

The Status of Current Security Sector Governance in the CIS and its Relevance to Parliamentarians

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Introduction

Nearly fifteen years after the end of the Soviet Union, the status of democratic control over the security sector in the Soviet successor states remains a vexed issue. The dissolution of the USSR was itself preceded by a succession of clashes in which the powers and vested interests of the Soviet security sector were set against the aspirations of popular national movements in many Soviet republics in ever more pronounced ways: popular perceptions of the illegitimacy of the sector's response to mass protests directly spurred increasing opposition to the central regime and, ultimately, precipitated its downfall and the mentalities which had sustained a national security state.

Since independence, the transparency and accountability of the security sector in former Soviet states has remained a prominent issue. At their worst points, the civil wars in Georgia, Moldova and Tajikistan raised the issue of whether there was any effective political control of the security sector at all, and, if there was, whose interests were being served though the conflicts concerned. The Caucasus region was particularly embroiled with conflicts in the disputed territories of Abkhazia, Nagorno-Karabakh and South Ossetia, all of which were, in terms of coverage, intensity, and casualties, ultimately eclipsed by the conflicts in Chechnya. In regional terms, each conflict raised the issue of control and accountability of the security sector, its policies, and its decision-making processes; particularly as some of the security agencies involved appeared to act exclusively in their own interests.

With the establishment of many *de facto* presidential republics across the region, security sector actors across the defence, intelligence, and law-enforcement spheres became perceived, just as in former Warsaw Pact countries, as critical actors in the new political, social, and economic landscapes. As successor states, the countries became signatories of the OSCE Code of Conduct on Politico-Military Aspects of Security in 1994, joined democratic fora such as the Council of Europe, and interacted with regional and international organisations with embedded democratic governance agendas. Hence, the obligation to develop demonstrable democratic civilian control of security sector actors increased over time. As democratic transitions progressed, civil society increasingly expressed dissatisfaction at democratic deficits precipitated by a lack of transparency, accountability, and widespread corruption, all of which were most commonly encountered in every day life through corrupt policing and public insecurity, but which also affected the political landscape through interventions in executive and governmental decision-making. Parliaments increas-

Note: The views expressed in this article are those of the author and do not necessarily represent those of the United Nations or UNDP.

ingly faced issues which, if acted upon, could affect the power of the executive, and they were, as a result, the focus of strong lobbying for such action by national and international civil society.

Thus, as advocacy on democratic governance, institution building, human security, and human rights increased in the region through vectors supported by international organisations, the critical issue of democratic control of the security sector coalesced. Despite its salience, the issue remains under-mapped at the regional level. As at least the principle of parliamentary scrutiny of governments and executive became embedded, an opportunity to explore the issue of democratic oversight of the security sector, focusing most closely on the parliamentary component, was provided by the UNDP Regional Network of CIS Parliamentarians discussing democratic control of the security sector and security sector governance issues at the Roundtable on Parliamentary Oversight held in Prague in October 2005, in cooperation with the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Research Objectives

At this event, to begin the process of filling a knowledge gap and to gain background on and ascertain the needs for improved democratic security sector oversight, particularly in the context of parliamentary oversight, UNDP's Regional Centre for Europe and the CIS requested that the Geneva Centre for the Democratic Control of Armed Forces (DCAF) undertake a survey of the current status of parliamentary oversight in the former Soviet countries which made up UNDP Regional Network of CIS Parliamentarians in order that the results could be presented and discussed at the Roundtable. Consequently the survey focused on the successor states in the network, grouped here into three sub-regions following the typology: Western CIS (Moldova, Ukraine); the Caucasus (Armenia, Azerbaijan, Georgia); and Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan). As a result, the Baltic States (Estonia, Latvia, Lithuania), Belarus, the Russian Federation, and Turkmenistan were omitted from the survey. Finally, a desk study was prepared with materials elaborating the status of security sector governance in the former Soviet Union as a broad-ranging background document for the attendees.

With the specific aim of addressing parliamentary and democratic oversight issues, a questionnaire was prepared to gain insight into both issues, as well as on the status of security sector governance in each of the states concerned. Parliamentarians and civil society groups from each country were asked to respond to the survey. A modified form of the questionnaire was also used to request data from international development actors working in each country. From the findings, a baseline could be drawn, which would help to indicate what assistance was needed in order to improve governance and to help create recommendations for national and international actors working on relevant issues.

The aim was two-fold: firstly, to assess the current status of parliamentary oversight and security sector governance in each former Soviet country and by sub-region; secondly, to use the findings to identify national and regional security sector governance needs; gaps in democratic oversight mechanisms, instruments, knowledge and understanding; and formulate policy-relevant conclusions for empowerment and capacity building projects among: parliamentarians; civil society; the media; and democratic institutions, particularly those responsible for the rule of law and human rights.

To locate the security governance issues and needs identified by respondents, current analyses of democratic security oversight and governance issues across the region were examined to provide a context for the survey findings. Their limitations were also assessed with a view to further clarifying the gaps and resulting research needs on these issues. The value of the study was that it was the first of its kind in the area on this issue, not least as it aimed at addressing the issues of sustainable democratisation and local ownership.

The findings are outlined in the next section to provide a context for the research findings generated by the questionnaire.

Mapping Security Sector Governance in the Former Soviet Union – A Brief Outline

Although an in-depth, thematic, systematic, book-length regional analysis of the status of security sector governance or democratic oversight of the security sector in the former Soviet Union does not yet exist, the issue has been addressed in strategic terms by the OECD-Development Assistance Committee (DAC)'s 2005 study on Security System Reform, and other preliminary investigations by the 'security and development' community into the issue of security sector governance in a regional context. The regional inter-relationship between security, governance, and development issues has been addressed in over-arching terms in the South Caucasus;¹ and the role of the OSCE in the post-Soviet space has also been assessed in terms of mandate-fulfilment.² But it is the OECD-DAC survey which incisively states that:

"The main [security system reform] challenge facing the post-communist states is to limit the influence of the old military and secret police cadre and to restore democratic control over use of force by state institutions. This challenge encompasses not just internal mili-

¹ See, for example, Neil MacFarlane, 'Security and Development in the Caucasus', *Conflict, Security and Development*, Vol. 4, No. 2, August 2004, pp. 133-148.

² Maria Raquel Freire, *Conflict and Security in the Former Soviet Union: The Role of the OSCE*, (Aldershot: Ashgate, 2003).

tary and police reforms but also the establishment of impartial judiciaries, the strengthening of legislatures, and the empowerment of civil society.”³

Identifying the ability to foster economic growth, create social stability and respect for law and order, and for democratic parties to achieve consensus on the strategic priorities of national security constituted the critical developments which led to successful reforms in the Baltics and Central Europe, the survey also attributes the lack of security sector reform (SSR) processes as follows:

“The process in [...] CIS countries has been slower and more politically controversial due to the generally slower pace of economic and political reforms.”⁴

But, at the same time, political and other factors slowing reforms can be linked to the security sectors themselves, particularly for actors who forge links with former secret police and military intelligence

“Paramilitary and internal security forces as well as intelligence services, police and border guards remain outside of any meaningful civil control in many SEE and CIS states, particularly those emerging from conflict.”⁵

“Mechanisms of accountability in governments are either weak or non-existent. Corruption in the public service, the weakness of civil society, and dysfunctional parliaments slow down the process of SSR. In CIS countries, control of the state security apparatus is typically in the hands of one man – the president – who has reproduced the role of the old Party Secretary General.”⁶

Studies by international organisations concerned with governance issues provide an invaluable reference point when comparing the development of the countries in the region. In this regard the World Bank’s ‘Governance Indicators’ are crucial to gauging progress on an array of issues, including voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, and control of corruption.⁷ The 2004 statistics showed that the indicators for voice and accountability and those for corruption did not overlap perfectly in the region: while Central Asian states and Azerbaijan fared least well in terms of voice and accountability, Central Asian states, Azerbaijan, Georgia, Ukraine, and Moldova all had problems controlling corruption. Evaluation of the status of such issues is also supplemented by the work of Transparency International and the Freedom House Nations in Transit Country Reports and

³ Tanja Petovar, ‘Security System Reform in the Baltics, the Commonwealth of Independent States, and Southeast Europe’, Annex 4.A4 in *Security System Reform and Governance: A DAC Reference Document*, DAC Guidelines and Reference Series, OECD DAC 2005, p. 126.

⁴ Petovar, ‘Security System Reform’, Annex 4.A4, in *Security System Reform*, p. 137.

⁵ Ibid. p. 137.

⁶ Ibid. p. 138.

⁷ See <http://www.worldbank.org/wbi/governance/govdata/> The resources available for European and Central Asian countries provide an invaluable reference point for the development community.

Country Ratings, which both reached similar conclusions (although with different methodologies).⁸

In the same way, despite not being concerned with the issue of security sector governance *per se* but rather with issues which are indicative of the status of democratic security governance, the human rights monitoring, awareness raising and advocacy programmes of organisations such as Amnesty International and Human Rights Watch by their very nature draw attention to the consequences of ineffective security sector governance. Other media NGOs such as the Institute for War and Peace Reporting (IWPR) also provide an invaluable touchstone on democratic oversight failures, especially when actively documenting events in the regions.

With the OECD-DAC study proving the exception rather than the rule of 'strategic' security sector governance analysis across the region, whilst there is an awareness of documentation and knowledge-gaps, the omissions have not yet been fully remedied. Most studies focus exclusively on defence and strategic issues and, by default, on the political control of the security sector as relevant to determining the power structures in the region. Relevant information must instead be gleaned from the limited number of nationally-focused security sector oversight studies which have been published, related governance surveys, and the activities of analysts and NGOs involved in monitoring security sector issues, such as Saferworld and DCAF (see below). Overall, interest in the topic is, however, increasing and the analyses are becoming more sophisticated. In the following section the extant literature and its relevance to the security sector governance agenda and the status of parliamentary oversight is outlined by country preparatory to the subsequent analysis of the questionnaire findings in the next section.

The most relevant research to date has focused on the Western CIS, particularly Moldova and Ukraine, states which are now included in the EU's European Neighbourhood Policy and which have been in close proximity to relevant Stability Pact activities in South East Europe.⁹ Both countries have participated in security sector governance mapping exercises aimed at creating local ownership of security problems,¹⁰ and, particularly in Ukraine, there is an increasingly clear understanding of democrat-

⁸ *Nations in Transit 2005*, (New York, 2005) <http://www.freedomhouse.org/research/nattransit.htm>

⁹ See for example the relevant FSU chapters in Philipp H. Fluri and David M. Law (eds.), *Security Sector Expert Formation: Achievements and Needs in South East Europe*, (Vienna: LaVAK, 2003); Philipp H. Fluri and Jan A. Trapans (eds.), *Defence and Security Sector Governance and Reform in South East Europe: Insights and Perspectives Volume 2; FYROM Macedonia; Moldova; Romania; A Self-Assessment Study*, (Belgrade: CCMR, 2003).

¹⁰ See, for example, Leonid Polyakov, 'An Analytical Overview of Democratic Oversight and Governance of the Defence and Security Sector in Ukraine', *DCAF Working Papers*, No. 152, January 2005, Leonid Polyakov and Anatoliy Tkachuck, 'Security Sector Expert Formation: Achievement and Needs in Ukraine', in Fluri and Law, *Needs Assessment*; 'Security-Sector Reform and Transparency-Building, Needs and Options for Ukraine and Moldova', *Harmonie Papers*, No. 17, CESS 2004.

ic oversight issues.¹¹ Applying as much to Moldova as to Ukraine, the main security sector reform issues remain de-politicisation, legal reform, transparency, democratic accountability, and force reductions.¹² Whilst the Russian Federation is not included in this survey, the issue of democratic civilian oversight and security sector reform has not been as neglected as elsewhere in the CIS, but has been no less controversial, particularly as the interaction of vested interests within the defence and intelligence sector have often been seen as instrumental in determining military policy in the North Caucasus. Whilst a detailed study has demonstrated how, even in the midst of bureaucratic 'conflicts' and socio-economic upheavals, a profound consensus between some civilian and security actors on the need to create a minimum of democratic oversight shaped not only the dissolution of the Soviet Union but also the early years of democratic Russia,¹³ and the theory and practice of democratic civilian control at the executive level having been formally elaborated by officials,¹⁴ sceptics have differed. It is often generally accepted that 'a severe breakdown in civilian control over the military took place during the Yeltsin period', and that his successor Putin 'faced a serious problem: not only restoring unity in the military command but also strengthening his control over the armed services, which had started doing as they pleased under Yeltsin',¹⁵ a sentiment echoed by a Swedish survey

"To enable a democratic culture ... in which civil society takes part, Russia has to cease to use its State forces to control ... conflicts with violence and other coercive means. Chechnya is but the most obvious example of this reliance on violence to solve social conflicts. To secure military subordination (and subordination of other power agencies) is a purpose which has not been fully achieved by the Russian presidents' political control of the State forces."¹⁶

Thus, the full interaction of the executive, civil society and security institutions in Russia has still not been fully mapped in detail despite the great interest in the issue both within and outside the country.

An increasing EU interest in the Caucasus, particularly in Georgia and Armenia, has also precipitated a growing body of literature on democratic oversight issues.

¹¹ See, for example, the proceedings of 2002-2005 DCAF-Verkhovna Rada security sector conferences on oversight issues available at <http://www.dcaf.ch/lpag/publications.cfm?navsub1=4&navsub2=3&nav1=3>

¹² James Sherr, 'Transforming the Security Sector in Ukraine: What are the Constraints? What is Possible?', *Central & Eastern European Series 04-07, Conflict Studies Research Centre*, April 2004, pp. 4-5.

¹³ Joris Van Bladel, *The All-Volunteer Force in the Russian Mirror: Transformation Without Change*, (Groningen: University of Groningen, 2004), p. 98-128; text available at <http://irs.ub.ru.nl/ppn/264837398>

¹⁴ See, for example, HE Mr. Sergei Ivanov, Minister for Defence of the Russian Federation, 'Keynote Address - Russia and NATO: Strategic Partners Responding to Emerging Threats', given at IISS, Arundel House, London on 13th July 2004; text available at <http://www.iiss.org/conferencepage.php?confID=67>

¹⁵ Lilia Shevtsova, *Putin's Russia*, (Washington, D.C.: Brookings Institution Press, 2003) p. 131.

¹⁶ Jan T. Knoph, *Civilian Control of the Russian State Forces: A Challenge in Theory and Practice*, FOI-R-1175-SE, Stockholm: Swedish Defence Research Agency, February 2004, p. 122. For law-enforcement, also see Peter H. Solomon, 'The Reform of Policing in the Russian Federation', *Australian and New Zealand Journal of Criminology*, Volume 38, Number 2, August 2005, pp. 230-240.

Initially approached in general terms as a regional issue,¹⁷ the specifics of security sector governance in each successor country have subsequently been addressed more methodically. A recent study by Saferworld itemised Armenia's security sector reform progress, problems, and needs.¹⁸ Georgia's security governance progress and problems have also been addressed,¹⁹ including a preliminary study on the legal framework for security sector governance.²⁰ Analysis of Azerbaijan's security sector reform needs, however, still have not directly addressed controversial issues such as the use of law enforcement units to heavy-handedly disperse pro-democracy demonstrations during the last few years. On the other hand, in common with much of the relevant former Soviet Union (FSU) literature, the issue of security governance is alluded to whenever the country's security issues are discussed.²¹ Overall, the challenges remain the same:

"The three states...face many of the developmental and security problems that plague other former Soviet republics, including weak transparency, rule of law, and democratic institutions."²²

Similarly, Saferworld's recommendations on the steps to be taken by the Armenian government reflect the wider regional security governance needs. These are, to:

- publish a national security concept;
- formulate a policy on the future of the security sector;
- clearly delineate the roles and responsibilities of security sector actors;
- tackle corruption and human rights abuses in the security sector;
- increase transparency in the security sector;
- improve budgetary oversight;
- make a strong commitment to police reform;
- exchange international information and experience of security sector reform.²³

Across the region, the status of security sector governance has been addressed least comprehensively in Central Asia, despite the issue's salience. Some preliminary broad-based studies are available,²⁴ but they have a tendency to focus solely on de-

¹⁷ Anja H. Ebnöther, Gustav E. Gustenau (eds.), *Security Sector Governance in Southern Caucasus: Challenges and Visions*, (Vienna: LaVAK, 2004).

¹⁸ Gagik Agavayan and Duncan Hiscock, *Security Sector Reform in Armenia*, (London: Saferworld, 2005)

¹⁹ Philipp H. Fluri & Eden Cole (eds.), *From Revolution to Reform: Georgia's Struggle with Democratic Institution Building and Security Sector Reform*, (Vienna: LaVAK, 2005).

²⁰ Mindia Vashakmadze, 'Democracy and Security: The Legal Framework of Security Sector Governance' in Fluri and Cole, *From Revolution to Reform*.

²¹ See, for example, Dov Lynch (ed.), 'The South Caucasus: A Challenge for the EU', *Chailott Papers*, No. 65, December 2003, pp. 143-158.

²² Petovar, 'Security System Reform', in *Security System Reform*, p. 134.

²³ Agavayan and Hiscock, *Security Sector Reform*, pp. 6-9.

fence issues and only analytically survey the inter-relation of the executive and key security sector actors.²⁵ In general terms, studies which included a dedicated defence component tended to be more interested in the geo-political relevance of political control of the security sector as opposed to empowerment in democratic terms.²⁶ However, the role of the OSCE in norms transfer has been explicitly addressed as more purely-military technical assistance to the region increased in the wake of the war in Afghanistan.²⁷

In contrast, the broader literature on governance in the region has provided complementary insights into its status of governance and that of other norms transfers. The governance issue has been perceived as most critical in Central Asia, wherein governance issues addressed as a problematic of pervasive neo-Sovietism which precludes the establishment of democratic governance.²⁸ The same shortcomings have been identified in the legal sphere.²⁹ Even in apparently unrelated contexts, transparency and accountability have been shown to be lacking in the region.³⁰

However, the OECD-DAC study included Central Asia in its series of Asian case studies. It specifically addressed the security sector reform problematic in Central Asia as part of a wider survey of oversight needs in Asia finding that:

“The climate for SSR in Central Asia is weak as a consequence of both the global ‘war on terror’ and the nature of political regimes that prevail across the region. Weak legislatures and judiciaries, emasculated medias and low levels of civil society activity have only reinforced the conservativeness of the Central Asian regimes.”³¹

During the post-Cold War era, little has been done to develop oversight capacities, transparency, and accountability. In common with much of the post-Soviet space, but more acutely:

²⁴ Anja Ebnöther, Ernst M. Felberbauer and Martin Malek (eds.), *Facing the Terrorist Challenge - Central Asia's Role in Regional and International Co-operation*, (Vienna: IAVAK, 2005).

²⁵ Baktiyar Kamilov, ‘Conceptual Approaches to the Problems of Ensuring National Security in Central Asian States – Uzbekistan, Kazakhstan, Tajikistan and Turkmenistan’ in Ebnöther and Felberbauer, *Facing the Terrorist Challenge*, pp. 19-88.

²⁶ Boris Rumer (ed.), *Central Asia at the End of the Transition*, (Armonk, NY: M.E. Sharpe, 2005).

²⁷ Raquel Freire Maria, ‘The OSCE's post-September 11 agenda, and Central Asia’, *Global Society*, Vol. 19, No. 2, April 2005, pp. 189-209.

²⁸ Wayne Merry, ‘Governance in Central Asia: National in Form, Soviet in Content’, *Cambridge Review of International Affairs*, Volume 17, Number 2, July 2004, pp. 285-300.

²⁹ Gerald Staberock, ‘A Rule of Law Agenda for Central Asia’, *Essex Human Rights Review*, Vol. 2, No. 1, 2005. <http://projects.essex.ac.uk/ehrr/archive/pdf/File1-Staberock.pdf>

³⁰ Tatiana Zaharchenko & Greta Goldenman, ‘Accountability in Governance: The Challenge of Implementing the Aarhus Convention in Eastern Europe and Central Asia’, *International Environmental Agreements*, Vol. 4, No. 3, September 2004, pp. 229-251(23).

³¹ Dipankar Banerjee and Mallika Joseph, ‘Security System Reform in Asia-Pacific’, Annex 4.A2, Overview of Regional Survey Findings and Policy Implications for Donors, in *Security System Reform and Governance: A DAC Reference Document*, DAC Guidelines and Reference Series, OECD DAC 2005, <http://www.oecd.org/dataoecd/8/39/31785288.pdf> p. 97.

“On the whole, little progress has been made on the domestic front, particularly with regard to governance reforms. Remnants of Soviet military form the backbone of the security forces in each country with the same legacy of total state control. Political and policy initiative that address security problems rarely involve the legislature. In the policy arena, civil management bodies and civilian capacity-building initiatives are generally conspicuous by their absence.”³²

The quotations above exemplify the post-Soviet experience of security sector governance in the former Soviet Union. Whilst improvements to governance have occurred in countries who have actively sought out assistance from international and regional organisations, in most cases, the security sector has remained moribund, plagued by the same problems, and ultimately unaccountable and at the disposal of the executive. In conclusion, sufficient data from multiple sources exists to enable judgements on the status of security sector governance, even if the specifics are often lacking.

Questionnaire Survey: Outline & Research Findings

The questionnaire used to ascertain the current status of parliamentary oversight of the security sector in the former-Soviet countries concerned addressed three thematic categories, classified as legislative and policy framework; the role of institutions; and empowerment and capacity building. Each was subdivided into eight or more questions (see Box 4 for a list of issues addressed by the categories; the full text of the questionnaire can also be found in the ‘Resources’ section of this publication). Respondents were also asked to identify elements of the current security agenda in their country, identify whether there would be a budget increase or decrease, and whether reform plans were known. Respondents from the international development community were asked to identify relevant donor activities in the region in order for the roundtable organisers to gauge a picture of relevant donor-assistance in the region.

The questionnaire was structured as per the format in Box 4 in order to quickly identify a baseline in parliamentary oversight and democratic oversight of the security sector. The results of the survey are summarised in Box 5.

Questionnaire Survey Results: The Caucasus

In the Caucasus, there was a correlation of findings from parliamentarians, civil society and other primary sources: in each country developments had a different character, but with Armenia and Georgia differing from Azerbaijan in terms of the capacity to debate and scrutinise the status of democratic security oversight.³³ Nevertheless,

³² Banerjee and Joseph, ‘Security System Reform’, *ibid.*

³³ However, due to the then imminent elections in Azerbaijan, no data was received from the Milli Mejlis.

in each country there remains a common need to develop the capacities of parliament and civil society organisations (CSOs) to meaningfully participate in oversight structures.

The form and quality of parliamentary oversight was questioned in each country. Despite the ‘democratic’ ‘Rose Revolution’, a consensus emerged that security sector oversight had not improved in Georgia. In fact, to some, it seemed to be backtracking. Although many criticisms had been made of the Defence Ministry’s and new Defence Minister’s lack of accountability and transparency, the Defence Minister has recently appeared at an exhaustive question and answer session in parliament. In Armenia the parliament has played a weak oversight role, although it has sought to monitor the security policies of the executive in some detail. In terms of defence committee activity, closed hearings have sometimes been held where the president or senior ministers appear to account for policies and decision making, usually concerning the Karabakh problem, and information about the discussions at those hearings is often leaked. In Azerbaijan, respondents saw no discernible or meaningful parliamentary oversight of the security sector either in scrutiny of laws or policy. Whereas in Georgia and Armenia a clear understanding of legislative process and its limitations has emerged, Azeri respondents saw little utility in the process at all.

Box 4: Issues Addressed in Questionnaire for Parliamentarians & Civil Society Groups

Legislative and Policy Framework	Role of Institutions	Empowerment and Capacity Building
Extant Security Sector Laws	Parliament and Budget Oversight	Specialised Civilian Parliamentary Staff
Application of Laws	Formulation of Laws	Interaction of Parliamentarians and Civil Society
Availability of Laws & International Agreements	Powers & Capacities of Committees	Civil Society and the Media Involvement in Security Sector Oversight
Parliamentary Oversight & Scrutiny	Role of President	NGOs Dealing with Soldier’s Rights
Drafting of Laws & Consultation	Role of Ministries	NGOs and Media Focusing on Security Oversight Issues
Use of International Precedents	Role of Judiciary	Armed Forces & Human Rights
Access to Classified Information	Role of Ombuds Institutions	Training
Negotiation of International Agreements	Most Important Actors	Prosecution
National Security Policy	Unaccountable Sectors Effectiveness of Oversight Identifiable Assistance Needs	Representation of the Military in Parliament

In line with the findings above, whilst security sector legislation in Georgia and Armenia was available to the general public, it was not available in its entirety in Azerbaijan. International precedents used to frame legislation varied, with Georgia now using more Western (especially US legislation) and Armenia and Azerbaijan using a variety of CIS and Western precedents. International agreements were available in Armenia and Georgia, including those on NATO Partnership for Peace (PfP) membership, CIS documents, bilateral agreements, anti-trafficking measures, and arms limitations; these documents were unavailable in Azerbaijan. Georgia now has a national security policy, Armenia advanced in drafting a new one, and Azerbaijan must draft one in keeping with its commitments under its NATO Individual Partnership Action Plan (IPAP).

Democratic institutions were still playing a limited role in each country. The most important policy and decision makers in the security field were the President and the Ministry of Defence, although this was most pronounced in Armenia and Azerbaijan. The role of the ombudsperson, even in Georgia which has perhaps done most to legitimise the independent authority of its Public Defender's Office, was perceived as weak, with very limited effectiveness. Similarly, in the region, the independence of the judiciary remains a vexed issue: it is seen as weak in Armenia, with 'no power to affect policy or practice'; in Georgia, the independence of the 'reformed' judiciary is increasingly being questioned, even being termed as 'in crisis', as legal reforms clash with the political prerogatives of a new generation of leaders; and in Azerbaijan the judiciary is seen by survey respondents as being utterly politically compromised.

The vibrance of civil society serves as a contrast, although their formal capacity to assist democratic oversight is limited by the factors already outlined. Although limitations on the capacities of Armenian civil society were acknowledged, they did not perceive it as systematic, deliberate attempts to limit freedom of speech: it is possible to publish articles on security topics. Moreover, the Minister of Defence regularly meets with the media and answers parliamentarians' questions, but the community does not affect decision making. Civil society organisations and the media monitor the security sector as much as possible, and discuss oversight issues in different degrees, but there is a limited scope to conduct investigations or advocacy. In Azerbaijan, civil society's role remains severely curtailed by the actions of the authorities and freedom of speech is limited by the threat of arrest. There is no informal interaction between the two sides. In Georgia, civil society is well informed about developments in the security sector, just as the media keeps abreast of critical and controversial issues in the same field. Both interact well with the principals across the sector, as well as with parliamentarians, but their ability to affect policy and practice has become, particularly in the defence field, more and more difficult despite hopes to the contrary after the 'Rose Revolution'. Positive developments in policing have been examined, and civil society groups will soon participate in the local community boards to

be set up as part of the ongoing police reform. However, accountability problems exist (or are rampant) elsewhere in law enforcement.

Another particular problem is the issue of human rights in the military; both Armenia and Azerbaijan have NGOs dedicated to monitoring transparency and accountability in the armed services. Although the Georgian NGOs can operate more freely than their Azeri counterparts, their actions have created a lot of tension with Georgian defence agencies.

Respondents in all countries identified an urgent requirement for independent civilian experts well-trained in security sector issues, not only to assist committees in parliament on security matters but also to reinforce the substance of civil society and the media's activities. Some respondents also identified the need for such training for parliamentarians to help orient them with democratic best practices and the capacities of parliament to affect oversight.

In sum, in the Caucasus the principles of democratic control are understood by civil society and by many parliamentarians. Georgia has taken key steps towards creating the framework of laws and democratic institutions needed to implement democratic oversight, but the substance is still lacking. In Armenia, limited progress has been made, although the exchange of information on security sector issues is not inhibited. In Azerbaijan, however, there is currently no basis for the creation of democratic control instruments over the security sector. The means of transforming the understanding of democratic control principles face challenges arising from scepticism, misunderstandings, limited capacities and institutional resistance.

Questionnaire Survey Results – Central Asia

The results from Central Asian states illuminated sometimes pronounced national differences in practices but also reflected common themes negatively affecting democratic oversight. Notable cross-societal enthusiasm for democratic oversight in Kyrgyzstan and Tajikistan were not fully matched in Kazakhstan and Uzbekistan where, in contrast to civil society, representatives of the governmental and representative structures were cautious if not dismissive of the benefits of transparency and accountability in the security sector. Great attention has been paid to the region during the last year not only due to the ongoing US-led intervention in Afghanistan, but also due to the political upheavals in Kyrgyzstan during the so-called 'Tulip Revolution' in March 2005, the controversial events in Andijan in May 2005 when ICRC delegates were denied access to the scene of an allegedly deadly confrontation between civilians and Uzbek law enforcement units, and the subsequent withdrawal of US military assets and security cooperation programmes from Uzbekistan.

As with Caucasian countries, the form and quality of parliamentary oversight was questioned differently in each country. In Kyrgyzstan the preparation of laws was

‘taken seriously’ and the parliament ‘has become more professional in scrutinising them over time via relevant commissions and committees’, and in Tajikistan civil society’s role in consultation processes was also positively commented. However, no comments of a similar nature were made for Kazakhstan and Uzbekistan. Moreover, in some instances in Kyrgyzstan committees and civil society have been able to investigate controversial issues. In one particular case, a commission was able to gain access to formerly secret documents related to internal problems in the security services, most notably concerning abuses within the security forces; however, this event has remained exceptional within the region. Overall, committees region-wide did not systematically address security governance issues. In a few instances this was due to a lack of resources, in most due to a lack of capacities and, critically, will; deference to the executive precluded such initiatives.

Overall, security sector legislation and relevant international agreements are available to interested parties in each of the Central Asian countries, but the issue of accessibility remained particularly controversial to Uzbek civil society respondents. Despite relevant legislation having been made available in the years after independence, Uzbek respondents stated that promulgated laws remain inaccessible to interested parties beyond parliament. However, Uzbek parliamentarians substantively refuted the charge, stating that all the laws are, at the very least, available in public libraries. The issue may be clouded by the fact that, as in many other countries, regulations (or ‘sub-laws’ as some in the region refer to them) which govern the everyday practices of government agencies are neither formulated nor ratified by parliament and thus remain unavailable to the general public: Uzbek respondents may have considered these different instruments as one and the same.³⁴ On the whole, legislation in the region tended to be drafted more from CIS (especially Russian) than from Western precedents.

Democratic institutions again played a limited role in each country. To different degrees, the role of the President in security sector decision making was seen as crucial. In most cases, it was seen as unlimited (Kazakhstan, Uzbekistan and to a lesser degree in Tajikistan and in Kyrgyzstan (where the Prime Minister is now more dominant)) being able to appoint high level security sector managers. On the whole, democratic institution building has been insubstantial across the region, with even externally mandated police reforms proving controversial in Kyrgyzstan prior to the political upheavals of early 2005. Overall, security sector assistance to the region has focused on technical defence diplomacy capacity building issues rather than – and arguably at the expense of – governance and democratic oversight capacity building issues. Unsurprisingly, conspicuous democratic institutions were seen as weak, ineffective,

³⁴ Of the Soviet successor states, only the Central Asian states (and Belarus) are not subject to the jurisdiction of the European Court of Human Rights in Strasbourg, whose so-called ‘quality of law’ test asserts that a law can only qualify as a law if, among other criteria, the law is publicly available.

or severely compromised. Across the region, the judiciary and the ombuds institutions remain uniformly perceived as weak and un-independent, their activities compromised by the interests of the executive. Admittedly, in Kyrgyzstan the judiciary had demonstrated its independence prior to the political changes of 2005, and the Constitutional Court remains one of the only functioning and respected institutions. Still, generally speaking, on security sector issues, the judiciary region-wide has remained subordinate to the interests of the authorities, with weak capacities.

Civil society and the media's role varies across the region. In Kyrgyzstan it is active, and in Tajikistan civil society has actively monitored the activities of the security sector. In Kyrgyzstan both civil society and the media monitored the police's role in anti-democratic actions. They have also been involved, in close coordination with parliamentary committees, in monitoring and investigating the security sector. As aforementioned, in Tajikistan civil society has a constitutionally-mandated special role to play in legislative consultations, a legacy of the 1997 Peace Accords in the aftermath of the civil war; the role has substantive aspects. But in both countries the ability of civil society to systematically influence and wholly participate in democratic oversight is limited by not only the small size of the CSO sector and its resources, but also by the stability of the society itself. In Kazakhstan, CSOs have focused mainly on human rights issues, but the direct role in oversight, with demonstrable effects, has been limited. In Uzbekistan civil society remains entirely marginalised and their monitoring of security sector issues often endangers their liberty – civil society is firmly excluded from any oversight activities. Human rights NGOs monitor the treatment of security sector personnel, but have only made a notable impact in Kyrgyzstan. Registration for NGOs is also compulsory across the region. Thus, whilst there is an understanding of the function of civil society in security governance, its role, to varying degrees, remains limited across the region.

As for the Caucasus, the respondents in all countries identified an extremely urgent demand for independent civilian experts well-trained on security sector issues, not only to assist committees in parliament on security matters but also to reinforce the substance of civil society and the media's activities; but they also went beyond this and identified the critical need for assistance in creating democratic, transparent, and accountable institutions to preserve civil liberties and ensure that a functioning set of checks and balances existed in their societies. In this vein, the need for such training was identified not only for parliamentarians but for many societal actors as well, including those working in government ministries, to help orient them with democratic best practices and the capacities of parliament to engage in effective oversight.

In sum, the bare lines of formal mechanisms for parliamentary oversight exist in Central Asia but have no substance in terms of ensuring democratic governance beyond the limited examples seen in Kyrgyzstan and Tajikistan. Participatory forms of con-

sultation exist in Kyrgyzstan and Tajikistan but are not embedded in Kazakhstan and Uzbekistan where, manifested in different ways, the security sector is accountable solely to the executive power. The OECD-DAC findings for the sub-region are thus borne out.

Survey Results – Western CIS

Despite their very different political, social and economic bases, the findings for Moldova and Ukraine were, when abstracted, remarkably similar. Despite scepticism among certain vested interests in the security sector, in both countries there is a clear societal and institutional intention to develop democratic security governance capacities. The capacities to do so remained more limited in Moldova however. The determination to internalise democratic Western norms was manifested systematically in several different ways.

Parliamentary oversight already exists in form and, to varying degrees, in content in both countries. In both there is a consensus that committees do scrutinise policy, practices and laws. Committees could apply to get access to classified information, although this remained severely restricted in Ukraine. Moreover, there was a self-awareness in both countries that the division of powers between the executive, government, and security sector were becoming well-defined and that transparency and accountability were growing, although not yet irrevocably established. However, although oversight of law-enforcement actors remained difficult, especially in Ukraine, it is interesting to note that during the events of the 'Orange Revolution' during November-December 2004, Parliament played a crucial role, interceding with the Interior Ministry to prevent the forced dispersal of protestors at mass-demonstrations in Kiev by law enforcement personnel.

In both countries legislation and international agreements are available to interested parties across a number of platforms. As to the substance of the laws and decrees, contradictions existed. Interestingly, in Ukraine respondents identified the contradiction in legislation which existed when President Kuchma's decrees never referred to NATO structures in any way whilst agreements were made on related issues elsewhere, a reflection of the self-awareness of parliamentarians and civil society of their national security governance mechanisms. Both countries were using a wide range of international (especially Western European precedents to craft their legislation, with Ukraine tending to use more from CIS countries).

As democratic institutions are still being built in each country, their role in security governance is increasing, but still limited. Both countries receive assistance to build up certain agencies of their security sector, with a principal focus on law-enforcement. Overall, in Ukraine, the president still wields significant influence over the security sector, but in Moldova there is more of a balance of power between the Presi-

dent and government of the day. The ombuds institutions in both countries are still perceived by society as weak, and it is striking that, in Ukraine, it was felt that parts of the security sector remain unaccountable, a critical national issue following the notorious murder of Giorgi Gongadze in 2000. In Moldova the judiciary is perceived to have a limited role in assisting democratic oversight; the same is felt in Ukraine but to a lesser extent, partly due to the role of the Supreme Court during the 'Orange Revolution' of 2004.

The ongoing development of civil society in the region, if more limited in Moldova and Ukraine, has already been reflected in the levels of self-awareness described above. More specifically, in Ukraine, civil society is now engaged with security governance issues, including technical reform issues across defence and law enforcement agencies. Newly created public boards are intended to allow civil society to participate more in local and national legislative consultation processes. Human rights NGOs also monitored violations in the security sector, but the internal management of security forces, in relative terms, appears comparatively better than it is among many of its FSU peers. However, there was still a belief that civil society remains under-developed overall. In Moldova, a smaller CSO sector monitors security governance issues but is far less developed. In both countries there was a good interaction between CSOs and the media on oversight issues. The media in both countries have some journalists specialising in security matters and investigation of controversial security issues is no longer taboo.

As is typical of the region in the findings outlined, in both countries there is a wish to increase the number of civilian defence experts both in parliament and civil society. In Moldova such staff are already being trained, and in Ukraine civilian experts already consult on policy issues with state institutions and agencies, but there is a belief that their number and training could be improved.

Thus, despite difficulties, both countries demonstrate an understanding and enthusiasm for the principles of democratic oversight across the range of factors affecting security governance. In Moldova a clear intention to continue reforms aimed at meeting a basket of democratic norms to facilitate EU and NATO accession was identified. In Ukraine, a similar basket of norms was identified but with a greater emphasis on EU and Euro-Atlantic integration.

Survey Results – The International Donor Community

The picture of donor assistance that emerged denoted an overall interest in improving the technical capacities of parliaments and parliamentarians to perform their functions in general, with differing levels of assistance aimed at building the capacities to effect democratic security sector governance. Vis-à-vis parliaments, UNDP and the EU (via the auspices of the EU-Tacis programme) have both invested in improving

Box 5: Key Country Findings - Security Sector Governance (SSG) Issues in the Former Soviet Union

Key Findings by Country	
Caucasus	
Armenia	<ul style="list-style-type: none"> • Growing interest in oversight issues • Officially seeking to develop SSG oversight capacities • Civil society critically engaged with but not decisively affecting SSG • Opaque security sector
Azerbaijan	<ul style="list-style-type: none"> • Popular interest in oversight issues opposes executive's disinterest • Oversight issues cannot be openly discussed • Civil society critically engaged but excluded from SSG issues • Closed security sector
Georgia	<ul style="list-style-type: none"> • Oversight mechanisms beginning to function • Officially seeking to develop SSG oversight capacities further • Civil society critically engaged and occasionally affecting SSG • Translucent security sector; increasingly transparent law enforcement agencies
Central Asia	
Kazakhstan	<ul style="list-style-type: none"> • Growing interest in oversight issues • Officially seeking to develop democratic institutions further • Civil society monitoring SSG issues • Opaque security sector
Kyrgyzstan	<ul style="list-style-type: none"> • Strong interest in oversight issues • Seeking to develop SSG capacities but limited by political instability • Civil society critically engaged and occasionally affecting SSG • Weak, but partially reforming security sector
Tajikistan	<ul style="list-style-type: none"> • Good understanding of oversight issues • Broad interest in developing SSG capacities • Civil society able to engage with legislators on security governance issues • Weak, partially opaque security sector
Uzbekistan	<ul style="list-style-type: none"> • Oversight issues cannot be openly discussed and availability of laws disputed • No demonstrable executive interest in developing SSG capacities • Civil society unable to engage internally on SSG issues • Closed security sector
Western CIS	
Moldova	<ul style="list-style-type: none"> • Growing interest in oversight issues • Seeking to develop SSG capacities • Limited civil society engagement on SSG issues • Translucent & opaque security sector elements
Ukraine	<ul style="list-style-type: none"> • Very strong interest in oversight issues • Rapidly developing SSG capacities • Civil society engaged & participating & affecting SSG issues • Translucent & opaque security sector elements

the technical capacities of parliaments and promoting understanding of democratic governance practices and instruments across the region. In some instances, such as the EU-Themis programme in Georgia, assistance has sought specifically to improve the rule of law through revision and expansion of extant legislation. USAID has also had a region wide profile promoting understanding of a basket of issues centred on economic reform. Similarly, the US Central European and Eurasian Law Initiative (CEELI) supported legal reform processes region-wide.

In the security sector itself, the OSCE has provided training for law enforcement agencies, focused on assisting police reform initiatives (particularly in Georgia and Kyrgyzstan) as well as on training prison service and staff from other detention agencies. UNDP and the EU have also promoted substantial border management training programmes in Central Asia (BOMCA) and in Moldova, providing assistance to the Ministry of Interior, Border Guards and Customs Services. For Moldova, intersecting the former Soviet space and South East Europe, has also benefited from Stability Pact programming, including small arms and light weapons destruction programmes as implemented by UNDP/SEESAC. To differing degrees, Armenia, Georgia and some Central Asian states have benefited from SALW programmes with Ukraine still awaiting implementation of major programmes to reduce its huge Soviet arsenals. UNDP, the EU and US agencies' programmes focusing on anti-trafficking measures, and preventing the spread of HIV/AIDS have, however, been evenly applied region-wide .

Whilst international actors had, in the main, identified local partners specialised in security governance issues, specific assistance on security sector governance issues has however remained limited beyond those programmes already outlined. Military-technical assistance has been supplied by the US and/ or NATO to some former Soviet states, principally Georgia and to a lesser degree Moldova, Ukraine and Uzbekistan, but whilst these cooperation programmes have stressed interoperability on humanitarian issues (emergency situations, peacekeeping) a governance component of the programmes has not been conspicuous.

Overall, differing levels of international assistance have reflected the level of national government's enthusiasm for reform, particularly in terms of access to democratic representatives, key personnel, security actors and freedom for civil society to interact with international actors. In this way the feedback on international assistance programmes mirrored the data gathered found for each region: the intensity of interaction with the international donor community being contingent on each government's demonstrable enthusiasm for official and unofficial cooperation with each donor.

Research Findings: Needs Assessment

The research findings presented here reflect many of the causes and consequences of security sector governance weaknesses identified in the literature presented at the start of this article. The security sector remains, on the whole, opaque across the former Soviet Union and only in those countries where systematic efforts have been made to reform security sector agencies and create the necessary instruments and mechanisms to affect improved democratic oversight of the security sector have constituent elements become more transparent over time. In cases where improvements have been made, the involvement of international and regional organisations has been sought out by the country concerned. Wherever a consensus exists between the two groups that oversight improvement needs to be made, many of the states have limited means with which to improve their institutional capacities making external assistance ever more vital.

Many parliamentarians continue to see the issue of parliamentary oversight of the security sector in formulaic terms, while others seek (international) assistance to help them shape the tools of democratic oversight to improve currently imperfect mechanisms. Whilst for some, parliament merely ratifies the wishes of the President rather than scrutinising the legislative agenda of the executive, for others the vital role of independent committees is limited only by a lack of relevant capacities to mobilise their full potentials as independent, democratically mandated actors.

In contrast, civil society groups are increasingly aware of the disparities between their legislatures and governance structures and those in democratic states. CSOs were able to identify common shortcomings and malpractices, including a lack of capacities, accountability, transparency, and legal protections; unsurprising given that many of them were involved in human rights monitoring related activities. Overall, CSOs voice more criticisms of their national security sector than parliamentarians.

Moreover, there is also a conceptual confusion on a number of issues. There is a misperception that transparency and accountability will somehow compromise effectiveness of the security sector rather than enhancing its capacities – a notion which also applies to the over-arching issues of democratic and parliamentary oversight of the security sector. The belief that the security of a state only applies to the effective defence of a state against external enemies remains pervasive: that notions of security have moved beyond the state-level and that other indexes – such as human security – can directly illuminate the level of democratic governance within a country remains unperceived and/or misunderstood.

In terms of immediate needs, several can be identified from the questionnaire findings to help improve the situation:

- Many states still need an audit of security sector functions – to differentiate law-enforcement, intelligence and defence functions from each other and to secure relevant re-structuring and oversight assistance for each of them. Consensus on these issues among international organisations has been distorted in some instances by defence diplomacy initiatives which only sought to improve technical capacities.
- Greater freedom is needed for the media to discuss security governance problems even in ‘reforming’ states, combined with a greater role for civil society to contribute to security governance dialogue and problem solving, not least through a greater role in legislative consultation processes.
- The capacities of democratic institutions need to be built up. In particular, the ombuds function needs strengthening to help create more effectively functioning democratic institutions and monitoring.
- Region-wide, there is a widely perceived need for civilian defence experts to be trained to better enable scrutiny of security sector governance, both within parliament and across civil society and the media.
- Across the board, there is a need for greater transparency and openness of the security sector. Without them, accountability of the security sector remains obsolete; without them, at times of elections, voters cannot make a proper assessment of government behaviour. National security is all too often used as blanket cover for secrecy which in turn can be used for covering up waste, inefficiency and corruption within the security sector.

Conclusion

In the field of security sector governance, empowerment and capacity building in former Soviet parliaments remain a key area for international engagement. Although there are specific national and sub-regional issues and differing developments at each level, the same principles could be applied across the region to help parliaments develop the necessary capacities and instruments to affect improved democratic parliamentary oversight of the security sector.

Whilst there is growing self-awareness of the expectations that are concomitant with democratic security governance among civil society groups, they are not always matched among parliaments who often view security conversely as a top-down issue (President-Parliament-Public), perhaps given their position in the power vertical and lack of exposure to democratic practices. This perception has even been held by those who are aware of the need to oversee the security sector.

Moreover, coupled with the empirical evidence from the region, there is an awareness of a lack of security sector accountability. Whilst Western models and practices sometimes remain imperfect, there is a demonstrable interest in developing the tools available for use in the democratic systems in the former Soviet Union.

Overall, states which have engaged most closely with foreign donors (including international and regional organisations as well as the development community) on governance issues display the signs that norms transfer is underway and that as the norms are 'internalised' democratic understanding is becoming entrenched. In different degrees, this may be seen in Moldova, Ukraine and Georgia. Their proximity to the EU has also been a relative advantage in this context as recent outreach activities have underpinned the activities of the international development community, particularly on legislative capacity building issues.

On the other hand, states more isolated from the international development community or democratic norms transfer schemes mandated by regional organisations, either by deliberate decision or a lack of capacity to engage, have in comparison been much more isolated from the relevant norms transfer processes. In the cases where a lack of capacity provides an explanation, it is incumbent on the development community to engage on these issues as much as they are morally obligated to monitor countries which have either deliberately withdrawn from or shunned democratic norms transfer processes. In this way, the states with the least accessible laws were also those most well-known for repressive and anti-democratic practices.

A selection of resources which may be used as tools to increase awareness may be found in the final chapter of this publication. A summary of recommendations based in part on the findings outlined here follows in Chapter 4 of this book.