analysts, particularly in the US, also argue that there is a growing gap between the attitudes of the general public and the military towards a wide range of political and social issues. This raises important issues for the future direction of civil-military relations.

Second, military force structures and missions are changing fundamentally. The end of the Cold War has undermined the rationale for large, conscript-based ground forces to defend national territory, and militaries are now asked to undertake new peacekeeping and peace enforcement tasks. The so-called "Revolution in Military Affairs" (RMA) also generates increasingly complex military technologies that may change the nature of warfare. As a consequence, the countries of Western Europe are moving from conscript to volunteer armed forces by reducing the proportion of conscripts and increasing that of volunteers, while also reducing the period of time conscripts serve (how far this trend will proceed remains to be seen). This trend may widen the gap in social attitudes between civilian society and the military. The RMA however may require new skills of the military and weaken the distinction between soldiers and civilians.

New peacekeeping and peace enforcement missions give the military an increasingly important role in shaping the conduct of such operations. Thus, when US Joint Chiefs of Staff Chairman General Colin Powell (currently, as a civilian, Secretary of State in George W. Bush's administration) advanced the so-called "Powell Doctrine" (which argued that the US should only intervene militarily when it could do so with overwhelming force and a clear prospect of victory and limited casualties) and opposed intervention in Bosnia, critics argued that he had over-stepped the boundary of military advice to

4 Cf. Charles Moskos/John Allen Williams/David R. Segal (Eds.), *The Postmodern Military: Armed Forces After the Cold War*, New York/Oxford 2000.

the civilian authorities and was undermining democratic, civilian control of the military. Large, multi-national peace operations, such as those in Cambodia, Somalia, Bosnia and Kosovo, have also created complex new arenas of civil-military interaction, generating new civil-military, but also civil-civil and military-military tensions and disputes between the many actors involved.

In combination, these developments are having a major impact on armed forces, the political dimension of civil-military relations and wider relations between military and society in the West. The fundamental principles of democratic political control of armed forces and military non-intervention in domestic politics appear to be sufficiently well entrenched that these changes are unlikely to threaten democracy in the West. They are, however, likely to continue to raise difficult questions about the appropriate balance between civilian political control and deference to military expertise in peacekeeping and intervention operations, as well as the wider place of armed forces in Western societies.

*Central and Eastern Europe: On the Road to Democratic Civil-Military Relations?*⁵

The transformation of civil-military relations in Central and Eastern Europe has been far more dramatic than in the West. Under the Soviet system - which was imposed on the other Warsaw Pact states and paralleled in Yugoslavia and Albania - the military was subjugated to Communist Party control, all officers were members of the Party, Party cells were established within the military and soldiers received extensive communist political education. At the same time, the armed forces were allowed a high degree of autonomy with regard to the development of most aspects of defence policy, with defence ministries staffed largely by the military and which were themselves effectively subordinate to separate General Staffs. As a consequence, when communism collapsed, there were fears of military intervention in domestic politics, whether in support of communism or in coalition with other authoritarian and nationalist forces. Establishing democratic, civilian control over defence policy and military aspects of foreign policy also appeared likely to be problematic.

During the revolutions of 1989 in Central and Eastern Europe, there was a concern that either these countries' national armed forces or the Soviet military - whether acting alone or with other hard-line forces - might intervene to halt the democratic transition. In the event, once Soviet leader Mikhail Gorbachev decided not to intervene, the Central and Eastern European and Soviet

5 This section draws on Andrew Cottey/Timothy Edmunds/Anthony Forster (Eds.), *Democratic Control of Armed Forces in Central and Eastern Europe: Guarding the Guards*, Basingstoke 2001.

militaries acquiesced to this decision. The new democratic governments in these countries, however, remained wary of their militaries. Thus in the early 1990s, a series of steps were taken to de-politicize armed forces and place them under democratic, civilian control: Formal constitutional arrangements, subordinating the military to the Communist Party, were ended; senior military commanders (particularly those considered loyal to the Communist Party) were dismissed; Party cells in the military and communist political education were abolished; new constitutional and institutional arrangements placed the military under the control of democratically elected civilian authorities; and new legal and institutional constraints were put in place to prevent the involvement of the military as an institution in domestic politics.

Since the early 1990s, a core group of Central and Eastern European states - specifically the Czech Republic, Hungary, Poland and Slovakia in Central Europe, the Baltic states in the north and Bulgaria, Romania and Slovenia in the south - have made substantial progress in consolidating democratic control of armed forces. In these countries, the military has not to any significant degree intervened in domestic politics; connections between the military and former communist parties have been severed; the armed forces are controlled by democratically elected civilian authorities; parliaments provide oversight of both the armed forces and the executive's control of the military; and there is an emerging "civil society" debate on the armed forces and defence. This is not to say that civil-military relations in these countries have been, or are, entirely free of difficulties. In many of these countries, deep political divisions - in particular "Cold Wars" between centre-right parties and former communists - and new but contested political institutions have at times generated disputes between presidents, governments and parliaments over the control of the military and defence policy. In this context, politicians have sometimes attempted to draw the military into politics, in order to gain the perceived advantage of the support of the armed forces. In the most infamous case, in Poland in 1994, attempts by the then President Lech Walesa to gain the support of the military in struggles with his domestic political opponents led NATO governments to issue fairly blunt warnings that democratic, civilian control of the military - and Poland's prospects for membership in the Alliance - were threatened by such developments. Such disputes, however, have been part of the problems of transition, and have generally resulted in further institutional reforms, strengthening civilian, political control of armed forces, and the trend is towards the consolidation of democratic control of the military.

The relative success of this core group of Central and Eastern European states in establishing democratic, civilian control of the military is striking and appears to be explained by four factors. First, it reflects the more general trend of democratization in these countries, and the de-legitimization of alternatives to liberal democracy. Thus, even where these countries have faced very severe economic crises - most notably in Bulgaria and Romania in the mid and late 1990s - there has been no serious threat of or calls for military rule as

a possible road to "national salvation". Second, despite decades of communism, the loyalty of the armed forces to the communist system appears to have been largely skin deep. The experience of subordination to the Communist Party also meant that there was already a tradition of civilian control of the military and relatively little culture of independent military intervention in politics. As Walesa put it in the Polish case, the armed forces were like a radish: red (communist) on the outside, but white (Polish, national) on the inside.⁶ Third, democratic control of the military has been part of the broader goal of integration with the West, embodied in the idea of the "return to Europe", and has become a *de facto* condition for membership in NATO and the EU. More concretely, through the Partnership for Peace (PfP), NATO has provided practical aid and advice to the Central and Eastern European states in reforming civil-military relations. Fourth, the institutional reforms undertaken in the 1990s have formalized democratic, civilian control of the military, built consensus in favour of democratic models of civil-military relations and reduced the vulnerability of civil-military relations to the vagaries of domestic political change.

In contrast, the situation in most of the former Soviet Union and the former Yugoslavia has been more problematic. In the late 1980s, elements within the Soviet high command were amongst the constituencies opposing Gorbachev's reforms. When the Soviet military intervened in the Baltic republics early in 1991, it was unclear whether they were operating on the orders of President Gorbachev, independently in their own right or in coalition with other hard-line forces. The involvement of elements of the Soviet high command in the August 1991 coup against Gorbachev crystallized fears of possible military praetorianism. The failure of the coup and the subsequent break-up of the Soviet Union weakened the position of the military, and made its leaders wary of intervening in domestic politics. As the new Russian state was established in the early 1990s, the link between the armed forces and the Communist Party was broken, and the military was placed under presidential control. Political instability and tensions between President Boris Yeltsin and his communist (and other) opponents, however, led to speculation about the possible emergence of a strongman authoritarian ruler, backed by the military (with General Alexander Lebed often cited as the most likely candidate), a military coup to "restore order" or "save the nation" or a civil war between "communists" and "democrats" with the military divided and fighting on both sides. The October 1993 parliamentary "coup" in Moscow brought these issues to a head, raising fundamental questions about the loyalty and political control of the military. In the event, the military sided with Yeltsin (as arguably the Russian constitution suggested they should) and the "coup" was suppressed. Following these events, Yeltsin consolidated presidential control of the military, but also co-opted the military (and other security and intelligence

6 Cf. Thomas S. Szayna, *The Military in a Postcommunist Poland*, Santa Monica 1991, p. 43.

forces) by allowing them substantial influence over aspects of foreign, defence and, in some cases, domestic policy - a trend that has continued under President Vladimir Putin.

Assessing the extent and problems of democratic control of the military in Russia and the other former Soviet states is problematic. The formal links between the armed forces and the (former) communist regime have largely been broken, the military in these states has been placed under presidential control, the military generally plays no direct role in politics, there are constitutional provisions for parliamentary oversight of defence policy, and there are, to varying degrees, emerging "civil society" debates on defence. In practice, however, the new political systems in most of the former Soviet republics are defined by strong presidential rule, weak parliaments and rather limited constraints on presidential power with civil-military relations in these countries reflecting this reality. In these circumstances, presidential control of the military and continuing powerful informal connections between governing elites and armed forces create the potential for authoritarian abuse of the military. This has been most obvious in Belarus and the Central Asian states, where the military and other security forces have become both instruments of and partners in increasingly authoritarian regimes. More recently, President Putin's efforts to strengthen the Russian state have provoked fears that presidential control of military and security forces could be an important element of a new authoritarianism in Moscow. Similarly in Ukraine, presidential control of military and security forces has been one of the central features of civil-military relations in the newly independent state. In late 2000/early 2001, the "Kuchmagate" scandal - in which President Leonid Kuchma was accused of having ordered the murder of an investigative journalist and more generally abused presidential power - raised fears of growing presidential authoritarianism in Ukraine.

In the former Yugoslavia, political control of armed forces was a central element of the conflicts of the 1990s. As Yugoslavia began to disintegrate in 1990-1991, there were fears of a military coup in Belgrade. The leadership of the Yugoslav People's Army was amongst the key forces advocating military action in an attempt to prevent the break-up of the Yugoslav federation and "protect" the Serbian minorities outside Serbia. In Yugoslavia and Croatia, the armed forces were drawn into the authoritarian, nationalist politics of Slobodan Milošević and Franjo Tuđman. Civilian, executive control of the military was one of the key instruments of power for Milošević and Tuđman, but in both countries the military also remained a semi-autonomous actor with influence of its own. Milošević and Tuđman used various strategies to maintain the loyalty of the military, but also to limit their independence and power (for example, appointing loyalists and removing critics within the senior ranks of the military, but also directing relatively high levels of state resources towards the military, and supporting or turning a blind-eye to military involvement in corrupt political-economies). In Bosnia, the development

of three separate armed forces reflected the ethnic division of the country between Serbs, Croats and Muslim "Bosniaks", but also saw the development of considerable military autonomy (as well as connections between the Bosnian Serb and Bosnian Croat militaries and their Yugoslav and Croatian counterparts). With the fall of the Tadjman and Milošević regimes in 1999 and 2000, establishing democratic, civilian control of the military became one of the many challenges facing the countries of former Yugoslavia - a task made particularly difficult by the autonomy and widespread economic corruption of the armed forces which developed in the 1990s.

In addition to the challenge of de-politicizing the military, the post-communist states have also faced the problem of securing democratic, civilian control over defence policy and military aspects of foreign policy. The communist legacy of relative military autonomy in the development of the armed forces and defence policy has made this task particularly difficult. At the beginning of the 1990s, the one effective lever that governments controlled was the overall level of defence spending and this was generally cut drastically both to reflect the region's new political realities and also as a means of asserting a degree of control over the military. Since the early 1990s, the post-communist states have taken a number of further steps designed to establish democratic, civilian control of defence policy and policy-making. In general, these have included: the formation of governmental structures - national security councils and the like - tasked with overseeing defence policy; the appointment of civilian defence ministers, the civilianization of defence ministries and the subordination of general staffs to defence ministers; the establishment of mechanisms for the financial oversight of defence spending; the strengthening of parliamentary defence committees; support for the development of independent defence and security research institutes; and strategic reviews to determine the direction of defence policies. The core group of Central and Eastern European states noted above have made most progress in successfully implementing these reforms. Even in these countries, however, critics argue that poor political leadership, resistance from the military, weak and ill-informed parliamentary committees, inadequate systems for the planning and control of defence budgets and a lack of civilian defence expertise continue to undermine political control over defence policy, and hinder the modernization of armed forces.

Again, the former Soviet and former Yugoslav republics have generally made much less progress in establishing political control over defence policy. In Russia, Ukraine and the other former Soviet republics, defence policy-making remains very substantially influenced by - if not under the effective control of - the military, with uniformed defence ministers, military-dominated defence ministries, autonomous general staffs, ineffectual parliamentary oversight and only limited political control over defence budgets and force structures. In Yugoslavia and Croatia, the armed forces' role in the conflicts of the 1990s allowed them to develop considerable autonomy with regard to

defence policy. These problems have also extended to decisions on the operational use of armed forces. In particular the Russian military appears to have had significant influence over, and perhaps substantial autonomy regarding, the decisions to launch and conduct operations in the former Soviet Union (for example in Moldova, Georgia and Chechnya).⁷

A Role for the OSCE?

Given the OSCE's role in both promoting democracy and addressing military security problems, it is perhaps surprising that it has not played a more prominent part in addressing civil-military relations and democratic control of armed forces. Neither the 1975 Helsinki Final Act nor the 1990 Charter of Paris for a New Europe made significant reference to civil-military relations or the principle of democratic control of armed forces. While the 1990 Copenhagen Document on the OSCE's human dimension committed participating States to ensuring that armed forces and police are "under the control of, and accountable to, the civil authorities",⁸ it did not go further in defining normative standards for democratic control of armed forces. Recognition that democratic control of armed forces was both an important part of the larger process of democratization in post-communist Europe and a significant dimension of security, however, contributed to the adoption of the OSCE Code of Conduct on Politico-Military Aspects of Security in 1994. The Code of Conduct identifies democratic political control of armed forces (and paramilitary and internal security forces, intelligence services and the police) as "an indispensable element of stability and security", and commits participating States to maintaining such control, providing for legislative approval of defence expenditures and ensuring that their armed forces are politically neutral.⁹ Since then, implementation of the Code of Conduct has been reviewed annually (from 1996 within the framework of the Annual Implementation Assessment Meeting/AIAM of the OSCE Forum for Security Co-operation/FSC, and since 1999 through a separate information exchange on implementation of the Code under FSC auspices). The OSCE has also held two follow-up conferences on the Code in 1997 and 1999, as well as various *ad hoc* seminars on the implementation of the Code (both in general, and as it relates to individual states). Moreover, the OSCE Secretariat's Conflict Pre-

7 Cf. John W.R. Lepingwell, The Russian Military and Security Policy in the "Near Abroad", in: *Survival* 3/1994, pp. 70-92.

8 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 439-465, para. 5.6, p. 442.

9 Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, Chapter IV, Code of Conduct on Politico-Military Aspects of Security, pp. 161-167, paras. 20-33, pp. 164-166.

vention Centre (CPC) has developed a questionnaire on the implementation of the Code as a basis for annual reports.

Despite these developments, the OSCE plays a relatively low-key and limited role with regard to civil-military relations and democratic control of armed forces. Instead, NATO and activities within the Partnership for Peace framework have come to play the leading role in this area. This reflects NATO's primary role as a politico-military security organization, and the desire of many Central and Eastern European states to gain membership in the Alliance (for which democratic, civilian control of armed forces is now a precondition). NATO as an institution, individual NATO members, as well as the NATO Parliamentary Assembly have therefore invested significant resources in supporting Central and Eastern European states in their efforts to establish democratic control of armed forces and defence policy. While NATO is likely to continue to play the leading role in this area, however, the contribution of the OSCE should not be dismissed. The Code of Conduct provides the only widely accepted pan-European set of norms in this area. The annual review of its implementation and *ad hoc* seminars on the Code, further, are useful means of supporting on-going efforts to establish and consolidate democratic control of armed forces in post-communist Europe. The OSCE could also explore other possible activities in this area (for example, the development of the CPC - or alternatively the Office for Democratic Institutions and Human Rights/ODIHR - as repository of information and expertise on democratic control of armed forces, the expansion of OSCE sponsored activities to support the implementation of the Code of Conduct or the use of the OSCE Parliamentary Assembly as a forum for discussing and providing advice on parliamentary oversight of defence). In countries such as Russia, some of the other former Soviet republics and Yugoslavia, where NATO is viewed with antipathy, the OSCE may have a particularly useful role to play in promoting democratic control of armed forces and defence policy.