

**Strengthening Oversight of the Security Sector  
in Georgia: an Agenda**

Erik Sportel and Vasili Tchikoidze, editors

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Strengthening Oversight of the Security Sector in Georgia: an Agenda  
Editors: Erik Sportel and Vasili Tchikoidze

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The Centre for European Security Studies (CESS) is an independent institute for research, consultancy, education and training, based in the Netherlands. Its aim is to promote transparent, accountable and effective governance of the security sector, broadly defined. It seeks to advance democracy and the rule of law, help governments and civil society face their security challenges, and further the civilized and lawful resolution of conflict.

CESS is international, multidisciplinary and collaborative. Its work is part of the European quest for peace and security both within and outside Europe. CESS encourages informed debate, empowers individuals, fosters mutual understanding on military and other security matters, promotes and sustains democratic structures and processes and supports reforms that favour stability and peace.

## Preface

This book is published in the framework of the Georgia Parliamentary Programme (GPP). The programme started in December 2008 and aims to promote good governance and to strengthen democratic control of the security sector in Georgia. Together with its Georgian partner, the Centre for European Integration Studies (CEIS), CESS has been working with key groups of the Georgian Parliament and society in order for these groups to understand what democratic control of the security sector entails and to acquire the necessary skills to exercise effective oversight of defence and security. The GPP consists of workshops and trainings for members of parliament, parliamentary staff, civil servants, NGO representatives and journalists. They deal with subjects like budgetary oversight, defence policy formation and planning, and the various instruments parliament can use to obtain information from the government.

We wanted the book to be an opportunity for Georgian experts to assess the status of democratic oversight of the security sector in their country and to make recommendations for the way forward in Georgia's ongoing reform process. We are most grateful for the contributions of the Georgian experts. Needless to say, the opinions expressed in this book are those of the authors alone.

We are very grateful to a number of people who worked very hard realizing this book. Vasili Tchikoidze has not only been a cornerstone of the Georgia Parliamentary Programme, he has also been an outstanding co-editor. His knowledge of Georgian politics and his subsequent advices have been ever so important for the final outcome. Also Zaal Chavchavadze and Tamaz Tsverava's contribution to the GPP and this publication was of great importance. Furthermore, gratitude goes out to our language editor Vivien Collingwood for her essential contribution in making this book readable. Also, Joke Venema's role in formatting, printing and distributing is very much appreciated.

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Erik Sportel  
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## Introduction

*Erik Sportel*

Since the 2003 Rose Revolution, Georgia has undertaken serious reforms, moving the country towards becoming a democracy and a market economy. Instead of proceeding at a steady pace, Georgia has chosen to take an accelerated path to reform. Since coming to office, the Saakashvili administration has underlined its ambition to bring Georgia into Euro-Atlantic structures. After an energetic start, Georgia ran into difficulties in late 2007 and 2008. During this period, the democratic credentials of the Saakashvili government were put to the test for the first time. The government was faced with massive public demonstrations, to which it responded in a heavy-handed fashion. The security forces attacked protesters, and the government declared a state of emergency, blaming the unrest on Russia. Many domestic and foreign observers feared that Georgia was abandoning the road to democracy. However, the state of emergency was soon lifted, and the government called an early presidential election. International observers judged the election to be largely democratic, despite some irregularities, but opposition forces claimed that the president's results had been boosted by fraud. Mr Saakashvili won an absolute majority in the first round of polling. The subsequent parliamentary elections in the spring of 2008 gave the ruling United National Movement party a landslide victory. With 119 out of 150 seats, the party currently holds a two-thirds majority in parliament. The two major opposition parties (winning 17 and six seats respectively) refused to take their seats in parliament.

At an international level, Georgia eagerly anticipated the April 2008 NATO Summit in Bucharest. At the Summit, however, Georgia was not granted the Membership Action Plan (MAP) status that it had so desired. Instead, NATO expressed its belief that Georgia (and Ukraine) would eventually become members of the Alliance. On the one hand, this was an encouraging message for Georgia; on the other hand, it was also a disappointment, because it represented a setback on the government's ambitious path to Euro-Atlantic integration.

The outbreak of violence between Georgia and Russia in August 2008 was a huge test for Georgia's government. As many experts have suggested, Russia hoped that the war would result in the toppling of President Saakashvili, due to internal discontent or external pressure. In fact, quite the opposite occurred: his internal position was strengthened. The 2010 local elections, which were won by Saakashvili's United National Movement, were a clear signal in this regard. Moreover, the EU and the United States have expressed

their ongoing support for Saakashvili's government and encouraged Georgia to continue its reform process.<sup>1</sup>

The 2010 local elections were also seen as an example of successful democratic consolidation in Georgia. The elections were widely regarded as being free and fair, and the outcomes were not contested. Furthermore, they proved to be the most issue-based elections since Georgia's independence. The 2012 parliamentary elections will be the next test for seeing where Georgia stands in the democratisation process.

A recent study by the Caucasus Research Resource Centre (CRRC)<sup>2</sup> shows that 44% of Georgian citizens surveyed do not think that Georgia is a democracy yet. However, a majority feel that Georgia is on track to become a democracy in the future. After religious institutions, the army, the president and the police are the most trusted institutions in Georgia. Contrastingly, parliament, the courts system, the media and non-governmental organisations (NGOs) come bottom on the list. The low position of the executive government is remarkable.

### **Democratic oversight**

Another remarkable outcome of the study is that only 9% see government accountability as an important feature of democracy.<sup>3</sup> Accountability, inextricably bound up with transparency, forms the foundation of a working system of checks and balances. In a democracy, the government is obliged to show, and people have the right to know, how it does business. Through parliament, the government and all of its executive agencies are accountable to the people. Representatives elected by the people are expected to hold the government to account, for both its actions and its expenditures.<sup>4</sup>

Georgia's parliament has already become a more active, powerful and relevant body than it was before the Rose Revolution. Since then, many changes have been made to the legislative framework, enabling parliament to play a more powerful role in overseeing the executive. However, the oversight it exercises over the executive still needs to be improved. Georgia still lacks a system of checks and balances that is internalised in institutions and in the

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<sup>1</sup> Jos Boonstra and Neil Melvin, "Challenging the South Caucasus security deficit," *FRIDE Working Paper*, no. 108 (April 2011), p. 9.

<sup>2</sup> The results were taken from the presentation on "Georgian Model as seen by the Georgians" by Mr Hans Gutbrod, Regional Director of the Caucasus Research Resource Centre (CRRC) at the seminar on "Perceptions about Georgia: Leading or Losing the Struggle for Democracy" at the Clingendael Institute in The Hague on 10 May 2011. The presentation was based on a wide variety of surveys conducted by the CRRC. These surveys can be found at <http://www.crrccenters.org/caucasusbarometer>.

<sup>3</sup> Gutbrod, "Georgian Model."

<sup>4</sup> David Greenwood and Sander Huisman (eds.), *Transparency and Accountability of Police Forces, Security Services and Intelligence Agencies* (Sofia: George C. Marshall Association, 2004), p. 11.



mentality of the people. Too often, criticism, disagreement or debate have been interpreted in a 'if you are not with us, you are against us' fashion. A parliament that is dominated by the ruling party with more than two-thirds of the seats runs the risk of becoming too close to the executive, and ultimately of taking over its role in some cases. The fact that two out of three of the opposition parties that gained seats in the 2008 elections chose not to take their places in parliament is unhelpful in this respect. In a democracy, parliament is the place to exchange views and challenge the government's actions and inactions. By their boycott, these opposition parties also decided not to represent the voice of their voters in a democratic system, even though it is a developing one.

Moreover, in the field of defence and security, parliamentary oversight has been neither critical nor effective so far. There are several reasons for this. First, it is never easy for parliamentarians to get a strong grip on defence and security policy, and in Georgia, they have only recently begun learning how to do this. Second, the same is true for government officials, who are increasingly being confronted by incentives to work in an accountable and transparent fashion. Third, the country has an ambitious government with a comfortable majority in parliament. While the president and his ministers are committed to democracy, they want to get on with their job without much interference from parliament, and most Members of Parliament (MPs) have so far been happy to comply. Fourth, people tend to rally around their government when their country faces serious security threats. This is the case in Georgia, and it does not encourage parliamentarians to take a critical stance on security matters.

In the process of democratic oversight of the security sector, parliament plays a very important role, but there are more actors who should be involved in this. The political leaders of the executive branch control the security sector, and their own power is limited by parliamentary oversight and an independent judiciary. However, they are also monitored by people and organisations beyond the state. In a democracy, a free and informed media, strong and independent civil society organisations and an educated and interested public keep a watchful eye on the security sector and its political masters. This public scrutiny limits the freedom of the politicians to run the security sector as they see fit. Persistent allegations of abuse of power, including corruption, can destroy political and civil-service careers, even if they are not proven. At the same time, a free media and an informed civil society can provide support and legitimacy to the security sector.

### **Constitutional reforms**

On 15 October 2010, parliament voted in favour of several amendments to the constitution. The changes will redistribute the power between the president, the prime minister and parliament. Under the new model, most of the presidential powers will be transferred to the prime minister; the president, however, will still

retain some powers and will remain elected by popular vote. Supporters of the amendment say it will effectively prevent a possible concentration of power in the hands of a single person. Its critics, however, fear a so-called 'Putin scenario.' They suspect that the proposed shifting of competencies between the president and the prime minister is meant to enable President Saakashvili to switch to the post of prime minister and thus hold on to power after his second and final term ends in 2013.

Under the new constitution, parliament's powers seem to have increased. The most powerful office under the new constitution, which is that of the prime minister, will be selected by the largest party in parliament. Furthermore, after the prime minister has selected his cabinet, parliament needs to approve it. On the other hand, parliament's role with regard to budgetary issues is limited under the new constitution. Currently, parliament can monitor government spending directly, and in the case of inappropriate usage, it can demand a suspension of this spending. However, the amended constitution deprives parliament of this right. Instead, it will only have the right to monitor budgetary spending through the Chamber of Control.<sup>5</sup> It remains to be seen what kind of impact the constitutional changes will have on Georgia's democratisation process.

Another constitutional amendment is the relocation of parliament from the capital, Tbilisi, to the country's second largest city, Kutaisi. This upcoming radical change was passed by parliament on 1 July 2011. After the parliamentary elections of 2012, the then elected parliament will conduct its work approximately 200 kilometres from where the government is based. There are a few other examples worldwide in which parliament and the executive are in separate locations (South Africa, for example; and more noteworthy, the European Parliament (EP) and the EU executive bodies when the EP moves to Strasbourg), but the extent to which this contributes to the oversight function of parliament is doubtful. The most salient aspect of the relocation of parliament is that the proposal was made by MPs. It was motivated by a desire to engage the western part of Georgia more in the political process, and to contribute to the region's economic development. However, if this is such an important issue for the majority of parliament, would it not have been better to urge the government to deal with this? Again, time will tell whether this change will have a positive influence on Georgia's democratic reform process.

### **Strengthening oversight of the security sector: an agenda**

This book aims to analyse the current state of oversight of the security sector in Georgia and to make recommendations for the way forward. It does so by

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<sup>5</sup> "Key Points of Newly Adopted Constitution," Civil.ge, 15 October 2010 [on-line]; available from <http://civil.ge/eng/article.php?id=22757>; Internet; accessed 30 July 2011.

looking at important actors involved in oversight, such as parliament (chapters 1 and 2), the court of audit (chapter 3), the media and civil society (chapter 4), and by looking at specific examples: the role of parliament with regard to the August War (chapter 5) and Georgia-Russia relations (chapter 6). The authors who contributed to this book are experts from both within and beyond parliament. Moreover, the preliminary conclusions of the book were assessed and discussed with a delegation of MPs and staff members at a seminar at the Netherlands Ministry of Foreign Affairs in The Hague. The final outcome is this book by Georgians, for Georgians.



# Chapter 1. Security Sector Reform in Georgia: Progress and Prospects

*David Chochua*

## **Introduction**

Since the Rose Revolution of 2003, the government of Georgia has been pursuing an ambitious package of reforms. These address a wide variety of sectors, ranging from strengthening party institutions to enhancing opposition participation in governance and expanding media freedom.

It is fair to say that when reviewing the whole trajectory of Georgia's reforms, one is immediately struck by the degree of continuity. This was confirmed, *inter alia*, by the new wave of reforms that were launched directly after the Russian invasion of Georgia in August 2008. That the repeated efforts to augment Georgia's democratic institutions do not constitute a showcase intended for international consumption, but rather a shared, ever-present commitment on the part of the government and the governed, adds markedly to the credibility and viability of the reforms. After all, democracy is an unending endeavour, not a one-off remedy for political and social ailments.

This chapter does not intend to cover the whole gamut of reforms undertaken since November 2003, nor does it attempt to judge their aggregate merits or propose further improvements. Instead, the chapter will focus on the reforms undertaken in the security sector, with a special emphasis on the pivotal role played by oversight. The field of defence and security is particularly important, because Georgia has inherited a number of grave challenges from her Soviet past: from frozen conflicts with a tendency to flare up time and again, to an increasingly aggressive Russian Federation that is opposed to the western orientation of her erstwhile satellites, and the outdated, undemocratic institutions and practices of the Soviet bureaucratic machinery. It has taken Georgia more than two decades to construct democratic institutions based upon the principles of transparency, accountability and democratic oversight, and the process is still ongoing.

Undoubtedly, the system of checks and balances – which forms one of the pillars of every democratic state – will not last long in the absence of sufficient oversight over security structures. Owing to the peculiar nature of security agencies, Georgia's European Union (EU) and North Atlantic Treaty Organisation (NATO) partners play an essential role in sharing experience and providing other forms of assistance, so that practices that have withstood the test of time in mature democracies can be introduced in Georgia.

Indeed, Georgia's aspiration to become part of European and Euro-Atlantic structures necessitates the comprehensive reform of many sectors, with

the aim of strengthening democratic institutions. In particular, reforming the defence sector is a precondition for joining NATO. Throughout the whole process of cooperation with the Alliance since 2004 – in the framework of the Individual Partnership Action Plan (IPAP) from 2004, the Intensified Dialogue (ID) from 2006, and the Annual National Programme (ANP) from 2008 – reforms in the defence and security sphere have been given due attention. Defence and Military Issues (Chapter II) and Security Issues (Chapter IV) constitute two of the five chapters of the Annual National Programme, the others being Political and Economic Issues (Chapter I), Resource Issues (Chapter III), and Legal Issues (Chapter V).<sup>6</sup>

### **Reforming the Ministry of Internal Affairs**

The merger between the Ministry of Internal Affairs (MIA) and the Ministry of State Security in 2005 represented the first major phase of reform. This allowed the government to successfully deal with the duplication of resources and the bureaucratic turf wars that had hitherto dominated relations between the two ministries. A more rational use of resources and a clear functional division between the different services significantly improved the performance of the MIA.

We should highlight several of the many comprehensive reforms for the purposes of the chapter. The establishment of the Patrol Police, which replaced the utterly corrupt and ineffective road inspection service (GAI), has proved a lasting success, repeatedly ranking high in terms of popular trust. The increased transparency of the MIA's activities, coupled with easier public access to information, has added to its positive image. In 2005, the introduction of a new policy unit, the Neighbourhood Police, created an essential link between the police and society. The new unit is more effective in preventing crime, especially juvenile crime. It goes without saying that the success of every law enforcement structure, and hence the level of security in a given state, ultimately depends upon the readiness of the public to cooperate with the authorities.

Another important dimension is the protection of human rights. Progress in this field is reflected in the establishment of the Human Rights Protection and Monitoring Division in 2005, which regularly checks the records and health of suspects placed in temporary detention cells. Since then, there have been no reported cases of the mistreatment of prisoners in temporary detention cells, which had been notorious places of torture for decades.

The establishment of direct communication between the opposition and the MIA is particularly important, as it denotes a very positive trend towards

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<sup>6</sup> Ministry of Defence of Georgia, *Annual National Programme* [on-line]; available from <http://mod.gov.ge/?page=-10&ld=53&lang=1>; Internet; accessed 17 June 2011.

increased public oversight. The agreement, reached at the National Security Council (NSC) meeting of 6 August 2009, provides for cooperation in the investigation of alleged cases of violence related to political rallies. As a result of the agreement, representatives of parliamentary and non-parliamentary opposition parties had a special meeting with the Interior Minister on 12 August 2009. Since then, several meetings have been held, and meetings will periodically take place in the future upon the request of political parties. Contact persons were designated from both sides, and an emergency hotline was set up to maintain the cooperation.

The reforms carried out at the MIA have translated into rapidly rising levels of public trust. According to a survey conducted in September and October 2010 by the International Republican Institute, Baltic Surveys Ltd., the Gallup Organisation and the Institute of Polling and Marketing, the public rated the police as an institution very highly, with 84% of the population holding a favourable view of the police, and just 10% holding an unfavourable view. This should be compared with the indicators for June 2004, which stood at 49% and 40% respectively.<sup>7</sup>

### **Defence sector reforms**

As was the case with the MIA, manifold reforms have also been undertaken in the defence sector. Owing to its overall importance, we should begin with the National Security Review (NSR) process, one of the objectives of which is to establish open, inclusive and transparent security policy planning.

The new cycles of the NSR review were launched by the government in 2009, against the background of the radically changed security environment in Georgia, as a result of the Russian invasion and continued occupation. In short, the NSR is a critical process that aims to strengthen Georgia's security system. Given that the government considers the NSR to be the main tool for institutionalising the country's security policy planning process, it is hard to underestimate the importance of adequate oversight in this area.

This belief appears to be a general one, as the government is striving to ensure that every decision regarding the security policy planning process is communicated to all relevant actors, including parliament, non-governmental organisations (NGOs), the general public, and partner states. The said process also includes engaging the Office of the NSC, the legislature, NGOs, and think tanks working in the security field in the consultation process, in order to elaborate strategic NSR documents.

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<sup>7</sup> Survey of Georgia carried out between 27 September and 7 October 2010 by the International Republican Institute, Baltic Surveys Ltd., the Gallup Organisation and the Institute of Polling and Marketing, with funding from the United States Agency for International Development.

Following the first meeting with think tanks working in the security field on 17 September 2009, on 20 November 2009, the Threat Assessment and National Security Concept, as well as the whole NSR process, was discussed with opposition parties at an NSC meeting. On 12 April 2010, consultations took place with the parliamentary Trust Group, which comprises representatives of both the ruling party and the opposition.

It is no exaggeration to say that the *modus operandi* of the NSR sets a very promising precedent for mutually beneficial collaboration among all major stakeholders, for the security and stability of the country. Holding an informed debate on crucial issues relating to statehood, with the participation of all relevant actors, not only adds to the expertise involved and thereby guarantees sound agreements, but also facilitates the development of mature political processes in Georgia, in which the ruling party and the opposition set aside partisan rivalries in the pursuit of an overarching, common goal. Furthermore, increasingly constructive participation by the opposition bolsters mainstream political processes.

### **Intelligence sector reforms**

The reform process has also touched upon Georgia's intelligence sector. In this regard, two laws entered into force in April 2010: the Law on Intelligence Activity and the Law on the Intelligence Service.<sup>8</sup>

The Law on Intelligence Activity lays out in detail the composition, principles, objectives and means of Georgia's intelligence system, and establishes the Georgian Intelligence Service as the main body in this system. The Law on the Intelligence Service determines the structure of the Service, its functions and range of competences. According to the Law, the Intelligence Service is accountable to the president and the NSC of Georgia, while parliamentary oversight is exercised via the Defence and Security Committee of the Parliament of Georgia. Control over the Service's secret activities, its special programmes and the state funds allocated for this purpose is exercised in accordance with the Law on the Trust Group.

The adoption of these laws was necessitated by the simple fact that the previous Law on Intelligence Activity, which had been adopted in 1999, no longer reflected the reality of the situation. Therefore, the new laws were elaborated with the aim of increasing the efficiency of the intelligence system, and improving the coordination of its units and its overall management. Both laws are in line with EU directives, as well as with the requirements of the harmonisation of Georgian legislation with EU law.

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<sup>8</sup> Available (in Georgian) from the website of the Georgian Intelligence Service, <http://www.gis.gov.ge>.



### **Other reforms and measures to enhance oversight**

As part of the 'second wave' of reforms, the president and the ruling majority introduced several major proposals to strengthen the opposition, which included giving the latter an enhanced role in exercising oversight over the security sector. Empowering the opposition to participate actively in the formulation of a country's security and defence policies is a prerequisite for sustainable democratic progress, and provides for more inclusiveness and wider debates on vital issues. It should be noted here that the Georgian parliamentary opposition repeatedly proved to be a proactive actor in this field.<sup>9</sup>

*Opposition participation in the work of the NSC:* in his address to parliament in July 2009, the president proposed that the format of the NSC be extended. The new, extended format of the NSC enables the opposition to participate in its work and aims to facilitate a wider debate on national security issues. In addition, it encourages the opposition to be part of decisions concerning Georgia's security and foreign policy. The first meeting of the reformed NSC took place on 6 August 2009, and was attended by a broad spectrum of political forces, including representatives of seven parliamentary and four non-parliamentary parties. Several meetings have taken place since then.

*Increased opposition participation in elaborating fundamental security documents:* in terms of increased transparency and accountability on the part of the government, one can also note the elaboration of the new National Security Concept. Parliament has participated in this process from an early stage (since February 2011). As it is a fundamental document that addresses the main challenges and threats faced by Georgia, both parliamentary and non-parliamentary political forces were invited to take part in the deliberations on the National Security Concept. The fact that the opposition has been very active in this process since the very first consultative meeting with the chairman of parliament, and continues to table proposals regarding the further refinement of the concept, appears to be a very positive development. 'From the beginning the Concept will be agreed with the political forces represented in the Parliament and also all interested political parties will have the opportunity to become involved in the elaboration of the National Security Concept from the

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<sup>9</sup> For example, on 31 May 2011, parliament unanimously adopted in the third hearing the Freedom Charter initiated by MP Gia Tortladze, chairman of the Powerful Georgia faction. The Freedom Charter brings together the Law on Lustration and the so-called Patriot Act. The law regulates issues related to state borders, monitoring of strategic assets and cargo, information regarding financial operations and bank transactions with the purpose of terrorism financing, issues related to establishment of a state commission on registration and voluntary acknowledgement of secret employees of the former special services of the Soviet Union, and other issues.

start,' David Bakradze, the chairman of parliament, has noted. 'This is an important and a very good tradition that we are establishing.'<sup>10</sup>

*Temporary Parliamentary Commission on Military Aggression and Other Acts of Russia against the Territorial Integrity of Georgia and the government's response:* the commission, which was established as a joint initiative by the parliamentary majority and minority factions, has closely studied the events of August 2008 and provided the public with detailed information on the steps taken by the Georgian government to avert, and subsequently respond to, the Russian invasion.

With regard to transparency and oversight, both the composition and the working method of the commission deserve particular attention. In terms of composition, the commission was made up of an equal number of parliamentary majority and minority members, and was chaired by an opposition MP. In terms of *modus operandi*, its proceedings were open to the media and general public, with live TV broadcasts of all its sessions. In the interest of transparency, journalists were also able to attend all hearings and full transcripts were placed on parliament's website.

The right to summon any government official to testify as a witness was probably the most significant feature of the commission, and undoubtedly a step forward in the development of a mature political system in Georgia. All in all, the commission conducted over 50 hours of hearings, with testimonies from more than 22 high-ranking officials, including the president; the chairman of parliament; the ministers of defence, foreign affairs, and the interior; the chief of the armed forces; the secretary of the NSC; and the head of the Foreign Intelligence Service. It should be underlined that the president had not been obliged to testify either by law or by the rules and regulations of the commission. The commission produced a 200-page report that analysed the circumstances surrounding the Russian aggression in August 2008.

*Increasing opposition participation in civilian control of defence and security:* the number of opposition representatives in the Trust Group has increased. Currently, the Trust Group consists of five MPs and is headed by the chairman of the Committee on Defence and Security. The other four members of the group are represented as follows: one MP from the majority party; one MP nominated by MPs, elected through the single mandate system; and two MPs selected either from a parliamentary minority or a non-majority faction.

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<sup>10</sup> "First Working Meeting of Parliamentary Chairman David Bakradze with representatives of parliamentary majority and minority regarding the National Security Concept of Georgia," official website of the Parliament of Georgia, 15 February 2011 [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=1135&info\\_id=30666](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1135&info_id=30666); Internet; accessed 17 June 2011.

The Trust Group constitutes a parliamentary body that supervises defence procurement and has access to all defence-related information, including classified documents and the use of state funds. Established under the premises of the Committee on Defence and Security, the group discusses the part of the draft state budget that concerns state secrets, its objective being to control specific programmes and budget expenditures related to the secret activities of executive bodies. The group conducts oversight via regular reports by and hearings involving the respective agencies, and controls budgetary expenditures. The group's powers include the ability to call upon parliament to set up *ad hoc* investigative commissions.

*Increased role of the opposition in ad hoc investigative commissions:* the Parliament of Georgia has the power to set up *ad hoc* investigative commissions. Their competences include, among others, examining illegal activities conducted by state bodies or officials that threaten the sovereignty and territorial integrity of the state and its political, economic and other interests; investigating cases of misappropriation of state and local budgets, and of corruption; and examining information deemed of particular significance to the state and to the public. It is noteworthy that individual factions and the parliamentary opposition have been granted the right to nominate the chairs of *ad hoc* investigative commissions.

The reforms outlined above constitute just a fraction of the package of democratic reforms introduced in the wake of the August 2008 war. As has been repeatedly reiterated by high-ranking Georgian officials in many international fora, democracy is the most potent weapon in Georgia's arsenal. While much remains to be done, the reforms that have already been implemented address not only the field of security and defence, but also virtually all sectors of the state.

### **Conclusion and recommendations**

The reforms that have been undertaken in Georgia's security sector have been manifold and implemented vigorously. This does not mean, however, that existing achievements could or should be used to stall the reform process. Bringing the security sector up to the standards of leading democracies remains an uphill, though not unmanageable, task, especially considering the fact that the newly independent Georgia had a very unfavourable starting position, coupled with the virtual absence of relevant experience and expertise. As one author has aptly summarised the situation: '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.<sup>11</sup>

If an unbiased onlooker were to juxtapose the Georgian security sector of 1991 with that of 2011, the differences would be clearly evident. The number and range of reforms undertaken demonstrates, on the one hand, that the Georgian government seems to understand that democracy is a perpetual, living process, which requires constant monitoring and timely adjustment if mishaps do occur. On the other hand, it reveals the scale of the work still to be done. As is amply confirmed by the historical evidence, the construction of a viable democratic state requires the incessant implementation of extensive and comprehensive democratic reforms.

In particular, we should underline that reforms to the security sector, like all major domestic processes in a given country, are never implemented in isolation, but are also influenced by events that take place beyond state borders. Located in a volatile region and bordering an aggressive, and – what is worse – unpredictable, neighbour, at times, the government of Georgia faces an uphill battle to put in place mechanisms that can adequately address contingencies. This was especially true with regard to the unpreparedness of the 2005 National Security Concept for the 2008 Russo-Georgian War. Had it been prepared by a small circle of insiders, the fallacies could have been fairly attributed to problems of ‘groupthink’ and similar shortcomings; but the Concept was a product of general consensus, with active involvement on the part of the opposition, academics, NGOs, and independent experts, at various stages of its elaboration. This experience should serve as a reminder that even fundamental documents need cardinal amendments, sometimes swift ones.

The good practice of holding wide public discussions on fundamental documents, such as draft National Security Concepts, should be encouraged. Its value goes beyond simply increasing the government’s accountability to the governed; such an approach has significant potential to stimulate out-of-the-box thinking, making the final product sounder. And finally, in a state where the concept of ‘total defence’ is one of the pillars of national security, the more citizens know about their duties during contingencies, the easier it will be to activate response mechanisms.

Proactive participation by parliament in security-related reforms is of paramount importance, and should be further encouraged. No mature democracy has ever been built in the absence of a vigorous and vigilant legislature that can exercise its mandate of oversight over the executive. Cooperation and the seeking of compromise between the parliamentary majority and the opposition with regard to vital issues are essential. The Freedom Charter has set a good precedent for cross-party collaboration. All in

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<sup>11</sup> Tamara Pataraiia (ed.), *Democratic Control over the Georgian Armed Forces since the August 2008 War* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2010), 1.

all, the risk of possible societal backlash will be minimised by the presence of prior general consensus.

Cooperation with international partners also contributes markedly to the overall strengthening of democratic governance in Georgia. By fulfilling its commitments to NATO and the EU, not only does Georgia reinforce its own democratic institutions, but it also increases its ability to contribute to upholding international security.

Last but not least, the present momentum of vigorous reform should not be lost, as sustainability is the key word in democracy-building. Georgia should continue to capitalise upon the precedent of effective collaboration between the government, the opposition, the NGO community and the public at large, as currently evidenced in the process of many reforms in the field of security. The ancient question, *Quis custodiet ipsos custodes?*, remains as relevant today as ever.



## Chapter 2. Parliament and Security Sector Reform

*Manana Begiashvili*

### **Introduction**

In 1991, following the declaration of independence, the Georgian nation embarked on the process of establishing a free and democratic state. In the years that followed, the country was ripped apart by externally-inspired internal separatist conflicts, as well as by political and economic instability. Separatist movements led to armed conflicts, which resulted in the *de facto* separation of Abkhazia and the former Autonomous District of South Ossetia, and the Georgian authorities' loss of control over these territories. Rampant corruption, the growth of organised crime and smuggling, and the criminalisation of the government and law enforcement bodies plunged the country into a deep political crisis. Growing discontent with this situation led to the Rose Revolution of 2003.

After the dissolution of the Soviet Union, Georgia began making substantial reforms to its legal system. These reforms covered all spheres and sectors, including that of security. Indeed, considering the harsh environment that Georgia faced during those years, security sector reform became vitally important for the fledgling Georgian democratic state. The process of forming a suitable legislative basis proved to be challenging, especially in the absence of relevant traditions and expertise. Intensive and effective parliamentary involvement was thus required in the process of drafting security policy-related documents. Although the preliminary contours of Georgia's security sector were mapped out in 1995, it took another eight years and the Rose Revolution for substantial reforms to be developed.

In order to achieve the goal of joining the North Atlantic Treaty Organisation (NATO), democratic values in the country need to be strengthened and democratic reforms advanced, particularly in the defence sector. On 29 October 2004, NATO approved Georgia's Individual Partnership Action Plan (IPAP). In order to strengthen the process of Georgia's integration in NATO, since 21 September 2006, the Alliance has been cooperating with Georgia under the Intensified Dialogue on Membership Issues framework. NATO membership entails implementing complex reforms in fields relating to politics, defence, security and the economy, among others. Georgia has embarked on a comprehensive reform process aimed at establishing democratic governance and the rule of law. The Russian aggression perpetrated against Georgia in August 2008 did not hinder the process of Georgia's integration in NATO. In 2008, the Alliance designed a new format – the Annual National Programme (ANP) for Georgia – with the aim of preparing the country for eventual membership.

Cooperation within the ANP framework covers five key areas: political and economic issues, defence and military issues, security and legal issues.<sup>12</sup>

European Union (EU) integration is another priority for Georgia. The Partnership and Cooperation Agreement (PCA) between Georgia and the EU was signed in 1996, and entered into force in 1999. The objectives of the partnership within the PCA include strengthening political dialogue, the market economy, democracy, trade and investment, and developing harmonious economic relations, providing a basis for legislative, economic, social, financial, scientific, technological and cultural cooperation. In 2006, the European Neighbourhood Policy (ENP) Action Plan for Georgia was adopted. In July 2010, negotiations on the Association Agreement between Georgia and the EU officially opened. The forthcoming Association Agreement between Georgia and the EU will replace the PCA, and provides for the strengthening of relations between Georgia and the EU in priority areas. The Association Agreement also covers the creation of a deep and comprehensive free trade area between Georgia and the EU.<sup>13</sup>

In order to achieve its Euro-Atlantic aspirations, Georgia will have to undertake serious reforms. Particularly with regard to NATO, the reform of the security sector is of vital importance. As the understanding of the security sector has broadened, reform of the sector now covers a wider range of issues and constitutes a complex undertaking. Moreover, achieving successful reform has important implications for Georgia's future security and prosperity. A number of institutional reforms are currently underway.

This chapter considers the legislative base of the security sector and parliament's constitutional prerogatives with regard to the sector. The chapter is divided into two parts. The first surveys the main legislative base of security sector and describes the reforms that have been undertaken. The second part discusses parliament's constitutional prerogatives with regard to the security sector and the functioning of the Parliamentary Committee on Defence and Security.

### **The formation of a legislative base for the security sector and the development of security policy**

In 1995, Georgia adopted a new constitution, based on the principle of the separation of power between the executive, legislative and judiciary branches of government. The role of parliament, as the supreme representative body, is to create the legislative base for the security sector, determine major directions for

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<sup>12</sup> Further information on Georgia and NATO is available from <http://www.mfa.ge>.

<sup>13</sup> Further information on Georgia and the EU is available from [http://www.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=464&info\\_id=12551](http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=464&info_id=12551).



domestic and foreign policy, and to exercise oversight over the government's activities.<sup>14</sup>

In the period between Georgia's declaration of independence in 1991 and the Rose Revolution of 2003, the security sector comprised numerous military agencies, with little civilian legal oversight and an absence of strategic security policy documents. The lack of a democratic tradition of governance and mechanisms of checks and balances led to an increase in corruption. During those years, corruption became large-scale and endangered the country's security by draining its resources and undermining public confidence in democratic values and institutions, consequently hindering the economic development of the country. Security sector reform therefore became vitally important for the Georgian State.

Since then, numerous laws and legislative amendments have been adopted that are directly linked to security sector reform. According to these, the National Guard has been subordinated to the Ministry of Defence (MoD) and its mission has been defined as supporting and non-combative. The interior troops have been absorbed into the MoD. The Border Guards have been transformed from a militarised structure into a police-type agency called the Border Police. Under periods of martial law, the armed forces assume command of the Border Police. The state intelligence services have also been rationalised, and the Ministry of State Security has been absorbed by the Ministry of Internal Affairs and has been given agency status. The MoD has been transformed into a civilian agency, headed by a civilian minister. The Law on Defence has separated the functions of the civilian office of the MoD and those of the Joint Headquarters of the Armed Forces. The reforms also affected the Navy, with Navy assets and personnel being integrated into the Coastguard.<sup>15</sup>

The Parliamentary Committee on Defence and Security has initiated a wide range of laws, such as those on the Military Police, the Military Reserve System, and Defence Planning. Specifically, the Law on Defence Planning defines those legislative acts that are to be used in the defence planning process. These acts are divided into two categories: those belonging to the strategic and institutional levels. Strategic-level legislative acts are approved by presidential decree or by the legislative body. They include the National Security Concept of Georgia, the Threat Assessment Document and the National Military Strategy. Institutional legislative acts include the Defence Planning, Programming, and Budgeting System (PPBS) manual, military development programmes, the Annual Vision put forward by the Minister of Defence, annual programmes, and operational plans. According to this law,

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<sup>14</sup> Parliament of Georgia, *Constitution of Georgia*, Chapter III, Article 48 [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=68](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=68); Internet; accessed 20 June 2011.

<sup>15</sup> International Security Advisory Board (ISAB), *Final Report (2006)* [on-line]; available from <http://www.mod.gov.ge/?page=-10&Id=13&lang=1>; Internet; accessed 20 June 2011.

parliamentary control over defence planning falls under the competence of the Defence and Security Committee.<sup>16</sup> Consequently, upon the request of the committee, MoD officials are obliged to attend the committee sittings and must submit the relevant documents, conclusions and other necessary material requested by the committee on time.

### **Georgia's National Security Concept**

In 2005, for the first time since the country's independence, the Georgian parliament approved the National Security Concept prepared by the National Security Council of Georgia. The National Security Concept defines the security sector in broad terms. The document outlines Georgia's fundamental national values, interests, threats, risks and challenges, and provides the major directions for Georgia's national security policy, as well as its foreign, social and economic policy priorities. The National Security Concept outlines challenges and threats to the country's national security, such as violation of its territorial integrity, smuggling, terrorism, corruption, ineffective governance, and economic and social challenges. The document defines the major directions of national security policy aimed at protecting fundamental national values and reducing threats. These include strengthening democratic and governmental institutions and defence capabilities, and enhancing Georgia's Euro-Atlantic integration. The National Security Concept should serve as the basis for all strategies and plans. Along with any revision of the Concept, relevant strategies and plans should also be updated.

One of the key elements of the security sector reform process is the reform of the armed forces. In line with NATO consultations, Georgia began its Strategic Defence Review (SDR) in 2004. Accordingly, an SDR working group was created, based on a presidential decree, with the goal of conducting a comprehensive analysis and review of the Georgian armed forces and of making recommendations for the long-term development of military structures.

The SDR defines the requirements for military capabilities, analyses current capability deficiencies and threat categories, and describes the missions and tasks of the armed forces. The SDR outlines the structural modifications to the Georgian armed forces in the short term (2007-2009), medium term (2010-2012) and long term (2013-2015). Accordingly, essential conceptual documents such as the National Military Strategy, the annual Minister's Vision, the national Threat Assessment document, Defence Policy Priorities and other institutional-level documents have been developed based on the results of the SDR.

The SDR is divided into six chapters. The first chapter comprises the SDR methodology; the second is a review of strategic and institutional level

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<sup>16</sup> Parliament of Georgia, *Law on Defence Planning*, Articles 6 & 7 (2006).

security policy documents determined by the Law on Defence Planning. The third chapter describes the development of key political and military assumptions to guide force capability requirements. In chapter four, the development of broad military missions and tasks based on strategic guidance documents and political and military assumptions is described. The fifth chapter is dedicated to capabilities analysis methodology, and the last chapter analyses the structure of the armed forces in order to address capability deficiencies and develop an optimal, affordable force structure.<sup>17</sup>

The National Military Strategy is based on the National Security Concept. It defines the plans and activities of the Georgian armed forces from a short and mid-term perspective. It is the first National Military Strategy that Georgia has produced. The document describes the major missions and functions of the Georgian armed forces and the general principles of Georgia's defence. The National Military Strategy discusses the major national military objectives of defence, which are readiness, deterrence and international military cooperation. It also establishes general principles for defence, which are as follows: protection from direct aggression, NATO integration and international cooperation, precise assessment of the strategic environment, the maintenance of stability in the Caucasus region, and the contribution to the international security environment. In addition, the strategy identifies the circumstances under which military force can be used and the political purposes that it can serve. According to the document, the Georgian armed forces should perform their functions according to the principles of democratic civilian control. The National Military Strategy was approved by presidential decree in 2005. The document is written in general terms and promotes public awareness of the military.<sup>18</sup>

The Law on Defence Planning does not require parliament to approve the National Military Strategy. The law stipulates that only the National Security Concept needs to be approved by parliament. However, according to the same law, parliamentary oversight over defence planning falls under the competence of the Committee on Defence and Security. In order to be intensively involved in the consideration of security policy documents, it would be advisable for all strategic level security policy documents to be approved by parliament.

Regarding transparency in the defence sector, it is worth mentioning that public awareness of and the involvement of civil society in security matters has significantly improved. In November 2005, a defence conference on military strategy was organised in Gudauri. The main goal of this conference was to stimulate public discussion of the National Military Strategy with representatives

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<sup>17</sup> Ministry of Defence of Georgia, *Strategic Defence Review* (2007) [on-line]; available from <http://www.mod.gov.ge/?page=-10&ld=17&lang=1>; Internet; accessed 20 June 2011.

<sup>18</sup> Ministry of Defence of Georgia, *National Military Strategy* (2005) [on-line]; available from [www.mod.gov.ge](http://www.mod.gov.ge); Internet; accessed 21 June 2011.

from state agencies, the non-governmental sector, and Georgian and foreign experts. In addition, other defence conferences relating to the security sector have been organised. One example is the 2009 Georgian Defence Conference in Gudauri, where experts, governmental and non-governmental organisations (NGOs) discussed a wide range of issues related to the security sector, namely: Georgia's mission in Afghanistan, defence reforms, and the vision for Georgia's reserve forces. In 2010, strategic and conceptual documents and the process of the National Security Review (NSR) were discussed at the defence conference. These kinds of conferences and the involvement of civil society in ongoing reforms undoubtedly raise public awareness of the security sector.

In hindsight, one could say that the threats, risks and challenges to national security were not analysed properly. For example, according to the National Security Concept of Georgia, the probability of large-scale military aggression was low, and the same analysis was made in the SDR document. As explained above, the fifth chapter of the SDR document was dedicated to capabilities analysis methodology. After assessing political and military assumptions and classified national threats, the document elaborated the development of a risk and threat matrix, which found the likelihood of large-scaled military intervention to be very low. The assessment of risks and threats to national security is very important during the military planning process, because the military budget must focus on addressing key risks and threats.

The August War of 2008 revealed the shortcomings of Georgia's security policy documents. Parliament's Temporary Commission on Military Aggression and Other Acts of Russia against Territorial Integrity of Georgia revealed various deficiencies relating to the war. The commission also revealed significant failures in national security policy and military management, namely inadequate strategic planning by the MoD, problems in the military communications system, a lack of training for the operation of technical equipment, deficiencies in air defence, and so forth. To overcome these failings, the commission made a number of recommendations to the National Security Council and the government. The relevant parliamentary committees were instructed to monitor the implementation of these recommendations.<sup>19</sup> There is thus an obvious need for careful and scrupulous appraisal of national security policy documents, and the close and effective involvement of the legislative body can only benefit this process.

The failings outlined above, in combination with changes in the security environment, meant that it became necessary to elaborate a new National Security Concept. This will be the second National Security concept in Georgian

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<sup>19</sup> Parliament of Georgia, The joint sitting of the Committee on Foreign Relations, the Committee on Defence and Security, and the Committee on European Integration, with the representatives from NGOs and Political Parties, available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=293&info\\_id=30713](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=293&info_id=30713).

history. The draft of the new National Security Concept was discussed in February 2011 at the joint sitting of the Committee on Defence and Security, the Committee on Foreign Relations and the Committee on European Integration, with participation by representatives from NGOs and political parties.<sup>9</sup> The main goal of the new National Security concept is to determine priorities for Georgia's national security policy, in a way that allows for the fulfilment of national interests based on fundamental national values, and manage the threats to state security in light of the international security environment. The document presents a vision for the secure development of the state and Georgia's national values and interests. It describes the threats, risks and challenges to national security and sets out major directions for national security policy. According to the draft of the concept, the main directions of national security policy are: the ending of the occupation of Georgian territories, the relationship with the Russian Federation, increasing the country's national security effectiveness and defence, the development of state institutions and the strengthening of democracy, integration in EU and Euro-Atlantic structures, cooperation with the South Caucasus, the strengthening of international relations, and the fight against terrorism and international organised crime.

The draft concept also provides basic guidance for economic, energy-related, educational, informational and ecological security policies. The government will develop measures to increase defence capabilities and reform the armed forces in accordance with new challenges and the operational environment. According to the concept, the main goal for ongoing defence reform is to have well-prepared, efficient and sustainable armed forces, in line with NATO standards, and to be able to protect the country's sovereignty and territorial integrity from foreign aggression, as well as participate in international peace support operations. The armed forces must be prepared to support the civilian authorities during natural and industrial catastrophes. The priorities of ongoing defence reform will be: reform of the armed forces in compliance with NATO's standards, the improvement of management and control systems, the effective planning of defence operations, the implementation of training and personnel management systems, training based on threats and probable military scenarios, the rationalisation of the management of resources, and the implementation of an effective crisis management system and close cooperation between military and civilian components on this issue. No less important is the issue of the military reserve system. The new military reserve system should be oriented towards improving the quality of the reserve preparation, management and control system. Cooperating with NATO partner countries and drawing on their experience to develop a military reserve system is one of the main priorities of Georgian security policy. After the Committee hearing the participants put forward proposals, and these were submitted to the National Security Council. After considering all proposals and recommendations the concept will be submitted to parliament. According to the existing rules, after

submitting the National Security Concept to parliament, the Bureau of Parliament will make a decision about beginning the discussion procedure. The Committee on Defence and Security will consider the concept, elaborate the conclusion and submit it to the plenary session. The draft of the National Security Concept will be discussed and approved in the plenary session at the first hearing, with a majority of votes. If the concept is rejected during the plenary session of parliament, the issue will be discussed in a meeting attended by the Speaker and deputy chairmen of parliament, the committee chairs and the leaders of the majority and minority factions, after which the issue will again be discussed during the plenary sitting of parliament. If parliament again refuses to adopt the concept, it will be sent back to the initiator for amendments to be made within a month, and sent back to parliament. The process of considering recommendations and proposals pertaining to the draft of the new National Security Concept is underway, and according to the National Security Council the concept will be submitted to parliament for endorsement in the near future.

### **Parliament's role in improving transparency and accountability**

Establishing a democratic system of governance is impossible without minimising corruption in the public sector and increasing the transparency and accountability of government. In 2004, the parliament of Georgia adopted a resolution on 'Signing and Joining the UN Convention on Corruption'. For this reason, parliament passed important amendments to the Laws on Corruption and Incompatibility of Interests in Public Service, Supporting the Eradication of Unlawful Incomes, and on the Criminal Code of Georgia. In 2008, parliament approved a resolution on 'Joining the UN Convention on Corruption'.

Fighting international terrorism, contraband and transnational organised crime is one of the priorities of national security policy. Parliament has passed Laws on Fighting Terrorism and on Counterintelligence Activity. In 2010 parliament passed a new Law on the Intelligence Services. It has ratified all UN anti-terrorist conventions and has taken steps to harmonise national legislation with international standards.

Georgia continues to fulfil its obligations related to the protection of NATO classified information. In that respect, in 2007, the Georgian parliament passed amendments to the Law on State Secrets, which established an effective information security system in parallel to harmonising national legislation with NATO standards. According to these amendments, the MoD is now responsible for protecting NATO classified information. The amendments also stipulate the creation of a special registry system to control and manage this information.<sup>20</sup>

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<sup>20</sup> Parliament of Georgia, *Law on State Secrets*, Article 3(6) (amendment dated 27 April 2010).

The role of the judiciary in protecting human rights remains a vital element of the strategy. In that regard, the legislative body adopted a new Criminal Procedures Code, which stipulates the introduction of the jury trial system. The new code includes safeguards to prevent the abuse of prosecutorial power. Namely, prior to approving a plea agreement, the court is obliged to make sure that the will of a defendant is genuine and voluntary, with no elements of coercion, intimidation, deception or any other illegal promise. In addition, according to the code, the accused person has to be provided with qualified legal assistance. The court is also obliged to clarify whether the accused person is fully aware of the crime for which he or she is being prosecuted, and the punishment this entails, and that the accused is acquainted with the all of the demands linked to a procedural agreement under the law.<sup>21</sup>

### **Parliamentary oversight of the security sector**

The process of reform of the security sphere is closely linked to the exercising of democratic oversight over the security sector. In this regard, the legislative body is authorised not only to monitor the fulfilment of laws and other related normative acts, but also to adopt the Law on the State Budget and exercise parliamentary oversight over its implementation. Parliamentary committees participate in scrutinising the state budget within their level of competence. For example, the Committee on Defence and Security considers the military budget, and the MoD is accountable for budgetary planning and expenditures. Representatives from the MoD are accountable for revealing the necessary information on the budgeting process and explaining the exact articles of the budget. They have to convince the committee of the necessity of the expenditures. The committee draws its conclusions and submits the budget to parliament. Later, parliament decides whether or not to approve the budget. The parts of the draft law on the state budget that are considered to be state secrets are discussed by the special Trust Group. In fact, the aim of the Trust Group is to control the specific programmes and budgetary expenditures related to the secret activities of the executive bodies. The Trust Group was created under the premises of the Parliamentary Committee on Defence and Security in compliance with the relevant laws.

The Trust Group considers the classified parts of strategic-level security policy documents. In 2009, the Georgian government launched a new cycle of the NSR. The NSR is an important process that will form a solid basis for strengthening Georgia's security system for the years to come. A classified part of the National Threat Assessment document for 2010-2013 was tabled by the

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<sup>21</sup> Parliament of Georgia, *Criminal Procedure Code of Georgia*, Article 212 (2, 3 & 4) (2009).

inter-agency commission and considered at the meeting of the Trust Group. The document was approved by a presidential decree of September 2010, and the non-classified part of document was published. This outlines in detail the various threats to Georgia, ranging from physical threats originating from the Russian occupation to cyber and ecology-related threats. According to the public part of the National Threat Assessment Document for 2010-2013, the occupation of Georgia's breakaway regions by Russia poses a direct threat to Georgia's sovereignty and statehood, and represents the most important threat to Georgia's political, economic and social stability.<sup>22</sup> This document represents the basis for the new National Security Concept.

The Trust Group is also responsible for requesting detailed classified information, including on the quantity, quality and expediency of procurement. Arms procurement is conducted by the MoD in accordance with the agreement signed with contractors. If the Trust Group concludes, on the basis of the classified information presented, that the law has been violated, it calls on parliament to set up a temporary investigative commission.<sup>23</sup> Taking into account the nature of the violation, the commission is authorised to raise the issue of proceeding with a criminal or administrative case.<sup>24</sup>

### **State procurement**

The Law on State Procurement establishes general legal, organisational and economic principles for state procurement, including procurement relating to defence and security. The rules established by current legislation extend to all types of state procurement, with the exception of procurement governed by state secrecy. The Law on State Secrecy determines which types of procurement should be governed by secrecy, while the regulation of procurement is elaborated by the National Security Council and approved by the President. The activities related to procurement are coordinated and monitored by the State Procurement Agency, a permanent and independent public body, the chairman of which is appointed and dismissed by the prime minister. State oversight over the agency's activities is undertaken by the government.

The Chamber of Control of Georgia inspects the procuring organisation via the auditing process. As part of this process, the procuring organisation is obliged to present any documentation or information related to procurement. If

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<sup>22</sup> "Georgia to update National Security Concept," *Georgian Journal*, 23 February 2011 [on-line]; available from <http://www.georgianjournal.ge>; Internet; accessed 21 June 2011.

<sup>23</sup> Parliament of Georgia, *Law on the Trust Group*, Article 9 (1998).

<sup>24</sup> Parliament of Georgia, *Regulations of Parliament*, Article 63(11) (2004) [on-line]; available from [http://intranet.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=819](http://intranet.parliament.ge/index.php?lang_id=ENG&sec_id=819); Internet; accessed 21 June 2011.



requested to do so, the procurement participant has to present the relevant documentation on procurement to the procuring organisation.

The Procurement Department of the MoD procures military equipment and other goods necessary for the ministry and oversees the fulfilment of the agreement. The functions of the department are as follows:

- Conducting procurement of necessary goods and services for the structural subdivisions of the ministry;
- Coordinating and overseeing the activities related to state procurement made by the ministry;
- Preparing the documents related to tender and procurement, publishing announcements and reports in media on procurement;
- Submitting relevant information to the agency;
- Analysing current agreements and creating an informational database of existing statistical information;
- Conducting market studies of the state procurement process.

The department also implements other activities prescribed by law and by the MoD's internal regulations. The department is accountable to the Minister of Defence.<sup>25</sup>

### **Sending troops abroad**

Parliament is responsible for approving the size of the armed forces; it gives its consent to the deployment of foreign forces in Georgia and the deployment of the Georgian military abroad; it ratifies international treaties and agreements of a military character, or agreements concerning the territorial integrity of the state or changes of state borders. It also approves the declaration of states of emergency, martial law and the mobilisation of troops.

The Georgian Armed Forces have participated in peacekeeping missions since 1999. From April 2010, a total of 750 military personnel from the 31<sup>st</sup> Infantry Battalion of the 3<sup>rd</sup> Infantry Brigade of the Georgian Armed Forces were sent to Helmand Province in southern Afghanistan.<sup>26</sup> According to Georgian legislation, preliminary discussions regarding the issue of consenting to or rejecting such a mission should take place in the Committee on Defence and Security. The representatives of other committees can participate in the work of this committee. During these considerations, members of parliament take into account the fact that by participating in the International Security Assistance Force (ISAF), the armed forces not only contribute to Euro-Atlantic security and to the establishment of peace and stability in different parts of the

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<sup>25</sup> Ministry of Defence of Georgia, *Regulations of the Ministry of Defence of Georgia: On the State Procurement Department* (2005).

<sup>26</sup> Government of Georgia, *Participation in International Missions* [on-line]; available from <http://mod.gov.ge/index.php?page=-10&Id=34&lang=1>; Internet; accessed 21 June 2011.

world, but are also presented with an opportunity to obtain practical experience and to cooperate with NATO and other partner states' armed forces. After the discussion, the committee decides whether it is reasonable or not to send troops on such a peacekeeping mission, and this conclusion is submitted to the plenary session. If parliament does not agree with the president's decision, within 24 hours the issue should be discussed at a meeting held by the chairman of parliament, his deputies, heads of committees and factions and the president of Georgia or his proxy, after which the president decides whether or not to re-submit the decision to the plenary sitting of parliament. If parliament again refuses to give its consent, the issue will be considered to be unresolved and the president does not have a right to address parliament again on this issue within 48 hours of the refusal to give consent. In addition, the president may only address parliament twice on the issue.<sup>27</sup>

### **Conclusion**

The absence of a history and tradition of legislative oversight and the complex nature of the issues involved, along with the secrecy of laws, undoubtedly make the process of oversight even more complicated. When state institutions reached a certain point of development, the Georgian parliament implemented the norms defining oversight and outlined the measures and tools to be used in the process. Currently, parliamentary regulations include the mechanisms for oversight; however, to enhance the effective implementation of oversight, the key is to enshrine these in existing regulations.

The August War of 2008 and its aftermath forced Georgia to reassess its main security policy documents in light of the emergence of various new threats, risks and challenges to its national security. The overall implications are obvious: the previous recommendations need to be reviewed and updated. The process of revising the major security policy documents is already underway. With respect to the institutional strengthening of the legislative body, not only is it crucial for parliament to be closely involved in the revision of security policy documents, but it should also monitor the implementation of the plans and strategies that are stipulated by these documents. In addition, with regard to parliamentary oversight over military procurement, it would be advisable to incorporate a provision in the legislation stating that all procurement projects of special importance should only commence after having received the consent of the legislative body. The extent to which procurement complies with security policy documents should also be taken into account.

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<sup>18</sup> Parliament of Georgia, *Regulations of Parliament*, Article 241.

## Chapter 3. The Power of the Purse

*Denola Chkhartishvili*

### Introduction

Security forms the basis for the state's welfare and that of its people. If effective control mechanisms over a country's security sector are lacking, the security sector may misinterpret its mission and establish 'a state within the state'. In this case, security sector agencies may seize scarce resources and gain excessive political and social influence, which in turn can hamper the process of democratisation and the normal functioning of the state. Security is not a goal in itself, and it should promote the welfare of the people.

It is the task of the executive to implement security policy, while parliament, which is elected by the people, plays a key role in democratic oversight of the security system. Every country has different parliamentary control mechanisms and practices, and what is acceptable and effective in one country might not work in another. However, effective parliamentary control can only be achieved when there is complete transparency and accountability.

Budgetary control lies at the heart of parliamentary control. The legislative body must ensure that revenues and expenditures, which are limited by the available resources, match the needs of the people and are implemented in an efficient and proper way. In all countries, approval of the budget and the monitoring of budgetary expenditures are the prerogative of parliaments, but their powers and ability to exercise them vary. It is clear, however, that the greater the powers that a parliament has in this area, the more effective its implementation of democratic control over the security sector can be. When it comes to 'power of the purse', parliaments can be divided into three groups: *budget-making parliaments* (parliament has the capacity to amend or reject budget proposals for the security and intelligence services, as well as the capacity to formulate alternative budget proposals); *budget-influencing parliaments* (parliament can amend or reject budgets, but lacks the capacity to put forward its own proposals); and *parliaments with little or no effect on budget formulation* (parliament lacks the capacity to amend or to reject the budget, or to come forward with its own proposals. At best, its role is limited to assenting to the budget that is proposed by the government).<sup>28</sup>

The aim of this chapter is to discuss the role played by the Georgian parliament in providing budgetary oversight over the security sector, and the level at which parliament participates in the entire budgetary process. The chapter also discusses parliament's effectiveness in this area, and the

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<sup>28</sup> Hans Born and Ian Leigh, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies* (DCAF: Oslo, 2005), 96.

improvements that should be made in line with international best practice. This chapter also highlights the problem of civilian control over the armed forces, and considers the relationship between the executive and legislative branches of the government, and the question of the defence budget and defence spending.

### **Defence budget planning and oversight**

The Georgian parliament is the country's supreme representative body: it exercises legislative power, determines the primary directions of Georgia's domestic and foreign policy, oversees the government's activities and also has powers of budget control over the security sector.<sup>29</sup> Parliament's role in the budgetary process is determined by the Constitution of Georgia, relevant parliamentary regulations and Georgia's budgetary code.

Before analysing the current budgetary process, several recent developments should briefly be taken into account. From the early 1990s onwards, security oversight in Georgia was undermined by a number of contradictions. Some laws in this area created gridlock between the president and the parliament, while others left very little space for transparency and democratic accountability. The laws on state secrecy made it impossible for parliament to hold informed debates on defence spending. Such debates did take place, however, albeit unprofessionally and with restricted information. The deputies did not have detailed descriptions of specific items in the budget, let alone the unreported state budget income that the military had earned and spent. Symptomatic of this was the complaint in March 2000 by the chairman of the Defence and Security Committee, who also headed the parliamentary Group of Trust that was cleared for access to top state secrets, that he had been denied adequate information on the Ministry of Defence's (MoD's) finances.<sup>30</sup>

The law was violated in many ways. Politicians, journalists, and representatives of non-governmental organisations (NGOs) were easily able to visit military units and ask about numbers and structures, since few officers observed the restricted secrets list. On the other hand, the MoD ignored its legal obligation to provide the Group of Trust with accurate budget information on appropriation and spending. The MoD earned extra-budgetary funds by selling unused property, for example, but neither the sums involved nor a detailed breakdown of their expenditure were supplied to parliament. The root of the problem, of course, was the corruption that was widely present in the MoD and elsewhere in Eduard Shevardnadze's government. Shevardnadze, however,

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<sup>29</sup> Parliament of Georgia, *Constitution of Georgia*, Chapter III, Article 48, page 12 [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=68](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=68); Internet; accessed 23 May 2011.

<sup>30</sup> Defence and Security Committee of the Parliament of Georgia, Seminar on Civil-Military Relations, 21 March 2000.

could only have had a general idea of the scale of the problem. Sometimes the Chamber of Control, which was responsible for auditing budgetary outflows, would check the MoD's spending and report the improper use of hundreds of thousands dollars. In 1999, for example, the ministry met only 66% of required salary payments, while it overspent on business trips by 42%. No one was sanctioned, because defence officials blamed the Treasury for failing to provide funds for military exercises and business trips abroad in a timely fashion; or they simply complained that the Treasury had failed to transfer allotted funds to the MoD, forcing it to redirect the available funds in other, more urgent directions. As for the defence budget, in 2005 this exceeded 300 million GEL which was almost ten times more than in the last years of the Shevardnadze government.<sup>31</sup>

Since the Shevardnadze era, important changes have taken place in the MoD. During the first months of the new regime, the MoD was restructured in line with western standards, and many improvements were made to budgetary processes. After the Rose Revolution, several amendments were made to the respective laws. Nowadays, the 'power of the purse' is used more effectively than under Shevardnadze's regime, and the legislative body can now scrutinise the security sector in all phases of a typical budget cycle.

The budget cycle consists of several phases, and parliament plays a role in all of these:

*Budget preparation:* in this phase, the executive proposes the allocation of money for various purposes, with parliament and its members contributing to the process via formal and informal mechanisms.

*Budget approval:* in this phase, parliament should be able to study and judge the appropriateness of the money allocated and whether this is in the public interest, and may in certain cases complement security-related appropriations with specific guidelines.

*Execution:* in this phase, parliament reviews and monitors government spending and may strive to enhance transparency and accountability. In the case of extra-budgetary demands, parliament monitors and scrutinises these demands to prevent cost overruns.

*Audit:* in this phase, parliament scrutinises spending to see whether money allocated by the government has been misused. In addition, parliament

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<sup>31</sup> David Darchiashvili, "Georgian Security Sector: Achievements and Failures," [on-line]; available from [http://www.bmlv.gv.at/pdf\\_pool/publikationen/10\\_ssg\\_07\\_dar.pdf](http://www.bmlv.gv.at/pdf_pool/publikationen/10_ssg_07_dar.pdf); Internet; accessed 23 May 2011.

periodically evaluates the entire budget and audit process to ensure accountability, efficiency and accuracy.<sup>32</sup>

Preparing the MoD's budget forms an integral part of overall defence planning. In 2006, the MoD elaborated the Law on Defence Planning, which was approved by parliament the same year. The Law governs organisational matters relating to defence, provides an overview of the defence planning process, and explains the role of the latter within the context of the overall implementation of defence policy. In addition, the Law encompasses the special measures that should be implemented to safeguard national interests and the security of the Georgian state, and sets out planning mechanisms to be used in states of crisis, emergency, war and on other extraordinary occasions.

Defence planning is implemented at both the strategic and the institutional levels. The process begins with the development of strategic documents (the National Security Concept, the Threats Assessment Document and the National Military Strategy). Based on these, institutional documents are developed, such as the Manual of Defence Planning, Basic Programmes for Military Development, and Annual Programmes. Budget preparation constitutes the final stage of the process. The Basic Programmes for Military Development and the Annual Programmes are analysed, priorities are identified, and the defence budget is prepared and incorporated into the state budget.

#### *Planning, programming and budgeting*

The Planning, Programming and Budgeting System (PPBS) guideline,<sup>33</sup> issued by the MoD in 2009, provides a clear and detailed description of the functioning of the system, and describes its main phases and the structural units that participate and their responsibilities. The approach contributes to a more rational allocation of available resources in the defence sector. The PPBS consists of three phases: those of planning, programming and budgeting. On the basis of the PPBS, development programmes for defence are drawn up, and budget implementation is based, in turn, on these programmes. Planning means preparing and/or revising strategic and institutional documents; in other words, what should be done and how, in the short-to-medium term.

The second stage is programming, which means the elaboration of the main programmes needed to develop the necessary capacity within the MoD and the armed forces. During the programming phase, the Common Integrated Programme is prepared. This includes the main development programmes, identifies priorities, and allocates resources in accordance with these priorities

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<sup>32</sup> Hans Born, Philipp Fluri and Anders B. Johnsson, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices* (IPU-DCAF: Geneva, 2003), 124.

<sup>33</sup> Georgian Ministry of Defence, *Budgetary Planning, Programming and Budgeting System*, 2009 [on-line]; available from <http://www.mod.gov.ge/index.php?page=-10&Id=15&lang=1>; Internet; in Georgian; accessed 23 May 2011.

for a four-year period (the current fiscal year plus three years). Budgeting forms the final phase of the PPBS, and the MoD's Finance Management Department is responsible for both preparing and executing the draft budget.

To ensure that the PPBS is implemented effectively, a Decision-Making Board and a Management Team have been created within the MoD. The Decision-Making Board, chaired by the First Deputy Minister, is the MoD's supreme advisory unit and exercises general leadership of the PPBS, prepares and implements short and medium-term development programmes, and takes final decisions on resource allocation. The Management Team, chaired by the Head of the Policy and Planning Department, is responsible for co-ordinating the PPBS process.

Control is one of the main elements of the PPBS. Control ensures that resources are used effectively and reasonably, and that the budget is prepared and executed in compliance with Georgian legislation and the PPBS. The PPBS guidelines define two forms of control. First, the Decision-Making Board and the Management Team exercise managerial control over the PPBS. The Management Team conducts a biannual evaluation of the implementation of the PPBS and submits the relevant report to the Decision-Making Board for discussion. Second, the Finance Management Department is responsible for financial control.

The PPBS was pioneered in the US in the 1960s, and the most countries have since adopted one or another version of the approach. The strength of the PPBS approach to defence resource allocation is that it facilitates rational choice, but its use alone does not guarantee democratic decision-making.<sup>34</sup> In Georgia, the PPBS is based on the following principles: comprehensiveness, accountability and transparency. With regard to transparency, the PPBS guidelines state that budgetary discussion procedures must be transparent to society and the media, and that information (with the exception of secret information) concerning the approved budget must be available for everyone.<sup>35</sup>

In 2010, the defence budget was drawn up in line with the PPBS. Information about the main priorities, programmes and activities for 2011 and the following three years, descriptions of these and the resources allocated for them, are publicly available on the MoD's website. The priorities for the years 2011-2014 have been identified as: defence capabilities development, defence management system development, military education and human resource

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<sup>34</sup> Anne Aldis and Margriet Drent (eds), *Common Norms and Good Practices of Civil-Military Relations in the EU* (CESS: Groningen, 2008), 130 & 132.

<sup>35</sup> Georgian Ministry of Defence, *Budgetary Planning, Programming and Budgeting System*.

management, and NATO integration and international cooperation (see Table 3.1).<sup>36</sup>

**Table 3.1: Main MoD priorities for 2011-2014**

Main Priorities		Projection (in thousand GEL)			
		2011	2012	2013	2014
1	Defence Capabilities Development	240,580.0	502,500.0	491,500.0	525,500.0
2	Defence Management System Development	12,120.0	17,200.0	16,100.0	19,700.0
3	Military Education and Human Resource Management	387,142.0	595,100.0	562,200.0	620,500.0
4	NATO Integration and International Cooperation	20,158.0	33,823.9	37,801.6	38,940.0
Total		660,000.0	1,148,623.9	1,101,601.6	1,204,640.0

Source: website of the Georgian Ministry of Defence

Parliament does not participate in the PPBS. The MoD plays a leading role in defence planning, and it is possible that in this area, the assumption is that 'the military knows best'. However, when it comes to decisions about defence planning, just like in any other area of public affairs, levels of transparency and accountability are key indicators of good governance. For this reason, parliament should be more involved in the identification of priority defence development programmes, in taking decisions on the allocation of the available resources that reflect these priorities, and in ensuring that the defence budget is prepared in line with the PPBS and that defence appropriations are relevant and presented in a transparent manner. This would enable parliament to make valid assessments of defence expenditure and to understand the relationship between objectives, financial inputs and performance outputs. All developed countries accept that accountability is both an executive obligation and a

<sup>36</sup> Georgian Ministry of Defence, *Main Priorities, Programmes and Activities for 2011-2014* [on-line]; available from <http://mod.gov.ge/files/biujeti/Prioritetebi.pdf>; Internet; in Georgian; accessed 23 May 2011.



legislative responsibility. Ministers know that they are responsible for revealing, explaining and justifying their actions (policy accountability) and expenditures (financial accountability). The government and the MoD can fulfil these obligations in a variety of ways: by participating in debates within the relevant parliamentary committees, by publishing reports on the decisions made, and by elucidating the allocation of resources within the defence sector to a relatively full extent. Moreover, civil society and the media should be provided with publications, statements, and briefings.<sup>37</sup> Parliament should be involved in the defence planning and budget preparation process from the beginning.

*Controlling the defence budget*

Table 3.2 shows the budget of the Ministry of Defence in 2011, which was submitted to parliament during the spending oversight phase.<sup>38</sup>

**Table 3.2: 2011 MoD budget submitted to parliament**

Ministry of Defence of Georgia (thousand GEL)	2009	2010	2011
Total budget	869,689.2	748,721.9	660,000.0
Personnel	37,800.0	38,281.0	39,700.0
Expenditures	725,295.3	594,671.0	628,426.1
Salaries	342,839.4	338,721.4	400,038.0
Goods and services	358,467.0	247,494.7	222,593.8
Subsidies	8,869.9	1,222.1	0.0
Grants	3.0	3.2	3.4
Social provision	2,903.2	2,569.5	3,027.0
Other expenses	12,212.8	4,660.1	2,763.9
Increase in non-financial assets	144,391.2	77,800.9	31,573.9
Increase in financial assets	0.0	76,250.0	0.0
Decrease in liabilities	2.6	0.0	0.0

Source: website of the Georgian Ministry of Defence

The defence budget shown in Table 3.2 lacks information and transparency. Only general items are shown, and the budget merely identifies general expenditures such as salaries, goods and services, social provisions, and so forth. On the basis of such a budget, parliament is unable to make a proper, detailed examination of defence expenditures, which is critical for the accountability and evaluation of the entire budget. While on the one hand, the

<sup>37</sup> Aldis and Drent, *Common Norms and Good Practices of Civil-Military Relations in the EU*, 132-134.

<sup>38</sup> Georgian Ministry of Finance, *State Budget for 2011*, 20 [on-line]; available from <http://mof.ge/4161>; Internet; in Georgian; accessed 23 May 2011; Ministry of Defence, *2010-2011 Budget Timetable* [on-line]; available from [http://mod.gov.ge/files/biujeti/2010\\_2011\\_Budget\\_Time\\_table.pdf](http://mod.gov.ge/files/biujeti/2010_2011_Budget_Time_table.pdf); Internet; accessed 23 May 2011.

description of the budget items should not be too lengthy, on the other hand, detailed description of expenditures allows parliament to examine spending and improves transparency, which is a valuable way of measuring the government's future intentions. If a document containing detailed descriptions of each item of defence expenditure (with the exception of secret information) were annexed to the budget law, then this would allow parliamentarians and the general public to scrutinise the proposed defence budget, and would thus ensure greater budgetary transparency.

It is worth noting that in 2009, a new budgetary code was initiated by the government and approved by parliament. The government started the programme budgeting process in 2010, although the full-scale implementation of programme budgeting will only be possible after 2012, as several legal amendments still have to be initiated and adopted.<sup>39</sup> In this new approach, state agencies provide a programme budget along with the capital budget (for the current budget year), which forms an indivisible part of the state budget. The programme budget sets out the financing of all programmes, activities and priorities for four years. All resources are allocated according to the programmes, with clear explanations for how many resources will be used for each programme, what the outcomes will be and how performance will be evaluated. Programme budgeting is a key feature of developed countries' budget procedures, and it contributes to more transparency by providing information about governments' future plans and past performance. The programme budget is derived from the notion of classifying expenditures in terms of the outputs to which they are meant to lead.

In general, despite significant improvements, parliament's involvement in the process of defence budget preparation is currently very weak. Parliamentary committees merely discuss the basic data and directions of the state budget, and send their recommendations to the government. In the budget revision process, Members of Parliament (MPs) are unable to demand that concrete and substantial amendments are made to the draft defence budget, as their rights in the budgetary process are significantly restricted. Parliamentarians have no access to the government's detailed draft defence budget. For instance, when the Defence and Security Committee received the 2010 draft defence budget for consideration, not one of the Committee members voiced any criticism; an attitude that is typical of the Committee's practice in recent years. In line with recommendations made by Georgia's western partners (the EU and the US), there has been a rise in defence spending. For instance, the military budget for 2008 came to a total of about 875 million USD, compared to about 560 million USD the previous year; a figure

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<sup>39</sup> Government of Georgia, *Decree no. 284 on Adoption of the Plan of Establishing the Programme Budgeting*, 10 March 2010, Tbilisi [on-line]; available from <http://mof.ge/en/4044>; Internet; accessed 23 May 2011.

that is equivalent to around 10% of GDP.<sup>40</sup> Some military experts have criticised the increases in troops and spending as being out of line with NATO guidelines for military budget capabilities.

In view of this, every effort should be made to strengthen the effective participation of parliament in all phases of the budgetary process, including budget preparation. Parliament should be able to exercise more power and to contribute to the budgetary process from the beginning. After all, one of the most important responsibilities of parliament is to hold the executive to account for its actions and spending.

### **The mandate of the Group of Trust**

For the purposes of budgetary oversight of special programmes and secret government operations, members of the Committee on Defence and Security have formed the Group of Trust.<sup>41</sup> The Group of Trust consists of five MPs: the Chairman of the Committee, two representatives from the parliamentary minority parties, one representative from the parliamentary majority, and one MP who is elected by parliamentarians according to the majoritarian system. It should be noted that the members of the Group of Trust are the only MPs to have free access to detailed information about defence and security budgets.

At least once a year, the executive bodies that carry out special programmes and secret activities present a report to the Group of Trust, which details their activities and provides all of the necessary material relating to these. Based on this classified information, if the Group of Trust considers that the relevant executive body has abused its power or violated legislation, it may request that the President of Georgia declassifies the secret information concerned. If the Group of Trust concludes, within the scope of its mandate, that the activities of relevant executive bodies or a head of relevant executive body poses a threat to public security or has committed an abuse of power, it can apply to parliament for the creation of a temporary investigative commission.

The Group of Trust meets biannually or upon the request of any member of the group. The group was established in order to oversee the budget of the defence and intelligence sector, and it is a valuable mechanism for overseeing the state's secret information and programmes and the resources allocated to these. It should be noted, however, that the group used to play a more active role than has recently been the case. The fact that the Group of

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<sup>40</sup> Congressional Research Service, *Armenia, Azerbaijan and Georgia: Political Developments and Implications for US Interests*, 15 April 2011 [on-line]; available from [www.fas.org/sgp/crs/row/RL33453.pdf](http://www.fas.org/sgp/crs/row/RL33453.pdf); Internet; accessed 23 May 2011.

<sup>41</sup> Parliament of Georgia, *Law on Group of Trust* [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=69&kan\\_det=det&kan\\_id=141](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=141); Internet; in Georgian; accessed 26 May 2011.

Trust does not function effectively is partly due to the existing political conjuncture; namely, the weak representation of opposition parties in parliament.

According to the law, the Group of Trust should meet once every six months in a mandatory regime, but this meeting cycle is occasionally abused. For example, in 2008-2009, the group only met once per year.<sup>42</sup> The Group of Trust is obliged to oversee the work of defence officials and the closed articles of the defence budget. Given that the budget is the main instrument of democratic governance, it is essential that the members of the group carry out their duties efficiently, and that the purposes and effectiveness of expenditure in the defence sector is strictly controlled.

Since 2008, two opposition MPs have been members of the Group of Trust. Despite the fact that the Group of Trust is fully staffed and that, for the first time, functions have clearly been assigned to its members, according to civil society groups and defence experts, the Group of Trust has done very little. Some experts argue that the Group of Trust could exercise its power more effectively. For example, in 2006-2008, the closed section of the budget included a number of large-scale military construction projects that were being implemented by the Georgian Government. Some NGO representatives believe that the Group of Trust should have played a more active role in scrutinising these activities and overseeing the expediency and cost-effectiveness of expenditure on construction and military procurement.<sup>43</sup> Unlike legislatures in the US and some other NATO countries, the Georgian parliament has no right to hold debates on defence procurement plans. NATO has also criticised Georgia for its lack of transparency regarding arms purchases. The defence budget is not transparent, with some purchases allegedly financed by slush funds.<sup>44</sup> The law does not oblige the government to report to parliament concerning the large-scale procurement of armaments. Once again, this reveals parliament's limited role in the resource planning process.

### **The role of the Chamber of Control**

Parliament has one more important means of exercising oversight of defence resources: the Chamber of Control of Georgia (CCG), the head of which is elected by parliament. The activities of the CCG do not yet comply with established western practices and norms, and the EU-Georgia European

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<sup>42</sup> Available from [www.parliament.ge](http://www.parliament.ge)

<sup>43</sup> Ministry of Defence of Georgia, *Textbook on Planning, programming and budgeting (adopted by the decree of the Defence Minister of Georgia)*, 2009. [on-line]; available from <http://www.mod.gov.ge/files/vyeeucgvkygeo.doc>; Internet; accessed 13 June 2011.

<sup>44</sup> Mark Leonard and Charles Grant, "Georgia and the EU: Can Europe's Neighbourhood Policy Deliver?", *Centre for European Reform Policy Brief* [on-line]; available from <http://markleonard.net/fsblob/40.pdf>; Internet; accessed 26 May 2011.

Neighbourhood Policy (ENP) Action Plan includes targets for restructuring and improving its effectiveness.<sup>45</sup>

The CCG is structurally, financially, functionally and organisationally independent.<sup>46</sup> The latest version of the Law on the Chamber of Control of Georgia was adopted on 26 December 2008.<sup>47</sup> This fundamentally changed the approach to the CCG regarding the agency's responsibility for supervising the use and expenditure of state funds and other assets. The new approach fully took into account the practices of similar institutions in developed countries and the state audit's step-by-step transition to international standards. A new state audit body has been established for the purpose of audit. The aim of the CCG is not only to reveal crimes *post factum*, but also to prevent them. For this purpose, the new law extends the CCG's jurisdiction over the state budget. Notably, the law does not determine the limits of the CCG's jurisdiction over these budgets, as was the case in the past (when it could only examine the validity of incomes and outcomes). The CCG conducts its activities according to the terms of annual audit plans, which reflect decisions made by the President and Parliament of Georgia. Unscheduled audits are conducted under the direction of the President of Georgia, the Parliament of Georgia, parliament's Temporary Investigation Commission, the General Prosecutor of Georgia or his/her Deputy, and/or at the request of the parliamentary minority and/or a faction not belonging to the parliamentary majority. The Presidium of the CCG is also authorised to take decisions regarding the conducting of unscheduled audits.

The CCG's Defence, Public Order and Security Audit Department classifies and analyses and the data obtained during audits (including preliminary audits), and develops proposals and recommendations on relevant measures, such as the elimination and prevention of flaws and the streamlining of the organisation's normative basis. It should be stressed that information about this department's activities is very scarce, and many military experts have expressed concerns about its functioning. The only information that is available is that which is provided on the CCG website, and this merely contains a description of the department's role.

Audit materials containing evidence that a crime has been committed are immediately forwarded to law enforcement bodies. These must notify the CCG about any decisions that result from the information received, and the measures taken to implement them. In 2009, the CCG conducted 243 audits

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<sup>45</sup> Shoren Lortkipanidze, *Parliamentary Oversight of the Security Sector, Mechanisms and Practices* [on-line]; available from [http://civilcouncil.net/eng/index.php?option=com\\_content&view=category&layout=blog&id=36&Itemid=55](http://civilcouncil.net/eng/index.php?option=com_content&view=category&layout=blog&id=36&Itemid=55); Internet; accessed 26 May 2011.

<sup>46</sup> Chamber of Control of Georgia, official website: <http://www.control.ge/eng/>

<sup>47</sup> Parliament of Georgia, *Law on Chamber of Control of Georgia*, adopted on 26 December 2008 [on-line]; available from: [http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=69&kan\\_det=det&kan\\_id=3557](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=3557); Internet; in Georgian; accessed 26 May 2011.

and covered a budget of 4.455 billion GEL. As a result of the audit, the chamber identified 1,195 cases of violation of legislation. The CCG thereby contributed 12,963,033 GEL to budgetary funds or budgetary revenue growth. Due to the CCG's audits, law enforcement agencies were able to identify a number of crimes; 21 persons were held responsible, and 3,324,233 GEL was paid to the state in recompense for the damage inflicted.<sup>48</sup>

No later than three months after the end of the financial year, the government submits the annual report on the implementation of the state budget to parliament. In recent years, parliament has shown less interest in the CCG's annual reports on the defence and security sector than in previous years. It should be noted that members of the public are unable to access details of reports on the amount of work that the CCG has carried out at the MoD. Despite the fact that the CCG's site publishes annual reports, these documents do not review the extent to which the MoD's spending or budgetary practices comply with the law.

## Conclusion

As mentioned in the introduction, when it comes to 'power of the purse', we can identify three types of parliament. The Parliament of Georgia can be referred to as a *budget-influencing parliament*. It would not be an unreasonable step to widen parliament's powers to make it a *budget-making parliament*, in view of the security threats, risk and challenges that Georgia currently faces. There is widespread belief that security policy is a 'natural' task for executive agencies, as they have the necessary knowledge and the ability to act quickly. Parliament tends to be regarded as a less suitable institution for dealing with security issues, especially in view of its often time-consuming procedures and lack of full access to the necessary expertise and information. However, for many reasons, parliament can play a valuable role in the oversight of the security sector.<sup>49</sup>

As it was shown, there is a lack of capacity for effective oversight in some areas, and the powers of the parliament of Georgia still need to be improved. Parliament should be involved in defence budgeting from the beginning, and should exercise more power with respect to budget approval, execution and audit. Taking such an approach would certainly enhance parliament's effectiveness in democratic control over the security sector. In order to have a greater role in the defence budget and expenditures, parliament should be able to systematically monitor procurement issues and hold public hearings on the budget. MPs need to make sure that they oversee the whole procurement agenda, including needs assessment, budget availability,

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<sup>48</sup> Chamber of Control of Georgia, Annual Activity Report of the Chamber of Control of Georgia 2009 [on-line]; available from <http://www.control.ge/reports/annual-reports/>; Internet; accessed 26 May 2011.

<sup>49</sup> Born et al., *Parliamentary Oversight of the Security Sector*, 19.

equipment selection, the selection of suppliers, and the approval of contacts, especially contracts containing services as part of procurement deals. In addition, parliament has to be provided with a more detailed, comprehensive budget during the spending oversight process. Parliament should have the ability to monitor government expenses and should strive to enhance transparency and accountability, plus should be able to determine whether the money allocated by the executive branch has been misused.

In order to enhance oversight of the defence budget, the consultation process between the CCG and parliament should be strengthened, by holding public hearings on the CCG's annual reports. Moreover, the commitments undertaken within the framework of the EU-Georgia ENP Action Plan involve the introduction of effective management and exercise of democratic oversight of the armed forces, by increasing the effectiveness of parliamentary oversight. This means observing democratic decision-making procedures in the defence sector, creating an effective system for managing defence resources, and ensuring public participation in the elaboration of defence policy. In addition, cooperation with the CCG's Defence, Public Order and Security Audit Department should be enhanced through parliamentary hearings during the review of the CCG's annual reports.





## Chapter 4. Media and Civil Society Oversight of Security Policy in Georgia

*Tinatin Mikiashvili*

### Introduction

Since the mid-1990s, the number of registered non-governmental organisations (NGOs) in Georgia has grown to about 9000.<sup>50</sup> Several dozen of these organisations have no regular staff or solid organisational capacity, and the rest only have a limited impact on the development of Georgia's civil society sector. Nevertheless, civil society in Georgia has become quite strong since the 1990s, and it has successfully put pressure on the government with respect to a number of socio-political and legal issues. In particular, NGOs and the media played a major role in mobilising the population during the 'Rose Revolution' in November 2003, which resulted in the resignation of President Eduard Shevardnadze.

Despite the significant improvements Georgia's civil society, it continues to suffer from a number of weaknesses, such as a lack of competent human resources. After the Rose Revolution there was a rapid outflow of professionals from NGOs to the government. Whereas before the revolution, it had been assumed that civil society was the best place for career development, after the revolution, young, western-educated professionals were offered reasonable salaries and benefits in the public sector.

A further problem is that civil society's impact on the government's decision-making processes has been weaker since the Rose Revolution. There are no viable institutions within government ministries through which Georgian think tanks and NGOs can channel their policy proposals or suggestions to government agencies. Every ministry has a formal office for conducting relations with the public, but these offices do not always process public feedback effectively.<sup>51</sup> Moreover, financial independence seems almost unachievable for Georgian NGOs, as most of them are entirely reliant on international donor organisations and foreign funds. International donors have specific motivations and obligations, and narrowly defined programmes and activities, and they do not always address the issues that NGOs consider to be problematic.

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<sup>50</sup> Country assessment report, 2005; Vasil Rukhadze, "The Georgian Civil Society: Contemporary Problems and Dynamics" [on-line]; available from <http://www.irex.org/resource/georgian-civil-society-contemporary-problems-and-dynamics-esearch-brief>; Internet; accessed 26 May 2011.

<sup>51</sup> Rukhadze, "The Georgian Civil Society."

Despite all of these problems, Georgian civil society organisations remain quite active. They engage in the ongoing political discourse, initiate and participate in various projects aimed at developing basic democratic values and principles, fulfil watchdog functions with respect to government agencies, and so forth. Nevertheless, the development of Georgian civil society has a long way to go. In this regard, one of the main factors is encouraging public awareness and civil participation, which would politically empower civil society organisations and at the same time draw qualified human resources towards them.

### **Freedom of the media**

The freedom of the broadcast media in Georgia has barely improved in past years. While the country enjoys a pluralistic, though small, printed media sector, Georgia lacks a truly pluralistic television sector. Television remains the dominant source of information for most Georgians. In the European Neighbourhood Policy Action Plan, Georgia has committed itself to ensuring and improving freedom of the media, one of the fundamental institutions necessary for the development and consolidation of a democratic political system.<sup>52</sup>

According to the US Department of State's Country Reports on Human Rights Practices for 2009, respect for media freedom has declined in Georgia, and the media environment has become highly polarised between the government and the opposition. NGOs and journalists have accused government officials and opposition politicians of exercising influence over editorial and programming decisions. There have also been reports of local officials and opposition politicians carrying out or inciting physical abuse against journalists. One positive sign is that legislation has been passed that guarantees government funding for Georgia's public TV channel.<sup>53</sup>

Georgia's current broadcasting sector regulations have failed to ensure a transparent media regime and to promote a comparative, pluralistic television market. This problem could be addressed by amending the law on broadcasting. According to the most recent assessment by Reporters Without Borders, freedom of the media has slightly improved since the August 2008 war with Russia, in which several journalists were killed or injured by the Russian military.<sup>54</sup>

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<sup>52</sup> "Television in Georgia – Ownership, Control and Regulation," Transparency International Georgia, 20 November 2009 [on-line]; available from <http://www.transparency.ge>; Internet; accessed 26 May 2011.

<sup>53</sup> US Department of State, *Country Reports on Human Rights Practices for 2009*, 11 March 2011 [on-line]; available from <http://www.state.gov/g/drl/rls/hrrpt/>; Internet; accessed 26 May 2011.

<sup>54</sup> See Reporters Without Borders: <http://www.rsf.org/>.

Journalists in Georgia do not enjoy any special protection in their labour agreements and can be easily laid off. This lack of legal protection puts journalists working for the major TV channels under tremendous economic pressure. A journalist who loses his or her job at one of the national channels often faces long-term unemployment, as only a limited number of media outlets provide alternative jobs for critical reporters.<sup>55</sup> A few reporters and producers who left major channels because of political influence and editorial pressure from the owners have been able to find new jobs with the three independent production outlets. Studio Reporter, Monitor and GNS are fully funded by western donors and produce investigative documentaries on current events which are provided as free footage to TV stations, although national channels always refuse to air these programmes.<sup>56</sup>

In order to strengthen media freedom in Georgia, steps should be taken to increase journalists' awareness of their professional standards and ethics. Moreover, there should be increased cooperation between civil society and political parties to develop a mechanism of public accountability for private and public media organisations; for instance, by creating precedents for the satisfaction of media and public demands.

### **Civilian-military relations in Georgia**

Since the end of the Cold War, it has been increasingly recognised that civil society can play a crucial role in the 'good governance' of the security sector. Georgia's record in this sphere remains inconsistent. Though there have been some positive examples of cooperation between the government and civil society, a culture of secrecy remains in parts of the security sector, and it will take time to eradicate this. One vivid example of this culture of secrecy was the decision to classify Georgia's Individual Partnership Action Plan (IPAP), even though this document committed the Georgian government to developing 'an active and coordinated public information strategy to ensure that the security and defence transformation and modernisation, including democratic and civilian control over the armed forces, is understood and supported by the Georgian people'.<sup>57</sup> This decision was later reversed.

The level of civilian engagement in security affairs is also low by western standards. This is partially due to the weakness of Georgia's civil society. Generally, while much international assistance has been directed towards supporting civil society development, little attention has been paid to

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<sup>55</sup> "Television in Georgia."

<sup>56</sup> "Appointment of New Head of News Exacerbates Situation at Imedi TV," Reporters Without Borders, 19 March 2009 [on-line]; available from <http://www.rsf.org>; Internet; accessed 26 May 2011.

<sup>57</sup> Government of Georgia-NATO, *Individual Partnership Action Plan* [on-line], available from <http://www.mod.gov.ge>; Internet; accessed 26 May 2011.

engaging civil society in the security sector. The result is that few organisations have the experience to work on such issues.

According to the Chairman of the Parliamentary Committee on European Integration, Mr. David Darchiashvili, civilians have been in charge of the Ministry of Defence (MoD) and Ministry of Interior since 2003, and this is an essential mechanism for civilian control of the security sector. However, democratic civilian control requires more mechanisms. The media and civil society should play a role in the operation of any sector in a democratic political system. During this period, the Georgian media has been quite successful in covering developments in the sphere of security. The NGO sector has also communicated with the authorities. While relations between the military and civil society have not always been perfect, from the perspective of security sector reform (SSR), it is important to emphasise that the MoD has formalised these relations in a cooperation memorandum.<sup>58</sup>

The Georgian media and civil society show a low level of interest in security issues. Some civil society representatives argue that government policy is not directed towards active cooperation with NGOs. However, a number of influential Tbilisi-based NGOs cooperate closely with the government, both through formal mechanisms and on a personal or project basis. There has been a rapid changeover of staff across the government, as many of the new political leaders have close links to some of the most prominent NGOs and media owners, and have invited former NGO members to work for them. With regard to improving civilian control, the establishment of a 'reform group' within the Ministry of the Interior can be considered a particularly positive sign.<sup>59</sup> This group is chaired by the Minister of the Interior and brings together nine experts from NGOs, as well as other academics and lawyers. The group discusses the reforms that should be made and provides recommendations to the Ministry. Rather than being an institutionalised consultation process, the group apparently works on an ad hoc basis. This may lead to fears that its influence will diminish or that the group will simply no longer be convened.

Cooperation between civil society, the media and the Parliamentary Committee on Defence and Security Issues has been problematic. Some NGO representatives stress that the Parliamentary Committee on Defence and Security that was installed after the 2004 parliamentary elections closely resembles a structural unit of the MoD, as it supports all of the initiatives coming from the executive and has not monitored the MoD. According to its critics, the committee members lack experience in defence matters and have been unable to oppose the government's initiatives as a result. However, some media and

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<sup>58</sup> Interview with David Darchiashvili, August 2010.

<sup>59</sup> David Wood, "Taking Stock: Small Arms and Human Security in Georgia," September 2006 [on-line]; available from <http://www.saferworld.org.uk/images/pubdocs/Taking%20stock-FINAL%20PDF.pdf>; Internet; accessed 26 May 2011.

civil society organisations suggest that since 2005, parliament has become more actively involved in screening security-related topics.<sup>60</sup>

Over the last ten years, there has been increasing interest in SSR in Georgia and a specific focus on the question of the democratic governance of the security sector. It has been recognised that if security institutions are not fully under democratic civilian control, they can impede the development of the state in a number of ways. In general, one can say that there is public oversight of the security sector in Georgia, but that it is not systematic.

An active civil society enhances the durability of democracy and functions as a bridge between the state and society. The role of civil society organisations in security sector governance is often controversial. The staff members of government ministries that are authorised to use force believe that they are accountable to the state, but the state can only improve its security provision if it takes the opinions of the people into account. Civil society is a public watchdog, checking that security actors perform their tasks within the framework assigned to them and within the general direction in which society is developing.

Likewise, security actors are often suspicious of the media, particularly as some of their work requires secrecy. Though the media may at times be openly critical of the government, it can also help by publicising the government's successes, improving the public's understanding of the security challenges facing the state and creating the will for reform.

The Georgian security sector displays many features of a democratic security system. Georgia is a member of the Council of Europe and participates in the North Atlantic Treaty Organisation (NATO) Partnership for Peace Programme. After NATO's Prague Summit, Georgia started to develop a Partnership Action Plan with NATO. The country receives assistance from various international organisations and from the US.

The Eastern Neighbourhood and Partnership Instrument, an initiative launched by EU in 2009, also covers security issues. It aims to promote stability and security in the EU's neighbourhood, strengthen ties between the EU and partner countries, improve cooperation, and normalise political relations between partner countries. It also provides for cooperation in the framework of the Common Foreign and Security Policy (CFSP), reinforcement of early warning systems in conflict zones, and cooperation in arms exports and non-proliferation of weapons of mass destruction. The progress that has been made since 2004 as a result of the European Neighbourhood Policy will have a positive impact on future bilateral and multilateral cooperation between the EU and Eastern Partnership countries.

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<sup>60</sup> David Darchiashvili, *Security Sector Reform in Georgia 2004-2007* (Tbilisi: CIPDD and Iliia State University, 2008).

The scope and intensity of cooperation between the EU and its partner states will depend on each partner country's capabilities and resources. To this end, the EU will send a high-profile mission to each partner country at least twice a year, to assess each country's progress across four thematic platforms. These platforms are: Democracy, Good Governance and Stability; Economic Integration and Convergence with EU Sectoral Policies; Energy Security; and Contacts between People. Working meetings will be held when necessary on issues related to each thematic platform.

It is also planned that the leaders of the EU and partner countries will gather for summits every two years, while foreign ministers will convene annually to assess progress. The first ministerial meeting of the Eastern Partnership was held in Brussels on 13 December 2010. At the Ministerial Eastern Partnership Foreign Ministers Meeting, the Chair's Conclusions were adopted. According to this document, the ministers welcomed the progress made with respect to the four thematic Platforms over the previous year, and expressed support for the increased involvement of civil society in cooperation with the Eastern Partnership Civil Society Forum.<sup>61</sup> The next summit of the Eastern Partnership will be held on 27 May 2011 in Hungary. As a result of this instrument, Georgia is obliged to fulfil its various commitments to the international community related to the security sector, the rule of law, human rights and other issues.

However, the country's security sector faces a range of serious problems, including those of the occupied territories that were created following the war with Russia in August 2008, and permanently tense relations with its large northern neighbour. For this reason, there is a need for a cautious approach to active civil society involvement in security matters.

Several changes have been achieved with regard to democratic civilian control over Georgia's defence and security forces. For instance, according to the constitution, parliament adopts the budget and defines the main lines of national and foreign policy. The president, as the supreme commander, cannot employ armed forces in emergency situations without parliamentary approval.<sup>62</sup>

The laws addressing the roles and responsibilities of state agencies focus on areas such as defence, policing, interior troops, state security, and so forth. The law on operative-investigative activity is noteworthy in this respect. According to this law, special operations, which are secret, can be conducted by no fewer than seven agencies. Four of the seven belong to military agencies, two are more civilian than military institutions, and one is the State Intelligence

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<sup>61</sup> Eastern Partnership Foreign Ministers Meeting, "Chair's Conclusions," 17 March 2011 [on-line]; available from <http://www.eeas.europa.eu>; Internet; accessed 26 May 2011.

<sup>62</sup> Parliament of Georgia, *Constitution of Georgia* [on-line]; available from <http://www.parliament.ge>; Internet; accessed 26 May 2011.

Department.<sup>63</sup> The political activity of the military, the police and special agency employees is also restricted.

Together with the constitution and subsequent laws, civilian control over the armed forces is also promoted by the Law on the Budgetary System and Responsibilities.<sup>64</sup> This is achieved through parliamentary committees, by parliament's ad hoc investigative commission, and by the Group of Trust. The president as the supreme commander (the most effective mechanism of civilian control) and the chairman of the Security Council are entitled to lead powerful agencies and play a crucial role in the staffing of their commanding layer.

It is generally expected that the more effective civil society can be in performing its monitoring role, the more likely it is that the standard of governance will improve. It is thus important to stress that while NGOs and media representatives can often be critical of governments, they should not automatically be seen as a threat. Rather, their aim is to ensure that security institutions act in transparent and democratic ways, which usually bolsters the legitimacy and strength of the state.

### **Watchdogs in security sector governance**

One of the best-established Georgian NGOs working on security-related matters is the Georgian Foundation for Strategic and International Studies (GFSIS), an academic think tank. Most of its employees have experience as senior public servants. GFSIS aims to contribute to improving security sector governance by providing training courses for state officials, students, media and civil society representatives. GFSIS also conducts training programmes for young professionals from Azerbaijan and Armenia.<sup>65</sup> GFSIS is considered one of the leading organisations promoting public awareness on security matters.

Another well-established think tank dealing with security-related issues is the Caucasus Institute for Peace, Democracy and Development (CIPDD). CIPDD fellows periodically publish reports and issue briefs and papers related to security, armed forces, conflict and democracy. The Centre for Civil-Military Relations and Security Studies is a subdivision of the CIPDD that has carried out a number of research projects. This centre used to publish a monthly bulletin entitled *The Army and Society in Georgia*, which combined analytical reports with reports on current security-sector-related issues. Publication of the bulletin stopped in late 2001.<sup>66</sup>

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<sup>63</sup> Albrecht Schnabel and Hans-Georg Ehrhart, *Security Sector Reform and Post-Conflict Peace Building* (Tokyo: United Nations University Press, 2005).

<sup>64</sup> Parliament of Georgia, *Law on Budgetary System and Responsibilities* [on-line]; available from <http://www.parliament.ge>; Internet; accessed 20 May 2011.

<sup>65</sup> <http://www.gfsis.org>

<sup>66</sup> <http://www.cipdd.org>

There are a lot of discussions about Georgia's integration into NATO. The NATO Information Centre, which is headed by the journalist Tengiz Gogotishvili and mostly covers security and defence-related issues, was established by the Minister of Defence on 27 February 2007.<sup>67</sup> The NATO Information Centre works to raise public awareness of NATO-related topics. The Centre tries to be a link between the Georgian population, governmental structures and democratic institutions. It provides Georgian citizens with information about what NATO will bring to their country, the coming challenges, the commitments that Georgia has taken, and which measures should be taken in order to achieve full integration into NATO.

The International Centre on Conflict and Negotiation (ICCN), which is run by George Khutsishvili, is also one of the leading organisations on security, conflict studies and peace-building issues.<sup>68</sup> Promoting non-violent approaches, ICCN's first objective is the improvement of conditions for the prevention and peaceful resolution of conflicts. With the support of the EU, ICCN organised several study meetings for young Georgian-Abkhazian and Georgian-Ossetian civil society representatives.

Another well-known NGO that is interested in security issues is the Centre for European Integration Studies (CEIS), chaired by Vasili Tchkoitze. The CEIS has organised numerous conferences for civil servants on democratic oversight of the security sector, conflict, democratisation and other related issues. It conducts periodic surveys on security-military-civilian topics and publishes the results in its monthly bulletin. The CEIS cooperates intensively with the Parliament of Georgia on security matters. The Centre is a member of the Civil Council on Defence and Security (operating under the MoD) and took part in the elaboration of security-related recommendations within this council.

The International Security Advisory Board (ISAB) was established in 1998 at the request of the Government of Georgia, to provide security-related recommendations and suggestions to the authorities. In 2005, the Advisory Board, which was composed of leading international security experts and officials,<sup>69</sup> published a report elaborating recommendations for the Georgian government. Referring to the issue of democratic oversight, the report underlined three important elements that needed to be improved: the legislative programme, NGOs, and public information services.

According to the report, there is improved understanding of the procedural role that parliament and parliamentary committees should play in the process of ensuring democratic oversight of the security sector. Liaison between committees and ministries is also improving. However, as part of the

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<sup>67</sup> <http://www.natoinfo.ge/?action=255&lang=eng>

<sup>68</sup> <http://www.iccn.ge/history-iccn.html>

<sup>69</sup> These included: General Sir Garry Johnson, Mr. Lauri Allmann, Rear Admiral Raimundas Baltusta, Dr. Atis Lejins, Ambassador Juri Luik, Mr. David Ochmanek, General Henning von Ondarza, Ambassador David Smith, and Major General Franz Werner.



checks and balances that restrain the executive from the exercise of arbitrary power, the role of committees is still under-developed, particularly in situations where the executive has a large overall majority in parliament. The report states that 'there is a continuing requirement to increase the capacity and effectiveness of members and support staff in order to improve the effectiveness of Committee scrutiny. We recommend that a programme for this be introduced with the assistance of international NGOs working in this field'.<sup>70</sup>

The ISAB report stresses the need to increase public knowledge and awareness of security issues through the development of competent, independent NGOs. According to the report, there has been great activity in this area, stimulated by external support. Many diverse NGOs now exist, some of which are acquiring national standing and international recognition. The reports notes that 'we recommend that this trend be encouraged as an essential element of open and public debate which is a hallmark of a democratic state'.<sup>71</sup>

As for the media, in general, all TV channels cover security issues, but one TV channel in particular – the Sakartvelo channel – has a special focus on security matters. Sakartvelo is an independent TV company that signed a contract with the MoD. The framework of cooperation is based on the Georgian law of government purchases. According to the contract, the company's airtime should be devoted to patriotic, historical, military and educational projects, programmes, talk shows and documentary films.<sup>72</sup>

With regard to the print media, *Arsenali* is a military-analytical magazine that was founded in 2004. The magazine is issued twice a week and edited by the independent military expert, Irakli Aladashvili.<sup>73</sup> At the same time, Aldashvili writes for a programme that is shown on the Sakartvelo TV Channel, which informs viewers about the equipment and military potential of the Georgian armed forces. *Arsenal* provides interesting news, facts and manuals for different kind of weapons. In addition, the programme reviews the achievements of the world's leading military industries.

Dedicated sections of well-known Georgian newspapers such as *Kviris Palitra* and *24 Saati* cover the security sector. These sections keep readers up-to-date with recent developments and provide analytical articles written by leading military analysts.

Radio Liberty's Tbilisi Bureau focuses on security issues in a special blog.<sup>74</sup> The blog is run by a military journalist, Koba Liklikadze, author of a number of articles on defence, security and military matters. Liklikadze is

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<sup>70</sup> International Security Advisory Board, *ISAB Report 2005* [on-line]; available from [http://www.fes.ge/rus/images/Fes\\_Files/05Publications/isab\\_full\\_new.pdf](http://www.fes.ge/rus/images/Fes_Files/05Publications/isab_full_new.pdf); Internet; accessed 26 May 2011.

<sup>71</sup> International Security Advisory Board, *ISAB Report 2005*.

<sup>72</sup> <http://www.tvsakartvelo.ge/?action=page&page=4&lang=eng>

<sup>73</sup> <http://old.kvirispalitra.ge/jurnalebi/arsenali.htm>

<sup>74</sup> <http://www.radiotavisupleba.ge/content/article/2128439.html>

famous for his critical stance. In September 2005, Radio Liberty filed a complaint against the Georgian MoD in the US Congress.<sup>75</sup> According to this complaint, Mr Liklikadze had been barred from entering the building of the MoD, because he was a 'problematic' journalist for the Ministry. Mr Liklikadze argued that the MoD was failing to provide public information and that its officers had been instructed to refrain from talking to him. At the time, the head of the MoD's press service, Nana Intskirveli, said that the Ministry no longer gave accreditations to journalists, but that journalists never had any problems accessing the Ministry's building.<sup>76</sup>

The MoD of Georgia supports new forms of cooperation with civil society. In November 2009, 22 civil society organisations joined together to form the Civil Council on Defence and Security, which functions under the MoD. The Council meets on a monthly basis with officials from the MoD, including the Minister and Deputy Minister, in order to discuss ongoing reforms and issues of mutual concern. The creation of this body as a forum for discussion on the security sector is one of the greatest achievements with regard to the improvement of civilian-military relations in Georgia.

On the other hand, some independent journalists have complained that their work for the Council has been unofficially 'rejected' by the MoD. Moreover, international actors in Tbilisi have also reported difficulties in gaining information from and access to ministry officials.<sup>77</sup> All of this suggests that while some officials treat transparency and cooperation with civil society and the media with caution, others welcome it on a case-by-case basis.

### **Monitoring the defence budget**

Parliament is the main actor for monitoring the defence budget in Georgia. The Defence and Security Committee is responsible for revising the draft law on the defence budget and elaborating the conclusions for further parliamentary discussion. According to legislation, after parliament has approved the defence budget, the detailed MoD budget is only available to a small group of MPs, including the Group of Trust.

Since 2008, the Group of Trust has included MPs from opposition parties and has functioned effectively. However, civil society representatives and experts working in the defence sector still lack information about the group's structure. Experts think that the members of Group of Trust could work more efficiently. For instance, in 2006-2008, when the Government of Georgia was conducting a full-scale reconstruction of the military infrastructure, the

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<sup>75</sup> "Radio Station Liberty Filed Complaint Against Georgian Ministry of Defence in US Congress," Media.ge, 9 September 2005 [on-line]; available from <http://www.media.ge/en/node/31522>; Internet; accessed 26 May 2011.

<sup>76</sup> "Radio Station Liberty."

<sup>77</sup> Interview with Koba Liklikadze in on-line newspaper *Kviris Palitra*, January 2010.

reconstruction projects were included among the classified articles in the defence budget. According to some representatives of civil society organisations, the Group of Trust has an obligation to take a more active role in monitoring activities, such as controlling the procurement of the reconstruction materials and the expediency and efficiency of expenses.<sup>78</sup>

The media and civil society representatives have developed significant interest in the MoD's expenses procedures in recent years. This was particularly the case in 2007-2008, when the defence budget increased significantly. The Strategic Defence Review (SDR) *Progress Report*, adopted in May 2006, indicates that the Parliament of Georgia is planning to adopt a law on long-term defence procurement planning in the near future.<sup>79</sup> It is expected that after the adoption of this law, more mechanisms for monitoring defence procurement will be created.

The ex-Defence Minister David Kezerashvili stresses that the ministry has adopted a new automated management system that will ensure transparency of expenditure, as required by its commitments under the NATO IPAP. The MoD also regularly publishes the details of military expenditure on its website. These reports list sums of money assigned to all major items. Only expenditure relating to 'purchases of weapons, military equipment and materials' remains classified. Defence officials say that secrecy is a precautionary measure.<sup>80</sup>

According to military expert Irakli Aladashvili, it is possible to access the defence budget at the MoD's official web page, although it is clear that the classified articles are not made public. In his view, the salaries for the military and ministry's staff members are high, and it would be better if they were to be cut and for the money saved to be added to the amount allocated for military equipment. As for the efficiency of military expenditures, Aladashvili points out that the only mechanism for checking efficiency is the *post factum* monitoring of defence expenses.<sup>81</sup>

## Conclusion

Ideas about democratic control of the armed forces and civilian oversight have a long history in both developed and less developed countries. Recently, it has been recognised that NGOs and the media can play a crucial role in improving

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<sup>78</sup> Open Society Georgia Foundation, *The Enhancement of the Democratic Governance in Security Sector, Democratic Oversight of the Armed Forces* (Tbilisi: Open Society Foundation, 2009).

<sup>79</sup> Government of Georgia, *SDR Progress Review Report* [on-line]; available from <http://www.mod.gov.ge>; Internet; accessed 26 May 2011.

<sup>80</sup> Institute for War and Peace Reporting, "Special Report: Military Build-Up in the Caucasus," 19 July 2007 [on-line]; available from <http://iwpr.net/report-news/georgia%E2%80%99s-big-military-spending-boost>; Internet; accessed 26 May 2011.

<sup>81</sup> Interview with Irakli Aladashvili, 19 August 2010.

oversight of the security sector, and it is thus unsurprising that there are a number of NGOs and media representatives in Georgia that deal specifically with this topic. As shown, there are already a few organisations in the country whose work includes monitoring and providing advice on the development of the security sector. Whenever discussions are held on building understanding between civil society, media and security actors, it should be taken into account that Georgia has a post-Soviet legacy, and that this legacy includes a post-Soviet security sector.

The formal capacity of civil society representatives and the media to assist democratic oversight is limited by the factors that have been outlined above. It should be stressed that in general, civil society is kept well informed about developments in the security sector in Georgia, and that the media likewise keeps abreast of critical and controversial issues in the field. Both interact well with the principle actors across the sector, as well as with parliamentarians. However, their ability to affect policy and practice has become increasingly difficult, particularly in the field of defence, despite hopes to the contrary after the Rose Revolution. There have been positive developments in policing, but accountability problems still exist in the law enforcement sector.

As the Georgian state has declared its full commitment to integration into Euro-Atlantic structures and has launched a wave of democratic reforms, it should engage in more active consultation and cooperation with NGOs and the media, helping to boost the dialogue on reform in order to achieve better public understanding of this issue.

On the one hand, civil society and the media have to be reassured that they will be able to play a monitoring role that will strengthen security sector governance. Government has to acknowledge that NGO and media participation in security matters will enhance the security of the state. Georgia's obligations under its IPAP should be implemented to strengthen public involvement in security affairs. On the other hand, NGO and media representatives should be trained to raise awareness and understanding of security sector governance issues. There is an urgent need for independent civilian experts and media reporters with expertise in security issues. They are needed to assist parliamentary committees on security matters and to reinforce the substance of civil society and the media's activities. International donor organisations should consider allocating funds to building the capacity of civil society in the security area.

The ISAB report recommendation that the government's public information capacity should be improved should be taken into account. The coherent and persuasive presentation of the national case, both internally and internationally, is an essential element of the security fabric of any nation. The

report stresses that 'this is still weak area with little apparent and effective planning or coordination'.<sup>82</sup>

To sum up, Georgia has taken key steps towards creating the framework of laws and democratic institutions needed to exercise democratic oversight. However, the substance is still lacking. The process of transforming the understanding of democratic control principles faces challenges that arise from misunderstandings, limited capacities and institutional resistance. Like in most transitional countries, building up the necessary expertise for civilian oversight remains a basic challenge. Nevertheless, we have seen significant improvements in the Georgian media and civil society. As it is obvious that a poor level of interaction between civil society and the security sector makes it harder for state agencies to function efficiently, it is essential that civil society and the media are part of the security governance development process. This will be achieved when the state is more convinced that the security sector is democratically controlled, and when watchdogs commit themselves to providing proper expertise.

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<sup>82</sup> International Security Advisory Board, *ISAB Report 2005*.



## Chapter 5. The August War and Parliament's Response

*Rati Cheishvili*

### Introduction

On 7 August 2008, Russia launched a full-scale military offensive against Georgia. Moscow occupied a fifth of Georgian territory and stepped up ethnic cleansing campaigns against Georgians in these areas. The incursion, which had been systematically preceded by political and other provocations, was the violent culmination of policies that Russia had pursued against Georgia over many years. The war only lasted a few days, but it had far-reaching implications, not only for Georgia and the whole region, but also for the West. Among other things, Russia continues to occupy Georgian territory; has violated fundamental norms of international law and the ceasefire agreement brokered by President Sarkozy; and refuses to reverse the results of the ethnic cleansing and allow the victims to return home. Nevertheless, the aim of this chapter is not to analyse the reasons for this war and its consequences. Rather, the chapter discusses how the Parliament of Georgia acted before, during and after the war; how effective it was with regard to the issues that later resulted in war; how it used its oversight over the executive; and parliament's actions following the war.

### Parliament's attempts to prevent war

The Parliament of Georgia, as the country's supreme representative body, exercises legislative power, determines the principle directions of domestic and foreign policy, and exercises oversight over the governments' activities.<sup>83</sup> Parliament has always been actively involved in issues relating to the restoration of territorial integrity.

Prior to the 2008 war, Russian-Georgian relations and the situation in the breakaway regions of the country were under constant discussion in parliament and its various committees. For example, in the period between 2004 and 2005, the Foreign Relations Committee held six public hearings on the Territorial Integrity Projects, which were developed by various political and civil society organisations. The aim of these hearings was to launch public debates on the government's policies regarding the restoration of territorial integrity and to ensure more civil society involvement in the process. Foreign

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<sup>83</sup> Parliament of Georgia, *Constitution of Georgia*, adopted on 24 August 1995, p.12 [online]; available from [http://www.parliament.ge/files/68\\_1944\\_951190\\_CONSTIT\\_27\\_12.06.pdf](http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf); Internet; accessed 21 June 2011.

experts, representatives of international organisations, foreign diplomatic missions accredited in Georgia and the mass media participated in these hearings, which were designed to supply international organisations and foreign states with detailed information and to involve them actively in settling the conflicts.

Moreover, by means of a parliamentary resolution of 25 June 2004, the Temporary Commission on Territorial Integrity Issues was created. According to the Constitution of Georgia and the Georgian parliament's Rules of Procedure, temporary commissions can be created by means of parliamentary decisions in order to investigate legal transgressions by state institutions and state officials, and to study issues of particular public or state interest.<sup>84</sup>

The commission is still active, and its objectives are to coordinate activities within its competence relating to conflict resolution in Abkhazia and in the Tskhinvali region, exercise parliamentary oversight over these activities, and promote the peacemaking process. The commission has the mandate to prepare projects, make relevant decisions and draw conclusions on the above-mentioned issues, and prepare recommendations and submissions.

Since it was created, the Temporary Commission has discussed problems and ongoing developments relating to the restoration of territorial integrity, the current situation in the occupied territories, the problem of internally displaced persons (IDPs), has held open hearings of ministers and other heads of state agencies, and has debated developments and reports. As such, the commission has attempted to raise public awareness and inform a wide spectrum of civil society about ongoing developments and the government's activities. However, the commission's decisions are only of a consultative and advisory nature. It is up to the government to take these recommendations into account, and the commission does not have any power to ensure their fulfilment. The commission also lacks the right to initiate legislation, and can only participate in the preparation of draft laws in collaboration with the relevant parliamentary committees.

Parliament's activities relating to the restoration of territorial integrity have helped to raise public awareness and open public discussions, but in general, parliament has failed to fulfil its main responsibilities and obligations; that is, determining the principle directions of domestic and foreign policy and exercising oversight over the government's activities. The reason for this can be found in several amendments to the Constitution of Georgia that were made after the 'Rose Revolution', which significantly strengthened the power of the executive.

Adopted on 6 February 2004, these amendments changed the balance

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<sup>84</sup> Parliament of Georgia, *Constitution of Georgia*, adopted on 24 August 1995, p.15; Parliament of Georgia, *Rules of Procedure*, Article 54, p. 23 [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=69&kan\\_det=det&kan\\_id=339](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=339); Internet; in Georgian; accessed 21 June 2011.



between the executive and legislative in favour of the president.<sup>85</sup> The constitutional amendments made between 2004 and 2010 also increased the executive's power, mostly at the expense of parliament. This was also confirmed by the Venice Commission, the Council of Europe's (CoE) advisory body for legal and constitutional issues. During his visit to Georgia on 3-4 February 2010, Gianni Buquicchio, secretary of the Venice Commission, stated that the constitutional amendments made after the Rose Revolution represented 'progress, but [...] lacked balance between the powers', and 'the government must be more accountable to the parliament'.<sup>86</sup>

An important example of this lack of balance was the parliamentary resolution regarding the situation in the conflict regions in Georgia and the course of peacemaking operations, dated 11 October 2005. Parliament gave a negative evaluation of the execution of the obligations and the activities of peacemaking forces located in the territory of Abkhazia and the former South Ossetian autonomous region. Despite the fact that Russia had been mandated by the international community to assist with and ensure the peaceful settlement of conflicts in the territory of Georgia, Russia's activities led directly to the strengthening of separatist regimes and the occupation of part of Georgian territory. The Government of Georgia was obliged to report to parliament on the activities of peacemaking forces located in the former South Ossetian autonomous region by 10 February 2006, and in Abkhazia by 1 July 2006. Parliament entrusted the government to end the peacemaking operation in the former South Ossetian autonomous region by 15 February 2006, and the operation in Abkhazia by 15 July 2006, and to annul the relevant international agreements and existing structures.<sup>87</sup>

Despite evidence that Russian peacekeepers violated their obligations,<sup>88</sup> and of Russian aggression against Georgia in general, Russian

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<sup>85</sup> Civil Georgia, *New Constitution Boosts President's Powers*, 7 February 2004 [on-line]; available from <http://www.civil.ge/eng/article.php?id=6172>; Internet; accessed 21 June 2011.

<sup>86</sup> Civil Georgia, *Venice Commission Delegation Visits Georgia*, 4 February 2010 [on-line]; available from <http://www.civil.ge/eng/article.php?id=21951&search=venice> commission constitutional amendments; Internet; accessed 21 June 2011.

<sup>87</sup> Parliament of Georgia, *Resolution Regarding the Current Situation in the Conflict Regions in the Territory of Georgia and Ongoing Peace Operations*, adopted on 11 October 2005 [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=98&info\\_id=7268](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=98&info_id=7268); Internet; accessed 21 June 2011.

<sup>88</sup> For example, in the Tskhinvali region between 1992 and 8 August 2008, 150 civilians and representatives of law enforcement bodies were killed in the zone for which Russian peacekeeping forces were responsible. In Abkhazia between 1994 to 2007, in the zone for which Russian peacekeepers were responsible there were 991 cases of murder, 294 cases of physical injury, 1527 cases of kidnapping, 223 cases of setting fire to houses and 21 cases of rape; and 716 attacks on representatives of law enforcement bodies were recorded. See: Ministry of Foreign Affairs of Georgia, *Russian Aggression against Georgia. Report of the Ministry of Internal Affairs to the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of*

troops have yet to be stripped of their peacekeeping role in the region. In fact, parliament lacks the power to be confident that the government is acting in compliance with its decisions. Parliament entrusted government to take adequate measures to end existing peacekeeping operations, annul all appropriate international agreements and ensure the withdrawal of Russian peacekeepers. Parliament did not have the power, however, to ensure that government acted in accordance with its decisions. As mentioned above, since 2004, constitutional amendments have significantly weakened parliament's capacity to bring the government to account. Parliament does not even have the power to declare its lack of confidence in the government. If parliament makes a declaration of no confidence in the government, the president has the right to dismiss parliament. This again confirms the absence of effective parliamentary oversight mechanisms over the government, and parliament's weakness in general.

In addition, the current political balance in the parliament – since 2004, the ruling party has had a constitutional majority in parliament – hampers parliamentary control mechanisms and ensures parliament's loyalty to the government and its policies.

The Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia later determined that the issue of Russian peacekeepers was a major failing in the period leading up to the August War. According to the commission, the failure to officially strip the Russian troops of their peacekeeping role was considered the main shortcoming of the period prior to the conflict. Georgian officials reported to the commission that despite having seriously discussed the issue at a high political level in March and April, from the spring of 2008 onwards, the Georgian government had been advised by western allies to avoid taking this confrontational step. In addition, the western allies had suggested that by doing so, Georgia would avoid risking an abrupt escalation of tensions and further aggravation of the situation at hand. However, Georgia's adoption of a constructive approach towards the issue of peacekeeping did not stop the Russian Federation. The latter skilfully involved its peacekeeping troops in the aggression implemented against Georgia, and made them full-scale participants in Russian military action. While on the one hand, the Russian Federation utilised the fact of the Georgian assault on Russian peacekeepers as a reason to justify commencing aggression against Georgia, on the other hand, Russian troops were already attacking the Georgian population from their respective headquarters.<sup>89</sup> After the war, representatives of the government also identified

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*Georgia* [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=1322&info\\_id=21527](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1322&info_id=21527); Internet; in Georgian; accessed 21 June 2011.

<sup>89</sup> Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia, Conclusion of the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of

the issue of the peacekeepers as the main mistake, specifically that the government had not taken appropriate steps to halt existing peacekeeping operations and to ensure the withdrawal of Russian peacekeeping forces.

Moreover, both parliament and the government failed to assess adequately the threat from Russia. In 2005, a National Security Concept was approved for the first time since Georgian independence. The National Security Council (NSC) of Georgia is responsible for producing the National Security Concept, while parliament is authorised to approve it. Despite numerous incidents of the violation of Georgia's sovereignty and territorial integrity by Russia, the NSC described the possibility of military intervention against Georgia as being very low.<sup>90</sup> Although later, the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia stated that all of Georgia's key allies had suggested dropping the threat of renewed Russian military aggression from 'high' to 'a very theoretical possibility',<sup>91</sup> this seems to have been a flawed approach, as the NSC sets the major directions of national security policy according to present threats, risks and challenges.

### **Parliament during the war**

According to the constitution, in the case of an armed attack on Georgia, the president should declare martial law, an action that should be approved by the parliament within 48 hours. Upon the declaration of martial law by the president, parliament should assemble within 48 hours and continue to sit until the end of the period of martial law. On 9 August 2008, a parliamentary resolution approved the presidential decree concerning the declaration of martial law on Georgian territory, and continued its work in emergency mode.

According to a decision by the Bureau of the Parliament,<sup>92</sup> five working groups were created. The aims of these groups were to: study alleged cases of ethnic cleansing; assist IDPs; work with local and regional authorities; work with mass media; and evaluate the damage caused by the war. MPs chose which groups they would participate in and gave additional assistance within their competence to other state agencies on issues arising from the war, such as the provision of assistance to refugees, logistical support, and improving

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Georgia [on-line]; available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=1315&info\\_id=22617](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1315&info_id=22617); Internet; accessed 21 June 2011.

<sup>90</sup> Ministry of Foreign Affairs of Georgia, *National Security Concept of Georgia*, adopted on 8 July 2005 [on-line]; available from [http://www.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=12](http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=12); Internet; accessed 21 June 2011.

<sup>91</sup> Parliamentary Temporary Commission, *Conclusion*.

<sup>92</sup> The Bureau of Parliament is a permanent body that was created to organise parliament's activities. The Bureau consists of the chairman (speaker) of parliament, his or her deputies, and the chairmen of committees and factions. See Parliament of Georgia, *Rules of Procedures*, Chapter XIV: The Bureau of Parliament, p.49.

communication and relations with the population. These parliamentary groups focused on issues relating to the economy, foreign relations and security.<sup>93</sup> Despite the fact that such approaches did have some positive results (such as achieving the provision of an uninterrupted supply of food, fuel and medicine to the whole country during the crisis), they mostly involved *force-majeure* activities that were largely uncoordinated and gave rise to a confusion of functions.

During the whole period of the August War, parliament and its various committees worked in emergency mode, regularly holding extraordinary sessions and meetings, receiving updates from the government, appealing to international organisations and civil society, and exchanging information with foreign parliaments and international parliamentary assemblies. However, as far as the government was concerned, parliament's activities assumed a cooperative character, rather than one of oversight over the executive.

In general, as was also later stated by the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia, the government failed to act in line with the formal demands of legislation; specifically, a decree by the Government of Georgia that in such circumstances, a special governmental commission should be created. The decree determines that a special commission should be established, and identifies the functions and activities of the members of the Georgian government during crises and emergency situations. In spite of the fact that in response to complications arising from the conflict, the government established several crisis management centres and these extraordinary activities had positive results, the government should have managed the emergency by resorting to more formal, appropriate mechanisms. Contrary to the above-mentioned decree, no commission was created in response to the outbreak of the August War, and this, in turn, caused much of the uncoordinated activity on the part of members of the government.<sup>94</sup>

### **The Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia**

During his annual address to parliament on 16 September 2008, President Saakashvili, in response to the opposition's questions, supported the idea of creating a parliamentary group and arranging parliamentary debates on the

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<sup>93</sup> Information about the extraordinary session of parliament is available from [http://www.parliament.ge/index.php?lang\\_id=ENG&sec\\_id=63&info\\_id=19910&date=2008-08-14&new\\_month=08&new\\_year=2008](http://www.parliament.ge/index.php?lang_id=ENG&sec_id=63&info_id=19910&date=2008-08-14&new_month=08&new_year=2008)

<sup>94</sup> Parliamentary Temporary Commission, *Conclusion*.

matters that had led to the war.<sup>95</sup> The parliamentary minority welcomed the president's readiness to cooperate in investigating the events of August 2008, but demanded that a parliamentary investigative commission be set up, not simply a group of *rappoteurs* in the parliament, as had been proposed by the president. Minority MPs argued that although asking 'who started the war?' would be inappropriate, as there was broad consensus between the ruling and opposition parties, and all agreed that Russia had started the war,<sup>96</sup> the investigation was nonetheless needed to reveal failings in the actions of state agencies at the time of combat operations in August, and to critically analyse government decisions in the years leading up to the war.

The parliamentary majority reiterated that the ruling party was ready to answer all of the opposition's questions, and said that the actions of state agencies during the hostilities would become a matter of special investigation.<sup>97</sup> Thus the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia was established according to a parliamentary resolution adopted on 26 September 2008, on the joint initiative of the parliamentary majority and minority.

The commission comprised an equal number of parliamentary majority and minority representatives: ten members, five of whom were from two factions of the parliamentary majority, four from two factions of the parliamentary minority, and one member who represented those MPs without any faction. The chairman of the commission, Paata Davitaia, was a minority member. Over three months, the commission studied the events that had taken place in Georgia as a result of aggression undertaken by the Russian Federation, before and during August 2008. The commission made a detailed study of the August War and its background. It also provided the public with complete and objective information regarding how the Georgian government acted to avoid, and subsequently respond to, the Russian invasion.

The commission held special sessions that aimed to establish the facts and obtain specific information. Due to intense public interest, open sessions were held. In the interests of transparency, commission proceedings were open to the media and general public, with live TV broadcasts of all sessions. In addition, journalists were able to attend all hearings and full transcripts were

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<sup>95</sup> Civil Georgia, *Saakashvili's Annual Address*, 16 September 2008 [on-line]; available from <http://www.civil.ge/eng/article.php?id=19525&search>; Internet; accessed 21 June 2011.

<sup>96</sup> Ruling and opposition parties in Georgia agreed that Russia had started the war in August 2008, and that the war had been directed against the sovereignty and territorial integrity of Georgia. Moreover, in their view, the ultimate goal of the Russian aggression in 2008 was not only the occupation of Georgian territory, but also to forcibly change the foreign policy orientation of Georgia and overthrow the country's democratically elected government.

<sup>97</sup> Civil Georgia, *'Who Started War not an Appropriate Question' – Parliamentary Minority Leader*, 18 September 2008 [on-line]; available from <http://www.civil.ge/eng/article.php?id=19546&search>; Internet; accessed 21 June 2011.

placed on parliament's website. However, some of the proceedings were closed in order to avoid the disclosure of state secrets.

According to the rules of procedure and the political agreement reached between the majority and minority, the commission was granted the right to call any government official to testify as a witness. The commission conducted over 50 hours of hearings, with testimonies from more than 22 high-ranking officials, including the president; the chairman of parliament; the prime minister; the defence, foreign, and interior ministers; the secretary of the NSC; the chief of the armed forces; and the head of the Foreign Intelligence Service. The result was a 200-page report that analysed the circumstances surrounding the Russian offensive in August 2008, the actions taken by the Government of Georgia, and how the government's response fell short. Remarkably, President Saakashvili not only expressed his readiness to cooperate with the commission, but also participated personally in the inquiry and responded to the commission's questions. In addition to the above-mentioned proceedings, the commission also drew on other sources of information, such as materials and publications from the international, Georgian and Russian media, and reports by respected international non-governmental organisations (NGOs). The commission also held a meeting with IDPs from the occupied territories, in their temporary settlements.

The commission held regular meetings with representatives of the diplomatic corps. Professors, scientists and experts in political science and conflict resolution actively collaborated with the parliamentary commission. It was possible to submit questions to parliament's website, which were then discussed publicly by commission members. After the hearings, the interviewed officials were asked to provide the commission with the relevant documents from their respective institutions. The information, materials and letters obtained from the high-ranking officials' institutions were distributed among commission members and they prepared their conclusions, which became a part of the commission's final conclusion.

The aspects covered by the commission's report were as follows:

- The development of events before and after the offensive by the Russian Federation;
- Initiatives aiming at the peaceful resolution of the conflict;
- The scale of the military aggression undertaken by the Russian Federation;
- The wartime actions and exposed shortcomings of the Georgian government;
- Recommendations.

According to the commission, the failure to officially strip the Russian peacekeepers of their responsibilities was considered to be the main shortcoming in the period prior to the August War. It emerged that the Georgian government had neither expected nor was prepared for the scale of the military

aggression launched against Georgia by the Russian Federation in August 2008. The 7 August invasion by Russian regular forces entering Georgia through the Roki Tunnel and, in particular, the degree and scope of the escalation of Russian aggression, turned out to have been quite unexpected. The Georgian NSC had failed to adequately plan activities ahead of time and, from August 7 onwards, in *force-majeure* situations. Moreover, the National Security Concept of Georgia had erroneously evaluated as 'very unlikely' the threat of large-scale invasion of Georgia by the Russian Federation.

The delivery of information to a wide international audience and the circulation of information within the country had been inadequate. Although the government established several crisis management centres, it should have managed the emergency and crisis situations using more appropriate, formal mechanisms.

The period of crisis also revealed vulnerabilities on the part of the Georgian Ministry of Foreign Affairs. There were no plans or written instructions for ambassadors that prescribed how to act in emergency and crisis situations. In addition, there was no adequate control over their activities. There were significant shortcomings in the Ministry's human resources (HR) policy, including the incompetent appointment of Georgian ambassadors abroad.

Serious deficiencies were revealed in the field of defence. It emerged that there had been problems in the system of military communication. Despite the fact that the army was equipped with the appropriate modern technical equipment, training in the use and uninterrupted operation of this equipment was lacking, something that became evident during the military operations.

The military operations revealed the complete inadequacy of the reservist system at every level: both conceptually and at the level of planning, preparation and operations. There was no adequate strategic planning by the Ministry of Defence. The loss of armaments and their capture by the Russians was caused by shortcomings in the officers' HR policy. Some of the officers had graduated from the training course only several weeks prior to the Russian aggression. The Joint Staff had no organised plan for withdrawal and had to make decisions in operational mode. This fact alone shows the poor planning of military operations conducted by the Joint Staff. The Civilian Defence system did not function adequately and inadequate attention was paid to it. As for the plans for Civilian Defence, these were either non-existent or mere formalities.<sup>98</sup>

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<sup>98</sup> Parliamentary Temporary Commission, *Conclusion*.

### **The recommendations of the commission**

The commission proposed that the following recommendations be implemented, which aim to address the shortcomings identified in the course and context of the August War:

1. The NSC of Georgia should re-examine the National Security Concept of Georgia and adjust the existing threats and challenges in an adequate manner;
2. The NSC of Georgia should develop an appropriate system for early threat notification;
3. The NSC of Georgia and the Government of Georgia should develop a concept for a unified crisis management centre;
4. The NSC of Georgia, the Georgian government, and the appropriate ministries should develop adequate communication strategies for times of crisis;
5. The NSC of Georgia and the Georgian government should review the Civil Defence Concept and revise the civilian defence blueprint in correspondence with existing threats and challenges;
6. The system of training and mobilising the reserve forces should be duly examined;
7. The Ministry of Defence of Georgia should implement appropriate measures aimed at safeguarding the uninterrupted operation of defence communications systems;
8. The Government of Georgia should use all possible measures aimed at addressing shortcomings in air defence, and report the results to the Trust Group of the Parliament of Georgia on a regular basis;
9. The directives aimed at efficiently guiding the activities of the Georgian diplomatic corps operating in times of crisis should be elaborated;
10. The issue of attracting highly-qualified personnel to the diplomatic service and their personal development should be set as a goal of particular importance;
11. The appropriate committees of the Parliament of Georgia should be involved in the process of monitoring execution of these recommendations;
12. The aforementioned systemic problems have created a necessity for change in personnel in the respective military and political departments.

According to a parliamentary resolution dated 19 December 2008, the conclusions of the Parliamentary Temporary Commission on Military Aggression and Acts of Russia against the Territorial Integrity of Georgia were recognised, and the Ministry of Foreign Affairs was assigned to send the commission's report to the relevant international organisations, the



representatives of diplomatic missions accredited in Georgia, and to the Independent International Fact-Finding Mission on the Conflict in Georgia.

The commission did not offer specific recommendations for personnel changes, since during the period in which the commission had elaborated its conclusions, the prime minister, the secretary of the NSC, the Minister of Defence, the Minister of Foreign Affairs, the Chief of the Joint Staff, military commanders of different ranks and levels, and high-ranking diplomats had left their positions. The fact that high-level changes in the government and military were made before the commission finished its work hampered the effectiveness of its work with regard to oversight. The commission's primary focus was on institutional and systemic issues relating to the government's response to and management of the crisis, rather than on the individuals employed by these institutions. However, this focus inevitably required an examination of the actions of these individuals and the manner in which they exercised leadership.

Despite this, the commission reported on several events and activities involving various state officials and agencies that were considered to be issues beyond its competence.<sup>99</sup> The commission thus decided that the relevant materials should be sent to the Office of the Chief Prosecutor of Georgia for further investigation. The outcome of this investigation remains unknown and parliament and its various committees have not made any further attempts to resolve this question. If the commission had been created as a Temporary *Investigative* Commission, it would have had the authority to examine the illegal actions of state bodies and public officials that threaten the state security, sovereignty, territorial integrity, political, economic or other interests of Georgia. Moreover, in general it would have had much more authority and would have been able to investigate a wider range of issues relating to the war between Russia and Georgia.

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<sup>99</sup> To give some examples: first, the activities of the legitimate government of Abkhazia. As stated in the commission's report, decisions on the evacuation of the population and police units from the Kodori Gorge had to be made solely by Ivane Merabishvili, the Minister of Internal Affairs, while Malkhaz Akishbaya, the Chairman of the Autonomous Republic of Abkhazia in Exile, was unable to arrive to the Kodori Gorge at all. Moreover, Temur Mzhavia, Chairman of the Supreme Council of Abkhazia, left the Kodori Gorge on 9 August. Second, the head of the Foreign Intelligence Service of Georgia reported to the commission that during the war, he came across a piece of information that was important to the economic security of the state. He then had passed this piece of information to the Minister of Energy. The Commission did not study the adequacy of the Minister of Energy's response. Third, during the August War, there was a case when the Ambassador Extraordinary and Plenipotentiary to the Czech Republic, Lado Tchipashvili, ceased to work without permission. Fourth, When Georgia called Ambassador Erasti Kitsmarishvili back from the Russian Federation for consultation, after Russia violated Georgian air space on 10 July 2010, he publicly criticised his country and failed to contact the Ministry of Foreign Affairs after 6 August, even to receive information.

The government has begun implementing many of the recommendations that are outlined in the Commission's report, and parliamentary oversight and participation in these processes and in general has improved significantly. The NSC revised the document on Threats Assessment, and the new document was discussed within the Trust Group. Taking into account the changing security environment, the NSC also drafted a new Security Concept and organised wide-ranging debates on the draft concept within parliament, including the committees on foreign relations, defence and security, European integration, and the majority and minority factions. NGOs and representatives of the civil society were also actively involved in the debates. The Ministry of Defence and the Parliamentary Committee on Defence and Security began to develop a new military reserve system. The Trust Group held hearings on Georgia's air defence systems. The Ministry of Foreign Affairs reported on the creation of guidelines for the Georgian diplomatic corps in times of crisis, and this was debated with MPs from the ruling party and the opposition.

On the initiative of the President of Georgia, the Anti-Crisis Council was created in September 2008. It is composed of representatives of the Government of Georgia and the parliamentary majority, as well as parliamentary and extra-parliamentary opposition parties. The aim of the Council is to discuss and design democratic reforms, strengthen the role of the opposition in Georgia's political life, facilitate the exchange of views between the government and opposition, monitor the distribution of international donor aid to victims of the Russian aggression, and oversee the post-aggression reconstruction process. The Council is chaired by an opposition MP.

The above-mentioned developments demonstrate parliament's enhanced role in overseeing the government's activities, but it is worth mentioning that those developments represent established good practice rather than institutionalised mechanisms.

After the adoption of new constitutional amendments, which enter into force from 2012/2013 and will shift power to parliament and the prime minister, parliament will have an opportunity to play a more active role in overseeing the executive. The amendments reshape the structure of government to balance state institutions by shifting a number of significant powers from the presidency to the parliament and the government, which will be led by the prime minister. The document introduces a so-called 'mixed' system of governance: one with a strong parliament, an effective government formed by and directly accountable to the parliament, and the president as an arbiter with representative functions. Through a number of checks and balances, the various branches of government counterbalance each other, so as to avoid the accumulation of power in one area. Parliament will be the only authority that can form/dismiss the government; the party or coalition with the most seats will have the power to nominate the prime minister, who selects the members of the cabinet (this is in

contrast to the current model, under which the president selects the prime minister and presents the cabinet to parliament for approval). The government will exercise executive power and will be directly accountable solely to parliament. The constitutional amendments will also simplify the procedure for a parliamentary motion of no confidence against the Cabinet of Ministers, including a reduction in the necessary quorum and granting the parliamentary minority the right to initiate a motion of no confidence.

### **Conclusion**

After 2003, significant steps were taken to transform Georgia into a modern, democratic state. The reforms undertaken by the authorities were widely praised by international organisations and civil society. While valuable progress was made in many fields of public and state life, however, alongside steps to develop state institutions, deficiencies emerged and gave rise to an imbalance between different branches of the institutions of governance. This was most evident in the case of parliament, which was deliberately weakened in favour of the executive. By concentrating most executive power in the hands of the president, parliament's ability to effectively oversee the executive, hold it to account and ensure meaningful transparency was limited.

By redistributing power from the president to parliament and the government nominated by parliament, the adopted amendments move the centre of political gravity towards parliament. With this, parliament will have more opportunities to act and to fulfil its main responsibility: to oversee government in an effective way, which in turn facilitates the development of an inclusive and democratic political culture.



## Chapter 6. Foreign Influences: the Russia-Georgia Relationship

*Zviad Shamatava*

### Introduction

This chapter will analyse the Russia-Georgia relationship, the political causes of the August 2008 war and its likely consequences for Russian, Georgian, and international politics. The 2008 war between Russia and Georgia generated a number of lessons regarding Moscow's objectives and policies, the difficulties facing Russia's neighbours, and how these might impact Russian foreign policy in the long term. To help us to understand Russian policy in August 2008, it is important to analyse the global processes that have developed since the collapse of the Soviet Union, and to find out how these have been perceived by Russia.

Four major factors have shaped Russia's post-Soviet international environment:

#### *1. The Enlargement of NATO and the EU*

After the collapse of the Soviet Union, a number of former Soviet states joined NATO and the EU. In the period between 1999 and 2002, ten countries from the Baltic region and Central and Eastern Europe became NATO members. Increasing cooperation between former Soviet states, NATO and the EU created concern in Russia, as Moscow viewed this process as a threat to its national security.

#### *2. The development of alternative energy transit routes)*

After becoming independent, Azerbaijan signed a contract with international oil companies to develop the country's offshore oil fields. An agreement was also signed to construct a Baku-Tbilisi-Ceyhan pipeline to deliver Azerbaijani oil to European markets, thereby bypassing Russian territory. In 2006, in an undertaking known as the Nabucco Project, the European Commission, Turkey and a number of other countries signed an agreement to build a natural gas pipeline that would transport natural gas from Turkmenistan and Azerbaijan to Austria, via Georgia and Turkey.<sup>100</sup> The development of alternative energy transit routes caused concern in Russia, which is a major supplier of oil and natural gas to world markets, especially to Europe.

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<sup>100</sup> "Nabucco Gas Pipeline is Approved," *BBC News*, 27 June 2006 [on-line]; available from <http://news.bbc.co.uk/1/hi/business/5121394.stm>; Internet; accessed 26 May 2011.

Since the collapse of Soviet Union, the Kremlin has made many efforts to pre-empt the building of energy transit routes outside Russian territory and to take control of alternative transit routes. Russia's fear is that it will lose its leverage and influence over former Soviet countries and the EU if alternative transit routes become available.

### *3. The 'colour revolutions' in former Soviet states*

In November 2003, after the parliamentary elections in Georgia, massive anti-governmental demonstrations broke out in the central streets of Tbilisi. Soon almost every major city and town in Georgia was involved. The demonstrations were led by Mikheil Saakashvili, who was supported by the majority of the country's NGOs and civil society groups. The so-called Rose Revolution led to the fall of Eduard Shevardnadze's government. In December 2004, similar events took place in Ukraine. After the so-called Orange Revolution, Viktor Yanukovich, a pro-Moscow candidate who was openly backed by the Kremlin, was defeated, and the pro-western politician Viktor Yushchenko came to power in Kiev. One year later, rigged elections in Kyrgyzstan sparked what became known as the Tulip Revolution.

Moscow feared that these events would spread to the other former Soviet states, and this prompted Russian politicians to view all of these 'revolutions' as a threat to Russia's national interests. Russia saw the 'new wave of democratisation' as a deadly threat to its influence, and even to its very existence.<sup>101</sup>

### *4. The independence of Kosovo*

Serbia has always played an important part in Russia's foreign policy, and Russia has a long history of involvement in Balkan political affairs. After the NATO campaign in 1999, Russia felt that its international prestige had been damaged by the failure to consult Moscow when deciding the fate of the region. In the years that followed, the issue of Kosovo's independence became a key issue in Moscow's foreign policy, because it was thought that independence for Kosovo might incite secessionist movements in the North Caucasus. Vladimir Putin condemned the recognition of Kosovo and warned that this would inevitably set a precedent for other 'frozen conflicts'.<sup>102</sup> Moscow felt that it needed to respond firmly to these events and issued a number of strong political statements. In practice, however, Russia took few steps, which led separatist groups to question Russia's real capabilities.

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<sup>101</sup> Ivan Krastev, "Russia's Post-Orange Empire," Open Democracy, 20 October 2005 [on-line]; available from [http://www.opendemocracy.net/democracy-ukraine/postorange\\_2947.jsp](http://www.opendemocracy.net/democracy-ukraine/postorange_2947.jsp); Internet; accessed 5 September 2008.

<sup>102</sup> Fred Weir, "Kosovo Independence: Russia Warns of Separatist Storm," 20 February 2008 [on-line]; available from <http://www.csmonitor.com/2008/0220/p06s01-woeu.html>; Internet; accessed 9 October 2010.

### **Moscow's strategies**

As Janusz Bugajski has argued,<sup>103</sup> Russia uses several interconnected strategies and policies to pursue its ambitions. Russia has frequently accused the West and the US of having 'imperial designs', which include overthrowing governments, undermining state sovereignty and so forth. While Russian leaders have promoted anti-Americanism, they have portrayed Russia as a guardian of international law and state sovereignty. Russia has argued that its version of 'sovereign democracy' offers a model for others. Moscow continues to support the principle of non-intervention, but it also claims the right to intervene militarily when protecting its citizens. In order to justify the invasion of Georgia, Russian officials argued that Russia had no choice but to invade, as international law had been violated.

Russia's foreign policy is focused on expanding its zone of influence to encompass former satellites in which the influence of the West has been reduced. Politically, Moscow continues to dominate the former Soviet world. The tools used by Russia to achieve its ambitions include offensive diplomacy, military threats, energy-related blackmail, informational warfare and fuelling ethnic disputes. The Kremlin also benefits politically from the conflicts afflicting neighbouring states, as it can present itself as a protector or mediator.<sup>104</sup> In order to counter NATO's eastward expansion Russia is keen to create or show international division thus undermining the appearance of a common policy.

Russia is engaged in various energy projects to increase its neighbours' dependence. Energy is used as a means of political pressure, whether through pricing, supply, or ownership of infrastructure. States that are perceived as friendly towards Russia are offered beneficial contracts. Indeed, it was Russia's 'gas diplomacy' and pending energy deals that made EU countries lighten their criticism of Russia's intervention in Georgia. Moscow tries to neutralise its critics by creating dependence on Russian energy supplies, and the manipulation of such dependence can be a powerful instrument for applying political pressure.

### **Russia's security strategy**

In order to gain advantages in the field of security, Moscow manufactures security disputes with EU and NATO countries. It presents itself as an aggrieved party, arguing that Russia's national interests have been undermined by western policies, namely. Recent examples of this strategy are: the recognition of Kosovo's independence, NATO enlargement and the missile defence system in Central and Eastern Europe. All three have been portrayed as threats to Russian national interests. The West (and the US in particular) has been pressured into making concessions. In September 2009, for example, the

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<sup>103</sup> Janusz Bugajski, *Georgian Lessons: Conflicting Russian and Western Interests in Wider Europe* (Washington: CSIS, November 2010).

<sup>104</sup> Bugajski, *Georgian Lessons*, 16.

Obama administration abandoned the idea of locating the missile defence system in Central and Eastern Europe. Russian officials argued that this proved that their policies had been successful.

Moscow seeks to gain some advantages by partially retreating on its initial positions, thereby encouraging the West to make concessions on other issues. The invasion of Georgia can be seen in terms of such calculations. The withdrawal of Russian troops from the village of Perevi, which is located deep in Georgian territory rather than in one of the 'buffer zones', and the dispatch of an EU monitoring mission along the administrative border of Abkhazia and South Ossetia, can be seen as a 'second step', the aim of which was to make Russia's 'first step' acceptable to the EU.<sup>105</sup>

The regime in Moscow sends out messages about its foreign policy aims that can be interpreted in different ways, in order to confuse and disarm western states. For example, although Russia claims to support the peaceful resolution of conflicts in Azerbaijan, Georgia and Moldova, it is also applying political pressure and is ready for a military response.

### **The consequences of the August War**

In the wake of the Rose Revolution, the US and NATO saw an opportunity to push their agenda in the South Caucasus. For the Kremlin, it became even more important to emphasise its interests and to try to reduce US influence in the region. Officials in Moscow saw the defeat of Georgia in August 2008 as a symbolic victory over the West. In reality, however, what consequences did the August War have for the parties involved in the conflict, and what effect did the war have on other states?

Russian military intervention in Georgia revealed Moscow's real foreign policy goals. After the collapse of the USSR, some believed that Russia would choose the path of democratic and economic development. Russia became a member of the informal group of leading industrial countries that was then known as the G7, and Russian companies were listed on major foreign stock exchanges. Russia also became a major actor in the world energy market. In contrast to the liberal democratic image Russia wants to uphold, however, Moscow provoked the August War in order to overthrow Georgia's democratic government and to force the country to return to Russia's sphere of influence. Analysing the conflict in terms of who fired first is less important than analysing the motives of the parties and the outcome of the war.

Despite Russia's military victory over Georgia's small and inexperienced armed forces, the war did not bring the results that Russia had desired, including the overthrow of the government and the installation of a more neutral regime in Tbilisi. Moscow wishes to transform Georgia into a

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<sup>105</sup> Bugajski, *Georgian Lessons*, 17



'failed state', in order to prevent other former Soviet states from emulating pro-western, democratic and economically liberal Georgia. However, the president and the government of Georgia survived. Moreover, public support for Saakashvili was increased, and war itself accelerated Georgia's separation from the Russian orbit. Indeed, Georgia went further and withdrew from the Commonwealth of Independent States (CIS), and Georgia's diplomatic relations with Russia deteriorated as a result. In addition, Georgia signed a charter on strategic partnership with the US. It is clear that Georgia is rapidly moving away from Russia's economic and political sphere of influence, as trade relations with Moscow decline due to Russia's economic embargo on Georgian goods, and Georgia's economic relations with the EU and Turkey intensify.<sup>106</sup>

Georgia's internal conflicts helped the Kremlin to divert attention from its policy towards the northern Caucasus, and to paint a negative portrait of Georgia in the region. Russia is continuing to threaten Georgia that it will use military action unless the Saakashvili government is overthrown.

### **Economic consequences**

The Russian economy was the first to feel the negative impact of the August War. As many of the biggest investors pulled their capital out of Russia, several billion USD of foreign capital vanished and the country's stock index plummeted. In order to prevent the value of the rouble from falling, the Central Bank of Russia had to pump a large amount of cash into the money markets.<sup>107</sup>

Besides the negative effect on the economy, Moscow faced a number of military and security challenges. After the war, the Central European and Baltic states stepped up their attempts to increase military cooperation with the US, and other Eastern European states are expected to follow. In addition, NATO's naval presence in the Black Sea became almost permanent, infuriating Moscow even further.<sup>108</sup>

Western leaders openly condemned Russia for invading Georgia, and pointed out that Russia might face international isolation as a result. The EU became more active in developing alternative energy routes using the Georgian

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<sup>106</sup> Bugajski, *Georgian Lessons*, 46-47.

<sup>107</sup> "The Outflow of Foreign Capital from Russia Prompts the Banks to Limit Credit", *Liga Novosti*, 10 September 2008 [on-line]; available from <http://news.liga.net/smi/NP080736.html>; Internet; accessed 26 May 2011; "Russia's Foreign Capital Reserves Lost Nine Billion Dollars in a Week," *Vremya Novostei*, 11 September 2008 [on-line]; available from <http://vremya.ru/news/1021119.html>; Internet; accessed 26 May 2011; Charles Clover and Peter Garnham, "Moscow forced to shore up rouble," *Financial Times*, 4 September 2008 [on-line]; available from <http://www.ft.com/cms/s/0/a56c6662-7ab7-11dd-adbe-000077b07658.html>; Internet; accessed 12 October 2010.

<sup>108</sup> Andrew E. Kramer, "NATO Ships in Black Sea Raise Alarms in Russia," *The New York Times*, 27 August 2008 [on-line]; available from [http://www.nytimes.com/2008/08/28/world/europe/28russia.html?\\_r=1&oref=slogin](http://www.nytimes.com/2008/08/28/world/europe/28russia.html?_r=1&oref=slogin); Internet; accessed 12 October 2010.

passage. Moreover, as Georgia can exercise its 'power of veto,' Russia's bid to join the World Trade Organisation (WTO) has now fallen into question. The first round of talks with Georgia on Russia's accession to the WTO was held on 10 March 2011. Georgian officials indicated that Tbilisi's position remained 'unchanged', saying that Georgia would not allow Russia to join the WTO unless it ceded control of customs in the breakaway Georgian regions of South Ossetia and Abkhazia.<sup>109</sup>

Moreover, Russia failed to secure the support of the Shanghai Cooperation Organisation and the CIS. Despite pressure from Moscow, no member of the CIS (an alliance that is controlled by Russia) has recognised the independence of the two breakaway regions so far. The Russian invasion of Georgia will certainly make CIS countries more wary of Moscow's intentions. In the long term, each country – especially those facing the danger of separatism in their own territories – will seek alternative alliances.

### **Russia and Georgia's neighbours**

Georgia's neighbours believe that Tbilisi put too high a value on western support and that this isolated the region and increased its dependence on Moscow. Armenia feels particularly isolated and its younger generation is frustrated by the country's alienation from the West, dependence on the Kremlin, excessive reliance on settling the Nagorno-Karabakh conflict to 'unblock' the country, and its failure to take advantage of economic opportunities.

Moscow has used the dispute over Nagorno-Karabakh to influence both parties to the conflict. By helping Armenia and the Karabakh Armenians, Kremlin has used the conflict as a lever to make Azerbaijan join the CIS, to retain a Russian military presence and to block the country's western aspirations. Azerbaijan, in turn, has rejected Russian requests to host its military bases and has tried to use its energy resources as a bargaining tool. Russia is playing a double game: on the one hand, it supports the territorial integrity of Azerbaijan, and on the other hand, Moscow has signed defence treaties with Armenia that allow Russia to retain its military presence in the country, and that provide Karabakh Armenians with military assistance and equipment.<sup>110</sup>

Armenia suffered most as a result of the brief August War. Due to the blockade of Armenia by Turkey and Azerbaijan, Georgia forms Armenia's only connection with the rest of the world. The conflict presented Yerevan with a foreign policy dilemma. Armenia was expected to back Russian actions against

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<sup>109</sup> "Russia says WTO talks with Georgia will be Continued," *Ria Novosti*, 15 March 2011 [on-line]; available from <http://en.rian.ru/business/20110315/163024938.html>; Internet; accessed 26 May 2011.

<sup>110</sup> Bugajski, *Georgian Lessons*, 49.

Georgia; the country is widely believed to be Kremlin's closest ally in the South Caucasus. Its reliance on Georgia as a vital transport connection between Armenia and the rest of the world, however, led Yerevan to adopt a more moderate position to avoid upsetting Tbilisi.

After the August 2008 War, Moscow pressed Yerevan to recognise Abkhazia and South Ossetia as independent states, and pledged to recognise Nagorno-Karabakh if the Armenian authorities agreed to do so. Yerevan decided not to recognise the independence of these two breakaway regions in order to avoid conflict and the further blockade of the country. Despite its warm and friendly relations with Georgia, Armenia continues to see Moscow as a protector. Armenian officials fear that if Georgia were to succeed in forcefully recovering its lost territory, it would encourage Baku to use military means to regain the territory occupied by Armenian troops.<sup>111</sup>

The war also showed Azerbaijan that participation in NATO programmes does not guarantee its security. Furthermore, the fact that neither Ukraine nor Georgia has been granted Membership Action Plan (MAP) status has convinced Azerbaijan that NATO enlargement has been postponed for the indefinite future. Russia's invasion of Georgia led Azerbaijan to conclude that it should take a more cautious approach to cooperation with NATO.<sup>112</sup> The Kremlin also demanded Baku's withdrawal from the Trans-Caspian pipeline project that would feed the EU-sponsored Nabucco pipeline from Central Asia, bypassing Russia. In April 2010, Azerbaijan, Romania and Georgia, later joined by Hungary, signed a memorandum of understanding to go ahead with the planned Azerbaijan-Georgia-Romania-Interconnection (AGRI) project to transport liquefied natural gas from Azerbaijan to the EU through Georgia and Romania. On 14 October 2009, Azerbaijan's State Oil Company and Gazprom signed an agreement on gas exports to Russia.<sup>113</sup> Baku is increasing its annual gas exports to Russia, but it also expects that progress will be made with the Nabucco Project, and has made reliable energy transit agreements with Turkey.<sup>114</sup>

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<sup>111</sup> Bugajski, *Georgian Lessons*, 49.

<sup>112</sup> *Ibid.*, 50.

<sup>113</sup> Vladimir Socor, "Azerbaijan-Russia Gas Agreement: Implications for Nabucco Project," *Eurasia Daily Monitor* 6, no. 189 (2009).

<sup>114</sup> "Azerbaijan, Georgia, Romania Sign Deal on Gas Transit Route," *EU Business*, 14 September 2010 [on-line]; available from <http://www.eubusiness.com/news-eu/azerbaijan-georgia.640>; Internet; accessed 26 May 2011; "Hungary to Join AGRI Energy Project," *Upi.com*, 3 September 2010 [on-line]; available from [http://www.upi.com/Science\\_News/Resource-Wars/2010/09/03/Hungary-to-join-AGRI-energy-project/UPI-27571283539368/](http://www.upi.com/Science_News/Resource-Wars/2010/09/03/Hungary-to-join-AGRI-energy-project/UPI-27571283539368/); Internet; accessed 26 May 2011.

### **Russia-Turkey relations**

The August War also affected the relationship between the two regional powers in the wider Black Sea area, Russia and Turkey. Although it lasted just five days, the war is likely to have long-lasting consequences for the region's geopolitics. Even before war broke out, relations between Moscow and Ankara were complex, constituting a mixture of cooperation and competition.<sup>115</sup>

Russia views Turkey as an ally in the attempt to reduce the naval presence of NATO (and of the US in particular) in the Black Sea, despite the fact that Turkey is a member of NATO. Although economic relations between Moscow and Ankara have strengthened significantly in recent years and Russia has become Ankara's major trading partner, Turkey still tries to compete with the Kremlin, both as a geopolitical player and as an alternative energy transit route.

At the beginning of August 2009, Russia and Turkey signed an agreement by which Ankara agreed to build a 'Southern Stream' pipeline through Turkish territorial waters. The two countries also committed themselves to building the second leg of the Blue Stream gas pipeline under the Black Sea to export Russian gas to the Middle East via Turkey's Port of Ceyhan, which Ankara wants to transform into an energy hub for the Middle East.<sup>116</sup>

Moscow's actions against Georgia in 2008 revealed the vulnerability of Ankara's economic and political interests in the South Caucasus. For this reason, Turkey embarked on an urgent 'damage control' operation, ahead of its far-reaching plans to establish a modified role for itself in the region, in the form of the Caucasus Stability and Cooperation Platform (CSCP). It is remarkable that Ankara's leaders chose Moscow as the place to reveal these projects.<sup>117</sup> Turkey's decision to create this platform clearly shows that Moscow is potentially both a threat and a major partner in managing the complex stability of the Caucasus.<sup>118</sup>

The warming of relations between Turkey and Russia could also undermine the position of Azerbaijan. Moscow supports the reestablishment of cordial relations between Turkey and Armenia, which is strongly opposed by Baku, as it may contribute to isolating Azerbaijan and Georgia and minimising western influence throughout the region.<sup>119</sup>

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<sup>115</sup> Igor Torbakov, *The Georgia Crisis and Russia-Turkey Relations* (Washington: The Jamestown Foundation, 2008).

<sup>116</sup> Bugajski, *Georgian Lessons*, 50-51.

<sup>117</sup> "Erdogan on a Surprise Trip to Russia," *Turkish Daily News*, 14 August 2008; "Turkey steps into Georgia Conflict," *Todays Zaman*, 14 August 2008.

<sup>118</sup> Krzysztof Strachota, "The Southern Caucasus and Central Asia after the Russian-Georgian War: The Geopolitical Consequences," *CES Commentary* 10 (2008).

<sup>119</sup> Bugajski, *Georgian Lessons*, 51.

## **Approaches to Russia**

Janusz Bugajski points out that analysts and policymakers have adopted two broad approaches to the relationship between the West and Russia since Moscow's military aggression against Georgia in August 2008. He labels these the 'active' and 'passive' approaches.<sup>120</sup>

The passive position either directly concedes to the Kremlin's desire to determine Russian and western zones of influence or, by simply dismissing the need for such zones, underplays the value of greater interaction with the West. Russian President Dmitry Medvedev has laid claim to Russian zones of 'privileged interest' in a range of former Soviet states, stretching from the current eastern border of NATO to China. Moscow defines this zone as 'Eurasia', in which Russia plays a central leadership role. While no European country has explicitly accepted this geopolitical subdivision, it will be implicit if, in future, NATO and EU enlargement to the east is opposed, if the strengthening of security along the present borders of NATO is resisted, and if Russia claims that its national interests are more important than those of its nearest neighbours.

The 'realists' or 'accommodationists' believe that Moscow should not stop aiding the effort to tackle problems such as jihadist terrorism and nuclear proliferation. Such an approach could easily lead to a Yalta-like acceptance of Russia's growth in power by letting Moscow have indefinite influence over the post-Soviet states. Some Central and Eastern European states fear that instead of a 'soft reset' to US-Russia relations, in which there are genuine common interests and cooperation is pursued, the US will opt for a 'hard reset' in which Moscow's expansionism is accepted. We can already observe this trend in some European states, where the Kremlin's increasing influence over the post-Soviet states is considered preferable to long-term uncertainty and political instability.<sup>121</sup>

Bugajski's so-called 'active' position dismisses Moscow's zero-sum game regarding European and Central Asian security, and concentrates on countries' sovereign aspirations to steadily develop closer ties with the West and to join multinational institutions. Neither the EU nor NATO represent a security threat to Moscow; on the contrary, they can help to stabilise the region and ensure security along Russia's border. Pan-Europeanists also argue that NATO needs to have specific plans for defence, territorial defence capabilities and military infrastructure in order to deter potential aggressors.

Policymakers understandably want Moscow to be transformed from an adversary into a strategic partner, and it is crucial that they base their approach on a realistic assessment of the Kremlin's geopolitical goals. Strategic partners should have common interests and goals in addition to particular policies. Even

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<sup>120</sup> Bugajski, *Georgian Lessons*, 51

<sup>121</sup> *Ibid.*, 114.

though the Kremlin does not share the long-term goals of either the EU or NATO, it can be a strategic partner in the context of short-term goals, such as the fight against terrorism and nuclear non-proliferation.

### **Conclusion**

Several observers suggest that Moscow will eventually cease to dominate the region. The Kremlin will most probably make aggressive and destabilising moves to try to compel the West to accept its ambitions. With its weak political structure and economy, badly affected by the global financial crisis, Russia will not be able to contribute to the security and sovereignty of the states along its border during a period of geopolitical uncertainty.

The effect of the August War on Georgia's Euro-Atlantic integration, meanwhile, is not clear. It is obvious that the aggression transformed the problem into an international security issue. Moscow repeated several times that it would block Georgia's integration into NATO at any cost. Kremlin's statement might motivate NATO to resist Russia's blackmail and to provide assistance to the integration process.

Looking to the future, Moscow's failure to create an extensive sphere of influence will give an important impetus to the independent countries in the region to promote democracy and to develop permanent regional security alliances along Russia's borders. In the coming decades, new opportunities will open up for the West to refocus and enlarge the Trans-Atlantic and European communities.<sup>122</sup>

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<sup>122</sup> Bugajski, *Georgian Lessons*, 115.

## Conclusion

*Vasili Tchkoidze*

### Introduction

The role of parliaments across the world is becoming more important. This is partly due to the fact that voters are better educated, but also because people are starting to realise that through the legislature, they can monitor the government's activities, including government spending of taxpayers' contributions. People's elected representatives can also protect them from abuses of power by governments or governmental agencies. In addition, voters understand that parliament defines the scope of the executive's competences. In most modern democracies, the government owes its power either to a written constitution or to the legislature.

In Georgia, parliament is also gradually playing a more important role, namely with respect to parliamentary oversight of the executive, policy issues, and the executive's obligation to obtain parliamentary approval for all its initiatives and actions. One should note that recent constitutional changes have transformed the current system, which was previously dominated by the presidential (executive) branch – something that is characteristic of many post-Soviet states – into a more balanced and modern 'mixed system'.

Upon the initiative of the President of Georgia, a Constitutional Commission was established with the aim of drafting a new constitution that would lead to an enhanced system of checks and balances, a stronger parliament, an independent judiciary and well-balanced presidential power. On 21 July 2010, the Constitutional Commission submitted the final draft of a series of landmark amendments to the current Georgian constitution. The draft envisages a completely new, balanced arrangement of government branches, strengthens property rights, augments the independence of the judiciary and local self-governance, and enhances the role of the opposition in the decision-making process.

For post-Soviet countries such as Georgia, which lack longstanding experience in parliamentary democracy and accountability, the practical realisation of the functions of parliamentary oversight is always a difficult task. In spite of achieving a certain degree of control over various governmental agencies, the problem of monitoring the defence and security sectors continues to pose a significant challenge. The defence sector is not just another agency that spends taxpayers' money. Rather, it is concerned with the security, territorial integrity and sovereignty of Georgia. Moreover, defence entails the maintenance of armed units that function as the instruments of the state's monopoly on legitimate violence. The modernisation of the defence system

enhances the professionalism and technological capabilities of the armed forces. However, it makes it more difficult to achieve public control over security. In Georgia, the situation was complicated further by Russia's aggressive policy, which resulted in a full-scale military offensive against Georgia. The additional and urgent security needs, the need for confidentiality, and the *ad hoc* nature of the situation combined to create a less favourable environment for advocates of parliamentary control and transparency. It should be mentioned, however, that for a country in transition, Georgia has managed to deal with these problems and maintain parliament's role to a satisfactory extent.

As we have seen above, Georgia has faced many difficulties during its process of transformation. From the 1990s, Georgia suffered from instability, civil war, externally-inspired conflicts and Russian military aggression. The reform of the security sector and the relationship between the civilian authorities and the military remain an integral part of the country's democratic transition. Achieving democracy, a market economy and a fully-functioning civil society would be unimaginable without full-scale reforms in the security sector. In this book, the authors have described the whole trajectory of Georgia's transition in this sector, and in most cases have made recommendations that are designed to fill the gaps in the ongoing reforms.

### **Security Sector Reform in Georgia: Progress and Prospects**

The opening chapter provided a segmented analysis of the reforms in the Ministry of Defence (MoD), the Ministry of Internal Affairs (MIA) and the intelligence agencies. The main goal of the 2005 merger between the MIA and the Ministry of State Security was to avoid duplication and bureaucratic difficulties. One of the main achievements of this period of reform was the establishment of the Patrol Police, thereby abandoning one of the most corrupt and poorly-managed structures within the Ministry of State Auto Inspection (GAI). The new management system, along with appropriate funding and modern equipment, proved to be a successful example of Georgian democratic reform. It resulted in greater transparency in the MIA's activities and made it easier for the public to access information. The reforms drastically changed the image of the police in Georgian society for the better, raising levels of trust and confidence in police officials. People developed more confidence in the police than ever before.

It is worth mentioning the establishment of direct communication between the opposition and the MIA, as described in the chapter. This proved to be an excellent opportunity to guarantee increased public oversight of police activities in a more transparent way. With respect to defence sector reforms, the chapter focused in particular on defence policy planning; namely, on the steps taken by the government to ensure that all decisions regarding the security policy planning process are communicated to all relevant actors, including



parliament, non-governmental organisations (NGOs), the general public, and so forth. Civil society participation commenced with the first meeting with think tanks on 17 September 2009, when the Threat Assessment and National Security Concept was discussed; and of course, opposition parties were actively involved in consultations.

A third key sector described in the chapter is that of the Georgian intelligence community. Two important laws provided the legal basis for reform of the intelligence sector: the Law on Intelligence and the Law on the Intelligence Service. By adopting these two new laws, the parliament of Georgia replaced the previous law of 1999, which neither reflected new realities nor met the increased need to satisfy international standards and deal with the new threats facing Georgia. The Law on Intelligence gave a clear picture of the composition, principles, objectives and capabilities of the intelligence system, establishing the Georgian Intelligence Service as the main body in this system. In addition, the author drew our attention to the importance of the Law on the Intelligence Service, which determines the structure of the service, its functions and range of competencies. Parliamentary oversight is exercised via parliament's Defence and Security Committee, while control over the sector's secret activities, special programmes and the state funds allocated for these purposes is exercised by the Trust Group. I fully share the author's opinion, expressed in the chapter, that while both laws are in line with EU directives, further improvements are still needed to achieve best practice in oversight of the intelligence sector. In particular, the chapter referred to parliamentary oversight, as well as monitoring conducted by independent audit services. In general, the practice of holding broad public consultations on important strategic documents, such as National Security Concepts, as well as international cooperation, should be further expanded.

### **Parliament and Security Sector Reform**

The second chapter provided a detailed description of the process of forming a legislative base for the security sector and the development of security policy. The most important achievement mentioned by the author was the separation of the functions of the civilian office of the MoD and those of the Joint Headquarters of the Armed Forces. The reforms also affected the Navy, with Navy assets and personnel being integrated into the Coastguard service.

Another important step toward transparency was the adoption of Georgia's National Security Concept in 2005. For the first time since the country's independence, the Georgian parliament approved the National Security Concept prepared by the National Security Council of Georgia, underlining parliament's increasing role. Of course, this does not mean that parliamentary oversight or participation is fully adequate in this respect. Some strategic documents are not subject to parliamentary approval. As the author

pointed out, the Law on Defence Planning does not require parliament to approve the National Military Strategy. Rather, the law stipulates that only the National Security Concept needs to be approved by parliament. However, according to the same law, parliamentary oversight of defence planning falls under the competence of the Committee on Defence and Security. Analysing the existing legal framework, the author makes the crucial recommendation that it would be advisable for all strategic-level security policy documents to be approved by parliament.

According to the chapter, the legislative body is authorised not only to monitor compliance with laws and other related normative acts, but also to adopt the Law on the State Budget and monitor its implementation. Parliamentary committees participate in scrutinising the state budget within their level of competence. In the case of the Committee on Defence and Security, for example, the Committee examines the military budget, while the MoD is accountable for budgetary planning and expenditures. MoD representatives are responsible for providing the necessary information on the budgetary process, explaining the exact articles of the budget, and convincing the committee of the necessity of the expenditures. The committee draws its conclusions and submits the budget to parliament. Later, parliament decides whether or not to approve the budget.

The author argued that parliament plays a crucial role in monitoring the process of implementing the plans and strategies that are stipulated in the various documents. In addition, the author recommended that a provision be incorporated in legislation, stating that all procurement projects of special importance should only commence after having received the consent of the legislative body.

### **The Power of the Purse**

Chapter three on budgetary control covered the areas of defence budget planning and oversight. With regard to parliamentary control, the chapter described how the shortcomings of the past have been partially overcome. The MoD now has a better understanding of its obligation to submit expenditure to the Committee on Defence and Security and to the Trust Group. The chapter explained the role played by the Chamber of Control, which is responsible for auditing budgetary outflows, monitoring the MoD's spending and reporting the improper use of hundreds of thousands of dollars.

In the wake of recent reforms, Georgian legislation now provides efficient legal tools for conducting parliamentary oversight in relation to funding and budgetary issues. The author of the chapter described the budget cycle, which consists of several phases, and explained how parliament plays a role in all of these; namely, those of budget preparation, budget approval, execution,

and audit. The structured approach used by the author provided the reader with a clear picture of legislative and budgetary procedures in Georgia.

In general, despite significant improvements, the author concluded that parliament's involvement in the process of defence budget preparation is currently very weak. Parliamentary committees merely discuss the basic data and directions of the state budget, and send their recommendations to the government. In view of this, the author suggested that every effort should be made to strengthen the effective participation of parliament in all phases of the budgetary process, including budget preparation. Parliament should be able to exercise more power and to contribute to the budgetary process from the beginning. After all, the chapter notes that one of parliament's most important responsibilities is to hold the executive to account for its actions and spending.

In relation to the 'power of the purse', the chapter identified three types of parliament. The parliament of Georgia is referred to as a 'budget-influencing' parliament, and the author consequently recommended that parliament's powers should be extended to make it a 'budget-making' parliament. In the past, it was widely held that security policy is a 'natural' task for executive agencies, as they have the necessary knowledge and the ability to act quickly. Significantly, the author of the chapter rejected this approach. Even though parliament has tended to be regarded as a less suitable institution for dealing with security issues and has lacked full access to the necessary expertise and information, for many reasons, the author argued, parliament can play a valuable role in overseeing the security sector.

### **Media and Civil Society Oversight of Security Policy in Georgia**

The fourth chapter argued that the existing level of civilian engagement in security affairs is low in Georgia, at least by western standards. The author explained that this is partly due to the weakness of Georgia's civil society. The main argument put forward in this chapter is that while much international assistance has been directed towards supporting civil society development, at the same time, little attention has been paid to engaging civil society in the security sector. As a result, civil society organisations and individual experts lack the experience to work on such issues.

It should be noted that the Georgian media and civil society show little interest in security issues. The author reported that some civil society representatives argue that the authorities are reluctant to cooperate actively with NGOs. However, as explained in the previous chapters, a number of influential Tbilisi-based NGOs do in fact cooperate closely with the government, including the MoD, the National Security Council, and the MIA, among others. In this regard, the establishment of the 'Reform Group' within the MIA, which involves nine NGO experts and qualified specialists, is to be considered to be a very positive step.

The author of the chapter welcomed the Georgian MoD's support for new forms of cooperation with civil society. As described in the chapter, in November 2009, 22 civil society organisations joined together to form the Civil Council on Defence and Security, which functions under the MoD. The Council meets on a monthly basis with officials from the MoD, including the Minister and Deputy Minister, in order to discuss ongoing reforms and issues of mutual concern. As the author argued, the creation of this body as a forum for discussion on the security sector is one of the greatest achievements regarding the improvement of civilian-military relations in Georgia.

In summary, the chapter made several important recommendations:

- Civil society and the media should play an important role in monitoring, as well as strengthening security sector governance;
- The authorities must recognise that NGO and media participation is necessary, and even useful, for enhancing the security of the state;
- There is an urgent need for expertise among independent civilian experts and media reporters on security matters;
- International donor organisations should consider allocating funds for building the capacity of civil society in the area of security.

### **The August War and Parliament's Response**

The fifth chapter dealt with a fascinating and important topic: in the wake of the Russian-Georgian war, the Georgian authorities supported the opposition's proposal to create a parliamentary group to examine the lead-up to the war, and arrange parliamentary debates on this issue. As explained in the chapter, the commission comprised an equal number of parliamentary majority and minority representatives and was chaired by Mr. Paata Davitaia, a minority member.

The commission provided the public with complete and objective information regarding the Georgian government's actions that were intended to avoid, and subsequently respond to, the Russian invasion. Even though the commission did not offer specific recommendations relating to personnel changes, many high-ranking officials and diplomats were dismissed following public hearings conducted within the framework of the commission. This demonstrates that the hearings and activities conducted by the parliamentary commission had significant influence on the government and its personnel policy. In addition, the commission influenced government policy and the government's ability to deal with the very difficult task of implementing its supervisory and monitoring role in the challenging post-war political environment. Moreover, the commission discovered many shortcomings and

mistakes that had been made by public officials at all levels, and forced the executive to provide detailed explanations and information.

### **Foreign Influences: the Russia-Georgia Relationship**

The final chapter described the international security environment surrounding Georgia, which plays a key role in shaping Georgia's internal security environment. Threats to Georgia's security, the occupation of Georgian territory and continuing attempts to destabilise and undermine Georgia's fragile political system have created an unfavourable environment for security sector reform. It is quite difficult to achieve transparency, reform and public access to information one hand, while on the other taking measures to bolster security and respond to Russia's aggressive and provocative actions. It is obvious that the Georgian authorities are obliged to protect the country's security and take the necessary measures to oppose the aggressive policy of its hostile neighbour, but this should not be done at the expense of the ongoing reform process and efforts to increase transparency. Neither should the authorities justify the existing lack of accountability by blaming the powerful foreign actors that threaten the country. Recent steps taken by the authorities suggest that at present, the Georgian government is managing to deal with this grave task. However, the reforms should be continued and Georgia is obliged to meet NATO standards, and enormous effort will be required to achieve a proper balance between these two factors.

As described in the chapter, Russia's foreign policy is focused on expanding its zone of influence to encompass former Soviet states in which the influence of the West has been reduced, and where Moscow continues to dominate the former Soviet world. Georgia (and maybe to a lesser extent Ukraine) remains the only country in the post-Soviet area to oppose Russia's dominance, and the country openly expresses its Euro-Atlantic aspirations. As described in the chapter, the tools used by Russia to achieve its imperial goals include offensive diplomacy, military threats, energy-related blackmail, informational warfare and ethnic disputes. While coping with this pressure, Georgia should not lose its main focus on security sector reform and increased transparency. In this regard, international cooperation seems to be playing a decisive role, as Georgia's resources alone are insufficient to enable it to survive as a democratic country under such conditions.

Georgia, as well as other independent countries in the former Soviet area, should be given the opportunity to promote democracy and to develop permanent regional security alliances along Russia's borders.

## Conclusion

Reflecting on the opinions and findings provided by the authors above, a number of general problems and related solutions emerge.

First, effective collaboration between the government, the opposition, the NGO community and the general public needs to be strengthened. Some obvious steps have been taken by the government to enhance the engagement of the opposition and civil society organisations in decision-making in the field of defence and security. However, the poor representation of the opposition in parliament and the absence of sufficient resources remain the main obstacles in this regard.

Second, further cooperation with international partners would also contribute to the overall strengthening of democratic governance in Georgia. Parliament, as well as Georgian NGOs, and particularly think tanks working on security issues, should become more open and must seek opportunities to cooperate with international partners.

Third, with regard to parliamentary oversight of military procurement, as argued above, it would be advisable to incorporate a provision in the legislation stating that all significant procurement projects should only commence after having received the consent of the legislative body.

Fourth, it is critical that parliament is involved in defence budgeting from the beginning, and that it can exercise more power with respect to budget approval, execution and audit. Parliament should have the ability to monitor government expenses in the field of defence and security and should strive to enhance transparency and accountability. It should also be able to determine whether the money allocated by the executive branch has been misused.

In this regard, the third chapter put forward the very interesting notion that the parliament of Georgia is a *budget-influencing parliament*. As suggested above, it would be a reasonable step to widen parliament's powers to make it a *budget-making parliament*, in view of the security threats, risks and challenges that Georgia currently faces.

Finally, a serious lack of expertise is currently hindering the process of civilian oversight. The level of professionalism among Georgian experts should be raised by means of ongoing training and study. In this regard, a two-step approach might be considered: international experience, involving input from high-level foreign experts, in parallel with the creation of an efficient network of well-trained and well-prepared local experts able to explain all aspects of parliamentary oversight of defence and security to a broader audience, particularly those who are responsible for, or working on, security matters.

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## List of acronyms

AGRI	Azerbaijan-Georgia-Romania-Interconnection
ANP	Annual National Programme
CCG	Chamber of Control of Georgia
CEIS	Centre for European Integration Studies
CESS	Centre for European Security Studies
CFSP	Common Foreign and Security Policy
CIPDD	Caucasus Institute for Peace, Democracy and Development
CIS	Commonwealth of Independent States
CoE	Council of Europe
CRRC	Caucasus Research Resource Centre
CSCP	Caucasus Stability and Cooperation Platform
ENP	European Neighbourhood Policy
EP	European Parliament
EU	European Union
GAI	Ministry of State Auto Inspection
GFSIS	Georgian Foundation for Strategic and International Studies
GPP	Georgia Parliamentary Programme
HR	Human resources
ICCN	International Centre on Conflict and Negotiation
IDP	Internally displaced person
IPAP	Individual Partnership Action Plan
ISAB	International Security Advisory Board
ISAF	International Security Assistance Force
MAP	Membership Action Plan
MIA	Ministry of Internal Affairs
MoD	Ministry of Defence
MP	Member of Parliament
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NSC	National Security Council
NSR	National Security Review
PCA	Partnership and Cooperation Agreement
PPBS	Planning, Programming and Budgeting System
SDR	Strategic Defence Review
SSR	Security Sector Reform
WTO	World Trade Organisation



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