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Building Democratic Institutions:
Civil-Military Relations in New European Democracies

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

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in

Political Science

by

Danijela Bubanja Dudley

December 2014

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ABSTRACT OF THE DISSERTATION

Building Democratic Institutions:
Civil-Military Relations in New European Democracies

by

Danijela Bubanja Dudley

Doctor of Philosophy, Graduate Program in Political Science
University of California, Riverside, December 2014
Dr. David Pion-Berlin, Chairperson

This dissertation examines the process of establishing democratic civilian control over

military in transitioning societies. It argues that democratic civil-military relations

necessitate an institutional framework which empowers civilians to take charge of

formulating and executing defense policies and provides for a significant level of checks

and balances among the civilian decision-making bodies. However, even when the

structural prerequisites for democracy exist, this institutional framework cannot be

established if any significant segments of the society question the legitimacy of the state

itself and create uncertainty regarding the country's future. This argument is tested

through tracing of the process of defense reforms in three former Yugoslav states: Bosnia and Herzegovina, Croatia, and Montenegro. In all three states the nature of civil-military relations and the quality of legislative defense framework varied with the level of challenges to state legitimacy. In Bosnia and Herzegovina, the first years of independence were marked by high levels of objections to state legitimacy which led to the maintenance of three separate militaries and absence of central defense institutions. Only after nationalist parties lost power the country started reforming its defense sector. However, although the necessary framework for democratic civil-military relations was established during this period, the return of the nationalist rhetoric to the political scene led to another stalemate of defense reforms, preventing the newly formed institutions from exercising their authority. Similarly, Croatia maintained non-democratic control over its armed forces throughout the 1990s. This same period was marked by continuing challenges to the state by ethnic Serbs, by Milošević-led Serbia, and by Croatian government's own ambitions toward portions of Bosnia and Herzegovina. Once these issues disappeared from the political scene, however, Croatia moved to establish democratic control over its armed forces. Finally in Montenegro the issue of questioned state legitimacy was resolved by a referendum on independence, which allowed for immediate defense reforms in line with western standards. The final chapter concludes with a brief overview of defense reforms in other former Yugoslav states and implications of this study for other countries undergoing democratic transformations.

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CHAPTER 1

INTRODUCTION

In the early 1990s, the Socialist Federal Republic of Yugoslavia (*Socijalistička Federativna Republika Jugoslavija*, SFRJ) broke apart during several bloody conflicts. In 1991, Slovenia and Croatia declared independence, followed by Bosnia and Herzegovina (BiH) and Macedonia. The government of Serbia decided to contest these declarations of independence and struggle to regain power over the Federation and over Serbs living in different Yugoslav regions. While the conflict in Slovenia was very short, lasting only ten days, it escalated into several months of fighting in Croatia, and culminated with a nearly four-year war in Bosnia. In spite of the armed involvement to prevent the disintegration, the SFRJ fragmented into five countries. Slovenia, Croatia, BiH, and Macedonia emerged as independent states, while Montenegro and Serbia continued their joint existence in the Federal Republic of Yugoslavia (*Savezna Republika Jugoslavija*, SRJ) and later in a state union of Serbia and Montenegro (*Srbija i Crna Gora*, SCG) until 2006, when Montenegro seceded from SCG as a result of a referendum in which the citizens of Montenegro voted for independence. In 2008, Kosovo and Metohija declared independence from Serbia, creating the seventh state that emerged from the former SFRJ territory.[1]

As other Eastern European states that emerged from the communist tradition in the late 1980s and the early 1990s, these new states of the former SFRJ faced the

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[1] Kosovo's status as an independent state is still being disputed. 90 countries have yet to recognize its independence, among which are two permanent members of the United Nations Security Council, China and Russia, which have blocked Kosovo's membership in the United Nations.

challenge of not only democratizing their political systems, but also reforming their militaries and democratizing the control over them. While abandoning the idea of large-scale Cold War oriented militaries focused on defense of national territories and transforming them to smaller professional armies focused on international security issues was necessary to bring their armed forces in line with NATO and European Union standards,[2] it was perhaps more important to rid their political scenes of the communist past and create professional armed forces that were willing to submit to democratic civilian authorities and allow the progress of democratic transformation. Establishing democratic control over armed forces is an essential step in the process of democratic transition and consolidation. In fact, some authors have incorporated democratic control over armed forces in the very definition of democracy. According to Terry Lynn Karl, in addition to often cited contestation and participation, democracy also requires accountability of leaders to the people and to the rule of law *and* civilian control over military.[3] As such, these countries could not complete the process of consolidating their new democratic systems without establishing democratic civil-military relations.

Emerging from the tradition of communism, the former SFRJ states started their existence as independent states with a legacy of subordinate but deeply politicized and autonomous military. The SFRJ military did not only exist to protect the country from external attacks, its role was also to defend the regime and the political and social

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[2] Andrew Cottey, Timothy Edmunds, and Anthony Forster, "Civil-Military Relations in Postcommunist Europe: Assessing the Transition," in *Civil-Military Relations in Postcommunist Europe: Reviewing the Transition*, ed. Timothy Edmunds, Andrew Cottey, and Anthony Forster (New York: Routledge, 2006).
[3] Terry Lynn Karl, "Dilemmas of Democratization in Latin America," *Comparative Politics* 23, no. 1 (1990). See also Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is . . . And Is Not," *Journal of Democracy* 2, no. 3 (1991).

structure established by the communist party. As such, the military was a political actor

with the communist ideology deeply embedded into its structures. This deep

politicization and allegiance to the communist party meant that the armed forces were

subordinate to civilian authorities, and as such did not pose a threat to the Tito

administration. In return for its subordination and the important role in protecting the

regime, however, the military was given high levels of autonomy in its internal matters

and extensive role in the political decision-making process. This created a situation in

which after the transition the new states faced three tasks: building of democratic

legislative framework for democratic civilian control over the armed forces, de-

politicization of the militaries, and building of expertise in defense issues among civilian

authorities. Accomplishing these tasks was supported and assisted by the international

community, particularly the European Union and the North Atlantic Treaty Organization

(NATO), which have provided vast funding and help in terms of guidance, education, and

training. While the international community's help was motivated by the desire to

promote regional security by assisting democratic processes in the countries of the

region, the emerging European democracies often followed the advice because they

recognized the benefits of becoming members of the larger international community.

However, although all these countries faced the same set of common obstacles in the

process of establishing democratic defense relations and the same set of incentives to

follow the recommendations of the international community, they have exhibited

different levels of success in the process and have done so at different speeds. This

dissertation seeks to explain such variation in the levels of success by identifying

obstacles that democratizing countries face in the process of establishing democratic

defense relations.

Although democratic control is essential for the functioning of democracy, much

of the literature on civil-military relations focuses on two questions: explaining existence

or non-existence of military coups, or evaluating the quality of democratic civilian

control in well-established democracies. While the first question was inspired by Latin

American and Asian experiences of military overthrows of (often democratically elected)

governments, the distinction between coups and no coups is not sufficient to judge the

quality of civilian control of the military.[4] As Pion-Berlin points out, "avoidance of coups

is not the same as civilian control. Even where the armed forces do refrain from

provocative actions designed to upset the legal framework they may not fully accept their

subordinate status."[5] So the issue is not that the military coup should be ignored, but that

other ways in which civil-military relations can be flawed should be explained too. [6]

The second question, exemplified in two seminal works on civil-military relations

by Samuel Huntington[7] and Morris Janowitz,[8] mainly focuses on the issue of how to

resolve the dilemma of having a strong military capable of providing necessary security

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[4] Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore and London: The Johns Hopkins University Press, 1999); Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge and London: Harvard University Press, 2003); David Pion-Berlin, ed. *Civil-Military Relations in Latin America: New Analytical Perspectives* (Chapel Hill and London: The University of North Carolina Press, 2001); Brian D. Taylor, *Politics and the Russian Army: Civil-Military Relations, 1689-2000* (Cambridge: Cambridge University Press, 2003).
[5] Pion-Berlin, *Civil-Military Relations in Latin America: New Analytical Perspectives*, 11.
[6] Douglas L. Bland, "A Unified Theory of Civil-Military Relations," *Armed Forces & Society* 26, no. 1 (1999).
[7] Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: The Belknap Press of Harvard University Press, 1957).
[8] Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (New York and Glencoe: Free Press, 1960).

for the country, but at the same time not too strong to be able to upset the legal order of the country in advanced democracies. While this is a puzzle that every country needs to solve, the works examining it are mainly focused on developed democratic states in which the basic structures of civil-military establishments are already in place. Neither focus provides answers for emerging democracies which are in no danger of military coups but at the same time lack the necessary foundations for *democratic* civil-military relations. This especially applies to emerging democracies of South-Eastern Europe that have not been in real danger of military coups but have instead been struggling with the question of how to build strong democratic control over military while going through tremendous changes such as transformations of political regimes, changes in state boundaries, post-conflict reconstruction, international integration, and similar.

The collapse of communism in Eastern Europe has produced a new wave of literature on civil-military relations and the broader issues of security sector reform during the process of democratic transition. The majority of this work is, however, policy-oriented with a focus on individual countries, and thus not embedded in a broader theoretical framework.[9] As such, while these works add significant empirical and policy-

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[9] See for example Plamen Pantev, ed. *Civil-Military Relations in South Eastern Europe: A Survey of the National Perspectives and of the Adaptation Process to the Partnership for Peace Standards* (Vienna: National Defense Academy, 2001)., Andrew Cottey, Timothy Edmunds, and Anthony Forster, eds., *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards* (Basingstoke and New York: Palgrave, 2002)., Philipp H. Fluri and David M. Law, eds., *Security Sector Expert Formation* (Vienna: National Defence Academy, 2003)., Biljana Vankovska and Håken Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans* (London and New York: I. B. Tauris, 2003)., Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev, eds., *The Evolution of Civil-Military Relations in South-East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism* (Heidelberg: Physica-Verlag, 2005)., Timothy Edmunds, Andrew Cottey, and Anthony Forster, eds., *Civil-Military Relations in Post-Communist Europe: Reviewing the Transition* (London and New York: Routledge, 2006)., Anja H. Ebnöther, Philipp H. Fluri, and Predrag Jurekovic, eds., *Security Sector Governance in the Western Balkans: Self-Assessment Studies on Defence, Intelligence, Police and Border*

descriptive value, their implications are not applicable to other countries beyond those under review. While some have attempted to frame their studies within theoretical explanations, they too often turn to country-specific explanations. According to Cottey, Edmunds, and Forster, "there is no a priori reason to believe that the prospects for democratic control of the military are determined by a single factor or a common combination of factors."[10] Instead, the authors argue that civil-military relations are shaped by a number of domestic and international factors such as the historical legacy of each country, state weakness, economic development and stability, level of democratization, political and social divisions, nationalism and ethnic divisions, international environment, institutional framework, and military culture. Even more important is that these factors vary from country to country, making it thus impossible to come with a comprehensive explanation of civil-military relations. Interestingly, even with such an array of factors, the authors still consider these factor to be important because under certain conditions they may provide the military with the "opportunities and rationales for military intervention in domestic politics,"[11] turning thus to the same question of military intervention in politics instead of the question of civilian initiative toward management of defense policy.

Management Reform (Vienna and Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007)., Philipp H. Fluri and George Katsirdakis, eds., *Security Sector Reform in the New Partnership for Peace Members: Bosnia-Herzegovina, Montenegro, Serbia* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007)., James Gow and Ivan Zveržhanovski, *Security, Democracy and War Crimes: Security Sector Transformation in Serbia* (Basingstoke: Palgrave Macmillan, 2013).

[10] Andrew Cottey, Timothy Edmunds, and Anthony Forster, "Introduction: The Challenge of Democratic Control of Armed Forces in Postcommunist Europe," in *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, ed. Andrew Cottey, Timothy Edmunds, and Anthony Forster (Basingstoke and New York: Palgrave Macmillan, 2002), 10.

[11] Ibid., 11.

The purpose of this dissertation is to contribute to this literature on civil-military relations and the literature on democratic transition and consolidation in general through the examination of the process of establishing democratic civilian control over military in transitioning societies. The project offers a theoretical framework with implications beyond only the countries under review here. Since we cannot speak of democratic control over military without democracy,[12] I focus here on countries that are in the process of democratic transition and consolidation and attempt to explain why even in cases when there is a commitment to democracy, the nature of civil-military relations may not be democratic. I argue that democratic civil-military relations necessitate institutional framework that empowers civilians to take charge of formulating and executing defense policies and provides for a significant level of checks and balances among the civilian decision-making bodies in order to prevent any individual or group from abusing positions within the defense establishment. This institutional framework, however, cannot be established if any significant segments of the society question the legitimacy of the state itself. Therefore, even when the structural prerequisites for democracy exist, uncertainty regarding the future of the state may create conditions in which civil-military relations suffer from a lack of central defense institutions, politicized armed forces, subjective control over the military, lack of genuine authority of civilian defense institutions, lack of civilian experts within the defense establishment, and similar. I test my argument by tracing the process of defense reforms in three former Yugoslav states: BiH, Croatia, and Montenegro.

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[12] James Gow, "The European Exception: Civil-Military Relations in the Federal Republic of Yugoslavia (Serbia and Montenegro)," ibid.

Chapter Outline

The remaining chapters are organized as follows. Chapter 2 explains the theoretical foundation of this study. It first defines the concept of democratic civil-military relations and reviews the main variables used to explain the quality of civilian control of the military in the literature. While it would be difficult to review the vast literature on civil-military relations in its entirety, this chapter outlines some of the most influential arguments in this field that explain the nature of civil-military relations in terms of cultural, rational choice, and institutional variables. I argue that explanations that focus on culture and rational decision-making are not sufficient to explain the variation of success in the process of establishing democratic defense relations in emerging democracies. Instead, I argue that proper institutional arrangements that appoint civilians in major institutions for military control and empower trained civilians to oversee the defense establishment will lead to democratic civilian control over military. However, while appropriate institutional structures lead to democratic civil-military relations, I argue that such structures can only be established after the elites of the country have reached a consensus on the issue of state legitimacy. If the country's political agenda is overwhelmed by issues of questioned state legitimacy, the governing elites will fail to establish democratic control over military in fears that such democratic control may allow those who challenge the state's existence to accomplish their goals. As a result, even when a country is committed to democratic reforms, and even when there are incentives to establish democratic civil-military relations, governments may fail to establish such relations.

Chapter 3 examines the process of defense reforms in BiH since the 1995 Dayton Agreement. BiH started its existence as an independent state and its democratic transition under the conditions of low levels of consensus regarding the legitimacy of the state. Three constituent groups within the country, Bosniaks, Croats, and Serbs, were all dissatisfied with the outcome of the Dayton Agreement and as a result continued to challenge the state, inhibiting the process of democratic consolidation and the establishment of democratic civil-military relations. This at the same time led to the maintenance of two *de jure* and three *de facto* militaries, with each ethnic group maintaining control over its own armed forces. As a result, the country not only lacked democratic defense relations, it also lacked common central defense institutions. The situation started changing in 2000 with several developments that affected the level of challenges to the state. The voters, concerned more with issues that affected their daily lives than with issues of state legitimacy, for the first time since independence brought a non-nationalist coalition of politicians to power. At the same time, electoral changes in the neighboring Croatia and Serbia produced governments less eager to interfere in the politics of BiH, leading to the lessening of support for Bosnian Croats and Serbs respectively. Both of these developments led to significant changes in the elites' attitudes and changes in defense relations of the country. With the nationalist rhetoric largely absent and challenges to state legitimacy lessened, the governing elites moved forward with defense reforms, establishing unified armed forces, dismantling entities' institutions for their control, and establishing central command and control over the military. This was a significant achievement that set up the necessary legislative framework for

democratic civil-military relations. However, the late 2000s saw the resurgence of nationalist rhetoric and renewed demands for independence of Serbian and Croatian regions, leading to a stalemate in the process of capacity-building. Thus, although the institutional structures for democratic relations are still in place, as they could not be dismantled due to the heavy presence of the international community, their powers are not being utilized due to the renewed challenges to state legitimacy.

Chapter 4 traces the process of changing defense relations in Croatia. While Croatia has achieved the furthest level of international integration of the three countries under review here, as it became a member of NATO in 2009 and a member of the European Union in 2013, its early years of independence were also characterized by challenges to state legitimacy, which resulted in a decade of non-democratic civil-military relations. The Homeland War, followed by the war in BiH, and the declaration of the Republic of Serbian Krajina all led to uncertainties regarding the country's future. As a result, president Tudjman maintained a politicized military and excluded other levels of the government from oversight over defense relations. Although the last part of the lost territory was peacefully regained in 1998, the Serbian population kept receiving support from Milošević-led Serbia, leading to tense relations between the Croatian government and the Serb populated territories. In the similar manner, however, Tudjman coveted Croat-populated parts of BiH, leading to an additional incentive to maintain non-democratic civil-military relations. The situation did not change until 2000, when several events affected the political landscape of the country. First, it became clear that Serb refugees were returning to Croatia in very small numbers, leading to their becoming only

a small minority within Croatia. As a minority of less than 5 percent, the ethnic Serbs were posing less threat to the Croatian state. In addition, the same year produced a change in Serbia's political orientation, as Milošević was removed from power and was replaced by a democratic block, resulting in a less avid support for Croatian Serbs. Finally, the priorities of Croatian voters changed too. After nearly a decade of economic stagnation, the people turned their attention to economic development, unemployment issues, international integration, and similar, deciding thus to abandon the nationalist parties and vote for a European-oriented coalition of parties. Only at this point did the civil-military relations undergo first steps toward reforms in terms of depoliticizing armed forces and establishing a legislative framework for civilian control with civilians in the chain of command and the parliament in charge of oversight.

Chapter 5 traces the development of civil-military relations in Montenegro. It argues that civil-military relations in the Federal Republic of Yugoslavia and the state union of Serbia and Montenegro were affected by Montenegro's and Kosovo's bids for independence, leading to non-democratic defense relations all through the existence of the unified state. While the period of Milošević's rule was characterized by an authoritarian political system it was not surprising that civil-military relations were not democratic. The change of leadership and of political direction of the country in 2000, however, led to reforms of many aspects of the political system but not to significant reforms of defense relations. Montenegro's persistent goal of independence and building up and reforming of its police forces to counter the federal army produced a strong hold on the federal military by the Belgrade administration. Although the goal of international

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integration produced some modest reforms in the early 2000s, the overall civil-military

relations remained non-democratic in the Federation. In 2006, the voters in Montenegro

opted for independence, leading to the resolution of the main divisive issue that had been

plaguing the state for the past decade. Once the issue of state legitimacy was resolved, the

government started swift reforms of the defense sector by establishing a legislative

framework for civilian dominance in the defense sector and empowering parliament to

conduct oversight. As a result, only four years after gaining independence, Montenegro

had democratic control over its armed forces.

Chapter 6 concludes by reviewing the experiences in political and defense

transformations of the three countries under study. It also outlines main developments in

other former SFRJ countries, Slovenia, Macedonia, and Serbia. A brief overview of other

three countries that emerged from the SFRJ shows that they also exhibited a variation in

their defense reforms, as well as variations in their levels of state unity. Slovenia's

statehood was not challenged, leading to an immediate move to establish democratic

control over the armed forces as well as to transform the entire political system in line

with western standards. As a result, Slovenia became the first former Yugoslav state to

join NATO and the European Union. Macedonia, on the other hand, delayed significant

reforms of its defense institutions until 2001, when an agreement between ethnic

Albanians and Macedonian authorities established an arrangement acceptable to the

Albanian community in Macedonia. Only after ethnic Albanians changed their attitudes

toward their future as part of the Macedonian state could defense institutions be reformed

to allow democratic civilian control over military and capacity-building to ensure the

institutional provisions for such control are carried out in reality. Finally, even Serbia,

which generally does not lend itself to comparison with other states because of its

position as an inheritor of the entire SFRJ institutional framework, faced similar

challenges. After Montenegro left the union, Serbia was still grappling with the contested

status of its southern province Kosovo, until the province's declaration of independence

in 2008. While the declaration of independence was heavily contested by the Belgrade

administration, it was at the same time the point at which the general population shifted

its focus from Kosovo to other issues with more effects on their daily lives. With such a

change, the parties promoting Kosovo's reunification with Serbia lost support and the

government turned to defense reforms and satisfying the requirements for the

membership in the European Union. The chapter ends with an overview of implications

of this study for other countries undergoing democratic transition.

CHAPTER 2

DEMOCRATIC CONTROL OVER ARMED FORCES

Before examining the factors that lead to the establishment of democratic civil-military relations, it is important to clarify what is meant by democratic civilian control or lack of it. While a military coup is an extreme manifestation of the lack of civilian control, other manifestations, less extreme but no less important for successful functioning of a democratic state include military insubordination to civilian authorities, undue interference in or control over defense policy, budget planning, and so on. Along these lines, one author defines democratic civilian control as consisting of the military's political subordination to the civilian government, to the rule of law, and to the policies established by democratically elected civilian authorities.[1] In addition to this, however, it is important to recognize the importance of military autonomy. While military can be politically subordinate to the political authorities and to the rule of law (as defined by those authorities), if it is granted high levels of autonomy in defense policy issues, as was the case in most communist states of Eastern Europe, we can only speak of civilian control, but not about democratic civilian control. Cottey, Edmunds, and Forster define democratic civilian control as "political control of the military by the legitimate, democratically elected authorities of the state," which is characterized by military's non-involvement in political issues as a servant of the state, and civilian control over defense

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[1] Samuel J Fitch, "Military Attitudes toward Democracy in Latin America: How Do We Know If Anything Has Changed?," in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill and London: The University of North Carolina Press, 2001).

and foreign policies in which military's function is only to implement these civilian

authorities' decisions.[2] Similarly, Born et al. argue that

> Democratic civilian control requires not only civilian supremacy, but also
> a basic effectiveness in the functioning of the civilian government; the
> courage to tackle military issues seriously; and expert and informed
> decision making that does not treat the military institution as a political
> pawn but as an executive agency with legitimate professional interests in
> its delivery of public goods.[3]

This requirement that the military not be treated as a political pawn echoes

Bland's argument that in addition to military subordination, democratic control over

military also "entails protecting the military from politicians who would use their

authority over it to enhance partisan interests and their own power."[4] The question,

therefore, is not simply whether the military is following civilians' orders. The question

is who plays the main role in formulating those orders and how are they formulated. In

my research I consider civilian control over military to be democratic not only when the

military is subordinate to civilians but also when *defense policy is autonomously*

formulated by democratically elected civilian authorities without undue interference from

the military, and when defense institutions are characterized by *checks and balances*.

This requirement that democratically elected civilians control defense policy points to a

significant difference between civilian rule over armed forces as practiced in most

communist states, and democratic control over armed forces in which civilians who have

control over both military's actions and defense policy are democratically elected. In

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[2] Cottey, Edmunds, and Forster, *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, 6.

[3] Hans Born et al., "Civilians and the Military in Europe," in *Civil-Military Relations in Europe: Learning from Crisis and Institutional Change*, ed. Hans Born, et al. (London and New York: Routledge, 2006), 7.

[4] Bland, "A Unified Theory of Civil-Military Relations," 13.

addition, checks and balances within defense institutions require input and oversight from multiple civilian authorities, thus hindering any individual or group from abusing power by seizing a complete control over defense policy.

Democratic Civil-Military Relations

Since even countries that are not in real danger of military coups often suffer from the lack of democratic civil-military relations, the question is what determines the quality of those relations. According to one approach, civilian politicians and military officers have their, often conflicting, set of preferences and act toward the satisfaction of those preferences which can lead to clashes and erode the quality of democratic control over military. According to Feaver, civil-military relations are a "game of strategic interaction" with an inherent tension between military and civilian interests.[5] The military prefers specific policy outcomes, honor and respect for the military institution, and decision-making autonomy; the civilians, on the other hand, want protection from enemies and control over the military. He therefore argues that even the most stable regimes may suffer from problems in civil-military relations due to conflicting preferences between the principal (the civilians) and the agent (the military). If his reasoning is correct, this problem of conflicting interests could be even more compounded in the cases of transitioning societies where the overall quality of democratization is low.

Other authors have argued similarly that military's pursuit of its interests might impede democratic control over military. According to Finer, "the military is jealous of

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[5] Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations*.

its corporate status and privileges. Anxiety to preserve its autonomy provides one of the most widespread and powerful of the motives for intervention."[6] Similarly, Nordlinger argues that "by far the most common and salient interventionist motive involves the defense or enhancement of the military's corporate interests."[7] Therefore, these strategic choice analyses focus on corporate interests of the military, which, if threatened, may cause the armed forces to involve themselves in the politics of the country or even overthrow the government whose actions have jeopardized their corporate interests.

This approach has been challenged by some authors who believe that individuals are not necessarily aware of what their preferences are nor are they fully informed about the consequences of every possible action in each situation. Furthermore, how people form their preferences and weigh their options might depend on other factors, such as their values, norms, and beliefs. For this reason, some authors turn to culture to explain the quality of civilian control over military, looking at ideas for the motivation of behavior, both individual and collective. According to one such approach, a survey of military opinions, attitudes, beliefs, values, and military doctrine is essential in determining whether the military believes in civilian supremacy and what it believes its proper role in a society should be.[8] Similarly, Taylor argues that organizational culture of military, by ingraining officers with certain shared norms and values affects their behavior in relation to civilian authorities; officers hold specific beliefs about who should

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[6] Samuel E. Finer, *The Man on Horseback : The Role of the Military in Politics*, 2nd, enlarged ed. (Boulder, Colorado and London: Westview Press, 1988), 41.

[7] Eric A. Nordlinger, *Soldiers in Politics: Military Coups and Governments* (Englewood Cliffs, New Jersey: Prentice Hall 1977), 63-64.

[8] Fitch, "Military Attitudes toward Democracy in Latin America: How Do We Know If Anything Has Changed?."

rule the state and their belief in civilian supremacy alone could determine the level of military subordination to civilian authorities.[9] This long-held tradition of strong civilian supremacy might lead to its continuation even when circumstances in a society change. As a result of these views of organizational culture's importance, many authors attempting to explain civil-military relations in post-communist states look at the communist legacies that are likely to influence the direction and pace of democratic reforms. Taylor writes, "a norm of civilian supremacy has deep roots in the Russian armed forces" which prevented it from intervening in politics even when other conditions seemed to point toward intervention.[10] Since the military does not have the tradition of intervening, such idea is not ingrained in its corporate culture.

Samuel Huntington also emphasizes the importance of attitudes and ideologies, but takes a different approach to them. Unlike other authors who focus on military attitudes alone, Huntington believes that the ideological congruence between civilians and the military can create conditions amendable to the establishment of objective control.[11] Writing during the Cold War, Huntington found civil military relations in the United States to be in danger due to an ideological gap between civilians and the military. By identifying the presence of an external threat, the constitutional division of powers between the legislative and executive branches, and the ideological makeup of a society as three variables determining the quality of civilian control of the military, Huntington concluded that, given the threat environment and division of powers to be constants

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[9] Brian D. Taylor, "Russia's Passive Army: Rethinking Military Coups " *Comparative Political Studies* 34, no. 8 (2001); *Politics and the Russian Army: Civil-Military Relations, 1689-2000*.
[10] *Politics and the Russian Army: Civil-Military Relations, 1689-2000*, 2.
[11] Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*.

unlikely to change in the near future, ideology was the main variable susceptible to manipulation in order to achieve objective civilian control of the military. He therefore argued that the degree to which civilian and military ideologies converge is the most important factor determining whether a civilian government would be able to establish objective control of the military.

In my research, I show that both interest- and culture-based explanations are unable to fully explain the quality of democratic control in new democracies. Instead, I argue that in order to explain the existence or non-existence of democratic control over armed forces and its quality, one must look beyond interests and culture and must examine the quality of defense institutions. In other words, the quality of defense institutions will determine whether civilians can exercise democratic control over military. While institutional approach to explaining civil-military relations is not new, its proponents have taken different approaches to it, pointing to disagreements over which institutions specifically play a role in framing of civil-military relations. While one strand of this approach looks at the institutional structure of the military, another focuses on characteristics of civilian defense institutions.

According to Norden, the internal structure of a military organization is an important factor in exercising civilian control over armed forces.[12] By looking at the organizational structure of military, she explains how "a highly rational military structure does not *encourage* military insurrection, but it does *facilitate* it. In contrast, a less

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[12] Deborah L. Norden, "The Organizational Dynamics of Militaries and Military Movements: Paths to Power in Venezuela," in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill and London: The University of North Carolina Press, 2001).

rational organization may encourage dissenting movements, but it may also block their success."[13] Military, as a highly rational bureaucratic organization, can be very effective in orchestrating a coup due to its hierarchical structure and strict obedience of rules and superiors. Although civilian governments might take precautionary measures to prevent successful coups, such measures at times might serve as a motivation for military takeover.

Others have made similar claims about the importance of military institution's characteristics on civil-military relations. Perhaps one of the most influential claims along those lines is Huntington's argument that only a professional military can be subject to democratic civilian control.[14] Expertise gained though special education and accumulated through time, responsibility to those it serves—society, and corporateness or collective sense of unity developed through training and education, are three characteristics of military profession that can ensure military's subordination to civilian authorities. A professional military is apolitical, autonomous in its sphere of military matters, and subordinate to the civilian authorities. This type of military can be managed through objective control which clearly separates the spheres of responsibility between civilians and officers. In contrast, under subjective control the leaders would attempt to control the military through politicizing it, thus impairing its professionalism. However, as Feaver points out, for Huntington this is not so much a hypothesis as it is a definition: the professional military is subordinate to the civilian authorities and capable to be put under

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[13] Ibid., 111.
[14] Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*.

objective control, thus assuring quality civilian control.[15] Such military is "politically sterile" and a tool of the state, while at the same time being autonomous in issues pertaining to strictly military matters.

This idea that professional militaries are necessarily susceptible to democratic control has been challenged, though. According to Abrahamsson, professional armed forces can in fact prevent successful implementation of democratic civilian control, since such forces are politicized and deeply involved in the pursuit of their corporate interests.[16] Janowitz similarly provides a contrasting view of professional military as being especially likely to intervene in politics.[17] According to O'Donnell, as military professionalizes, it becomes assured of its superiority over the civilian government and its ability to better handle deteriorating political, economic, and social conditions, leading therefore to the weakening quality of civilian control, not its improvement.[18] Similarly, Stepan points out that Brazil and Peru witnessed trends that would not be expected from Huntington's predictions.[19] Namely, although the militaries of Brazil and Peru were the most professional in the region, they were also highly politicized and involved in politics of their respective countries.

Although the effects of military professionalism on the quality of civilian control seem to be ambiguous, both the newly established states and the international

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[15] Peter D. Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control," *Armed Forces & Society* 23, no. 2 (1996).

[16] Bengt Abrahamsson, *Military Professionalization and Political Power* (Beverly Hills: Sage Publications, 1972).

[17] Janowitz, *The Professional Soldier: A Social and Political Portrait*.

[18] Guillermo A. O'Donnell, "Modernization and Military Coups: Theory, Comparisons, and the Argentine Case," in *Armies and Politics in Latin America*, ed. Abraham F. Lowenthal and Samuel J. Fitch (New York and London: Holmes & Meier, 1986).

[19] Alfred Stepan, "The New Professionalism of Internal Warfare and Military Role Expansion," ibid.

community, particularly NATO and the European Union, have been devoting substantial efforts toward building professional armed forces in the former communist states. While the international community has been pushing toward professionalization for the purpose of having these new countries' militaries contribute to international military missions, particularly peacekeeping and anti-terrorism, the states that followed the advice did so out of desire to satisfy these international community's demands which would contribute to their international integration. Therefore, as Cottey, Edmunds, and Forster point out, "[t]he ability to deploy peacekeeping forces, and the interrelated desire to integrate with NATO became a—to some extent *the*—key driver of military reform."[20]

However, although everyone involved in military reform in Eastern Europe seems to be striving toward professional armed forces, there does not seem to be a consensus on what exactly professionalism entails. As Cottey et al. recognize, professionalism may

> refer to the extent to which the armed forces focus on their professional military tasks (as distinct from intervening in domestic politics), the degree to which the military is professionally competent (i.e., capable of performing their military functions effectively) or the distinction between an all-volunteer military and a conscript-based force.[21]

In fact, many post-communist Eastern European states take the distinction between volunteer and conscript militaries to signify the degree of professionalism. For example, in his inquiry into the level of professionalism of the Federal Republic of Yugoslavia's armed forces, Gow concludes that, although the military's professional identity was marred by its involvement in Yugoslav wars, the military could be qualified as being

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[20] Cottey, Edmunds, and Forster, "Civil-Military Relations in Postcommunist Europe: Assessing the Transition," 8., original emphasis
[21] Ibid., 9.

22

professional on some levels, especially due to the fact that it consisted of a number of volunteer contract and career soldiers.[22] Although this change from a large-scale, Cold-War oriented, conscript militaries toward all-volunteer forces might be a step-forward in their ability to contribute to peacekeeping and other global-security missions, understanding the process of professionalization as accomplished once the militaries have abandoned conscription would significantly distract from other important issues that need to be addressed in the questions of military reform.[23] Specifically, the focus on moving away from conscript-based militaries has led to a lack of attention given to training, modernization of military command, and to improvements in promotion systems.[24]

While the role of military professionalism on civil-military relations remains questionable, focusing on the nature of military institution disregards other institutional structures that are essential for the establishment of democratic control, particularly defense sector institutions within the government. As "the rules of the game in a society,"[25] or as "rules, procedures, norms, or conventions which are designed self-consciously to determine 'who has the power to do what when,'"[26] institutions set a framework within which the military can operate, whether to obey or disobey orders. As

[22] James Gow, "Professionalization and the Yugoslav Army," in *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, ed. Anthony Forster, Timothy Edmunds, and Andrew Cottey (Basingstone and New York: Palgrave Macmillan, 2002).
[23] Cottey, Edmunds, and Forster, "Civil-Military Relations in Postcommunist Europe: Assessing the Transition."
[24] Anthony Forster, Timothy Edmunds, and Andrew Cottey, "The Professionalization of Armed Forces in Postcommunist Europe," in *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, ed. Anthony Forster, Timothy Edmunds, and Andrew Cottey (Basingstoke and New York: Palgrave Macmillan, 2002).
[25] Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), 3.
[26] James E. Alt and Kenneth A. Shepsle, "Rules, Restrictions, Constraints: Structure and Process in the New Institutional Economics," *Journal of Institutional and Theoretical Economics* 154, no. 4 (1998): 735.

Pion Berlin points out, institutional "arrangements constrain the free will of actors by mediating or arbitrating conflicts, limiting options, molding policy, and defining prospects. In short, the translation from power to policy is an indirect one that occurs through the medium of institutions"[27] . Since relations between military and civilian authorities are shaped by and channeled through institutions, what is needed is to identify which institutional structures are essential for the establishment of democratic control over military.

I argue that defense ministry and legislature are two civilian institutions whose effectiveness is necessary for the establishment of democratic civil-military relations. According to Bruneau and Goetze, as "a core element in contemporary democratic civil-military relations [… defense ministry] has become widely viewed as the best solution to the classic paradox, 'Who guards the guardians?'"[28] As the point where civilians and military interact on a daily basis and as the main connection between the commander-in-chief and the military, defense ministry is the most important institution for framing the relations between civilians and the military in democratic terms. It is within this institution that interests are pursued and responsibilities are divided, and some of the most important defense-related issues are determined, such as the formulation of defense goals and strategies, management and implementation of defense policies, planning and management of force structures, and similar. As such, the ministry of defense is "the

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[27] David Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina* (University Park, Pennsylvania: The Pennsylvania State University Press, 1997), 2.
[28] Thomas C. Bruneau and Richard B. Jr. Goetze, "Ministries of Defense and Democratic Control," in *Who Guards the Guardians and How: Democratic Civil-Military Relations*, ed. Thomas C. Bruneau and Scott D. Tollefson (Austin: University of Texas Press, 2006), 71.

organizational link between the democratic government and the military that allows

politicians to translate policy preferences into military commands."[29]

Another part of the institutional structure essential for democratic control over

armed forces is the legislature. The role of the legislative branch in defense issues has

been debated, first because the legislature is not directly in the chain of command, and

more importantly because, as Samuel Huntington emphasizes, dividing civilian control

among multiple authorities gives the military an opportunity to exploit its relationship

with two principals by playing one side against another.[30] This, however, has been

challenged by claims that legislative oversight over defense policy is essential for quality

of democratic control over military and for democratic functioning of the state.[31]

Legislature is (or should be) an institution in charge of adopting and overseeing defense

laws and policies, approving defense budget, authorizing state's military engagements

and arms procurements, and as such serves an important function of improving the

quality and transparency of the democratic system. In addition, parliamentary oversight

affords necessary means for checks and balances in the defense sector by its oversight of

the executive, thus reducing the likelihood that the executive branch can institute

subjective control over the armed forces. Even though the entire legislative branch must

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[29] David Pion-Berlin, "Defense Organization and Civil-Military Relations in Latin America," *Armed Forces & Society* 35, no. 3 (2009): 567.

[30] Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*.

[31] Hans Born, Philipp Fluri, and Anders Johnsson, eds., *Parliamentary Oversight of the Security Sector: Principles, Mechanisms, and Practices*, Handbook for Parliamentarians (Geneva: Inter-Parliamentary Union/Geneva Centre for the Democratic Control of Armed Forces, 2003); Jeanne Kinney Giraldo, "Legislatures and National Defense: Global Comparisons," in *Who Guards the Guardians and How: Democratic Civil-Military Relations*, ed. Thomas C. Bruneau and Scott D. Tollefson (Austin: University of Texas Press, 2006); Andrew Cottey, Timothy Edmunds, and Anthony Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations," *Armed Forces & Society* 29, no. 1 (2002).

be involved in this process, its most important component is the legislative defense committee, whose daily responsibilities require a narrow focus on defense issues.

However, just having a defense ministry does not guarantee democratic civilian control.[32] Similarly, legislative oversight that exists on paper only is not only ineffective for the establishment of democratic control, it also adds a false sense of democratic nature to the system. As Cottey et al. point out, "democracy is about much more than simply institutional structures; it is about the democratic quality of these structures in their everyday operation."[33] As a result, the authors believe that the issue of formal establishment of defense oversight institutions is just a beginning of the process of instituting democratic civil-military relations. During this first stage, reform and restructuring of democratic institutions provides a foundation for the second stage in which those institutions are strengthened and implemented through capacity-building, mainly by the way of the establishment of democratic control of defense policy and strengthening of democratic governance. Therefore, as many countries, even those who suffer from problems in civil-military relations, have ministries of defense and some provisions for legislative oversight, it is important that these institutions satisfy certain conditions; otherwise their existence is in name only. First, they must be civilian-staffed institutions.[34] A lack of civilian personnel in the ministry of defense and legislative defense committees means that civilian politicians are not in charge of tasks assigned to

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[32] Bruneau and Goetze, "Ministries of Defense and Democratic Control."
[33] Cottey, Edmunds, and Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations," 35.
[34] David Pion-Berlin, "Defense Organization and Civil-Military Relations in Latin America," ibid.35, no. 3 (2009); Valeri Ratchev, *Civilianization of the Defence Ministry: A Functional Approach to a Modern Defence Institution*, Dcaf Regional Programmes Series #7 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2011).

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these institutions. This in turn allows military undue control over defense policy which runs contrary to the very definition of democratic control over armed forces. Second, defense ministry and legislative committees must be staffed with experts in defense issues.[35] Such expertise, in the form of formal training and/or experience, ensures that civilians will not depend solely on military's advice and guidance on defense issues. Finally, these institutions must have a real authority to carry out duties assigned to them, and not exist in name only.[36] Authority is perhaps the most important component of institutional effectiveness: in order to be able to exercise democratic control over armed forces, civilian institutions must have the necessary power to autonomously formulate policy and translate that policy into actions. Without such power, their existence is a formality that harms the quality of civil-military relations by adding a false sense of democratic nature to the system. Therefore, my argument is that *effective defense ministry and legislative defense committee lead to the establishment of democratic control over armed forces*.

When civilian authorities lack the knowledge and expertise in defense matters or do not have the power to exercise authority over both the military and defense policies, we can expect to see problems leading to weakened civilian control of the military. Countries that emerged from former Yugoslavia might be particularly affected by these

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[35] Born, Fluri, and Johnsson, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms, and Practices*; Bruneau and Goetze, "Ministries of Defense and Democratic Control."; Jeanne Kinney Giraldo, "Legislatures and National Defense: Global Comparisons," ibid.; Pion-Berlin, "Defense Organization and Civil-Military Relations in Latin America."

[36] Bruneau and Goetze, "Ministries of Defense and Democratic Control."; Jeanne Kinney Giraldo, "Legislatures and National Defense: Global Comparisons," ibid.; Pion-Berlin, *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina*; "Defense Organization and Civil-Military Relations in Latin America."

variables, due to several factors. First, the nature of communist civil-military relations led to the lack of civilian expertise in military matters. Even though it was highly politicized, the military in former Yugoslavia had high levels of autonomy. Given the fact that the Yugoslav People's Army (*Jugoslovenska Narodna Armija*, JNA) was given significant degrees of autonomy in defense policy issues in return for its subordination to political authorities, there was no pressing need for civilians to develop expertise needed for truly democratic civilian control. In addition to the lack of expertise among civilian authorities, these countries often lacked a community of scholars in civil-military matters they could turn to for guidance after independence. Since the civil-military relations in communist states were not under scholars' scrutiny, and were often not even allowed to be taken under consideration, "there is no critical mass of scholars, experts, journalists and NGOs capable of building up a strategic community that can open a public debate on civil-military relations."[37] Cottey et al. echo this when arguing that instead of military interference in politics, the main problem in the area of civil-military relations in Central and Eastern European democracies has been "misinformed, inept, or disinterested civilian management of defense and security issues."[38] As a result, the lack of knowledge, expertise, and experience may be a particularly acute problem in these states' attempts to establish democratic civilian control.

In addition to the lack of knowledge and experience in defense matters among civilians, the problems in these states were compounded by the fact that they had to build

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[37] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*, 23.
[38] Cottey, Edmunds, and Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations," 43.

both their militaries and institutions for their control from scratch. While reforming armed forces and civil-military relations was difficult in all former communist states due to the need to rid the armed forces of the communist inheritance, the problem in these newly independent states has been even more difficult. They did not face the problems of reform, but the problems of having to build militaries and institutions for their control either from scratch or out of their remnants from former Yugoslavia. Since the Serbian capital Belgrade was an administrative center of the previous federation, it essentially inherited both the JNA and institutional structures related to civil-military relations. The new states were therefore left with the pieces of the JNA that were found on their territories, and had a blank page for setting the institutional structures. They were thus "forced to start *ab ovo* or to accept external assistance (sometimes forced on them) in shaping a new democratic model of civil-military relations."[39]

Some have challenged the idea that institutions have causal effects independent from people's preferences. According to Przeworski, institutional arrangements reflect current social conditions and power relations, and as such have "no autonomous role to play."[40] Similarly, North argues that the relative bargaining strength of participants during the institution-making phase will determine the type and character of institutions that emerge.[41] However, while they are correct that power relations affect the nature of institutions during their creation, it has also been recognized that once established, such

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[39] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*, 23.
[40] Adam Przeworski, "Institutions Matter?," *Government & Opposition* 39, no. 4 (2004): 527.
[41] North, *Institutions, Institutional Change and Economic Performance*.

institutions are characterized by "stickiness"[42] and tend to persist even after the initial power relations have changed. Not only are institutions persistent and difficult to change, they also limit the range of actions available to actors, making those institutions less dependent on power relations and more significant in shaping such relations. Even North recognizes that although "institutions are a creation of human beings […] the constraints that institutions impose on individual choices are pervasive."[43]

Establishing Effective Defense Institutions

If it is correct that effective defense ministry and legislative oversight can ensure the establishment of democratic control over military, the question then is *why states would fail to establish such institutions*. Arguably, civilian politicians in every country want to control military and do not want to struggle for power with it. Therefore, the question is, why don't they simply establish effective ministry of defense and legislature by using a prescribed formula? The literature on civil-military relations offers some potential answers to that question. Desch, for example, explains the quality of civilian control over the military and sources of potential problems by the structure of the international environment.[44] According to his account, we cannot explain the quality of civilian control based only on characteristics of civilian and military leaders and on institutional characteristics of the military and government, since such arguments cannot explain why particular types of leaders come to power at specific times, nor reasons for a specific institutional structure of the military or the government. Instead, the quality of

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[42] Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton and Oxford: Princeton University Press, 2004), 43.
[43] North, *Institutions, Institutional Change and Economic Performance*, 5.
[44] Desch, *Civilian Control of the Military: The Changing Security Environment*.

civilian control can be determined by looking whose preferences prevail most of the time, and that will depend on the location of threat the country faces. A country facing high levels of external threat will empower politicians with experience and knowledge of national security issues, and the rally around the flag effect will produce unity among the civilian factions, military factions, and between civilian and military institutions, since all will be focused on the external enemy. In the case of high levels of internal threat, these intervening variables will have the opposite effect, bringing inexperienced leadership, creating disunity among the institutions, and producing different ideologies between civilians and military.

This argument, however, has been challenged in empirical studies. Paul Staniland, for example, argues that if Desch's predictions were correct, Indian government would be struggling to establish control over its military, given the high levels of internal threats, while Pakistani government would be able to maintain full control over its military.[45] The evidence, however, shows that while India has enjoyed stable civil-military relations, Pakistani government has become a victim of military coups. Similarly, based on the data of 33 military operations in seven Latin American countries in the period from 1980 to 1997, Pion-Berlin and Arceneaux find that although civilians are more likely to control the military when it is engaged in external operations, they are *not* more likely to lose control of the military when the military is involved in internal missions.[46] In other words, civilian governments achieve moderate or high levels of control over military

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[45] Paul Staniland, "Explaining Civil-Military Relations in Complex Political Environments: India and Pakistan in Comparative Perspective," *Security Studies* 17, no. 2 (2008).
[46] David Pion-Berlin and Craig Arceneaux, "Decision-Makers or Decision-Takers? Military Missions and Civilian Control in Democratic South America," *Armed Forces and Society* 26, no. 3 (2000).

approximately 60 percent of the time in both external and internal operations, according to the authors.

Others have offered different explanations of the quality of civilian defense institutions. Drawing on Latin American experience, Aguero argues that the quality of defense institutions and hence the quality of civilian control will depend on the conditions created during the transition process.[47] According to this argument, the relative bargaining strength of each side during the transition process will shape the type and quality of institutions that emerge. A civilian-controlled transition is more likely to create favorable conditions for the establishment of democratic civilian control, while a military-controlled transition will increase the bargaining strength of the military and thus give it the advantage in the first post-authoritarian institutional make-up. Similarly, Trinkunas argues that the quality of democratic institutions will depend on regime capacity and regime leverage during and after the transition process.[48] While regime capacity depends on the amount of resources, expertise, and attention devoted to institutionalizing civilian control, regime leverage depends on the opportunities presented to the civilians during the transition process, such as unified or divided military, whether there is a consensus among civilians regarding the democratization process and whether civilians are successful at developing a plan regarding control over military. While capacity and leverage certainly play a role in the establishment of effective defensive institutions, they do not seem to be sufficient in explaining the quality of those

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[47] Felipe Aguero, "Institutions, Transitions, and Bargaining: Civilians and the Military in Shaping Postauthoritarian Regimes," in *Civil-Military Relations in Latin America: New Analytical Perspectives*, ed. David Pion-Berlin (Chapel Hill and London: The University of North Carolina Press, 2001).
[48] Harold A. Trinkunas, "Crafting Civilian Control in Argentina and Venezuela," ibid.

institutions. Namely, even in cases where transition is controlled by civilians and there is a widespread consensus about democracy, the institutions that emerge may not always be effective. Furthermore, civilians' choice to not devote attention and resources to developing defense expertise among politicians and thus crafting appropriate institutions needs to be explained. In other words, if the conditions exist for the establishment of civilian control, why would civilians fail to take advantage of those conditions?

It is understandable that leaders of non-democratic states wish to maintain non-democratic control over armed forces. Non-democratic control, or in Huntington's terminology subjective control, allows the leadership to maintain power, protects them from not only external threats but also from internal threats that might threaten their reign, and gives them a powerful (the most powerful) domestic ally in that quest. It is not clear, however, why leadership in democratic states would want to maintain the same type of control. In democracies, it is elections that bring leaders to power, not the power of the military; it is the continued support of the constituents that keeps them in power, not politicized armed forces. The nature and characteristics of defense institutions and the relationship between civilians and military do not play a role in the continuation of power of one party or another. In fact, politicized military that exerts an undue influence of defense policies might be viewed as a detriment by the voters, and might even harm the leaders' ability to stay in power. As a result, although democratic societies should have no incentive to institute non-democratic control over their militaries in some cases they do just that.

I argue that the answer is in the type of issues that dominate the political agenda of the country during the time when defense institutions are being formulated. If there is no consensus among political elites regarding the *legitimacy of the state*, and if issues of state identity dominate the political agenda, civilians will fail to take advantage of opportunities to design effective defense institutions. Any existing issues of state legitimacy must therefore be resolved, or their salience significantly lessened, before politicians can be expected to craft effective institutions. Effective defense institutions create conditions under which the armed forces are subordinate to the government in power and not to a particular political party, meaning that any transfer of power leads to an automatic transfer of military's allegiance. When the state legitimacy is challenged and any future transfer of power may lead to a change in state boundaries, instead of establishing democratic civilian control, the elites in power have an incentive to create conditions that will not allow such transfer of military's allegiance. Challenging the legitimacy of the state can come in different forms: political elites may choose to advance secessionist tendencies of a portion of the population, a portion of the population might want to join another state, they might believe that parts of another state belong to them, and similar.[49] Therefore, the issue is not a challenge to the legitimacy of the government or regime in place, but the state itself. Even if people believe that the government has been legitimately elected, and even if there is no resistance to democratization efforts,

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[49] Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore and London: The Johns Hopkins University Press, 1996).

defense institutions that emerge will be less than perfect if the political elites fail to agree that the state boundaries should not be challenged.

Dankwart Rustow has emphasized the importance of national unity as a pre-condition that "must precede all other phases of democratization."[50] According to Rustow, such national unity "simply means that the vast majority of citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to" and democratization cannot occur if the polity and the boundaries of the state are likely to change.[51] While such unity may facilitate political transition, I argue, however, that Rustow's sequence of events does not necessarily resemble the sequence witnessed in recent democratizations. Instead, I argue that a lack of national unity does not preclude transition process but might affect the quality of democratic institutions during the consolidation phase. In fact, it seems that a lack of national unity may at least partly serve as a motivation for democratization. For example, Montenegro started its transition process while still in the union of Serbia and Montenegro partly because the political elites were aware than any undemocratic bid for independence would be viewed by the international community as illegitimate. By starting the transition, the country was given an opportunity to express its existing national *disunity* and challenge the union by utilizing democratic processes. That way the challenges to the state were seen as legitimate by the international community because they were accomplished through the use of democratic procedures and institutions.

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[50] Dankwart A. Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics* 2, no. 3 (1970): 351.
[51] Ibid., 350.

Challenges to state legitimacy during democratic transition and consolidation phases create conditions under which *positive* features of democracy are transformed into *obstacles* to successful consolidation. Namely, one of the defining characteristics of democracy is uncertainty, meaning that no party or a group in power can be confident that its reign will continue.[52] As Przeworski put it, "In a democracy, no one can win once and for all: even if successful at one time, victors immediately face the prospect of having to struggle in the future."[53] This assures that no one can pre-determine outcomes of political competition and differentiates democratic from non-democratic societies. Acceptance of such uncertainty is conditional on the expectation that a loss at one point can be contested in the next election when positions can be regained and decisions reverted. However, in situations when legitimacy of the state is contested, such uncertainty may serve as an impediment to democratic consolidation by creating a situation of *double uncertainty*. Not only are the elites uncertain regarding the outcome of future elections, they are also uncertain what the long-term consequences of those elections will be. Such double uncertainty produces an expectation that a loss in an election might also lead to a change in state boundaries and possibly an inability to compete again for the lost position. As a result, it leads to a paradoxical situation in which the elites want democratic institutions that will allow them to pursue their goals but at the same time do not want those democratic institutions to be effective enough to sustain unfavorable outcomes. According to Stepan, institutionalization "implies that the

[52] Adam Przeworski, "Some Problems in the Study of the Transition to Democracy," in *Transitions from Authoritarian Rule: Comparative Perspectives*, ed. Guillermo A. O'Donnell, Philippe C. Schmitter, and Laurence Whitehead (Baltimore and London: The Johns Hopkins University Press 1986).
[53] Ibid., 57.

majority of the weighty political actors in the polity are pursuing strategies to further their positions within the new institutional framework, *rather than* directing their energies to resisting, eroding, or terminating that framework."[54] The situation of double uncertainty leads to the situation in which these two options overlap: the actors act within the institutional framework in order to win positions that will allow them to change or end the same framework.

While this double uncertainty presents obstacles to consolidation of democratic institutions in a wide range of areas, its effects are particularly acute in the realm of civil-military relations. Although political elites arguably want democratic control over military, the divisions provoked by the lack of consensus on issues concerning the future of the country will influence their resistance to such control. Effective democratic control over armed forces involves an apolitical military, a military that does not adhere to one political party or the other. In such circumstances, the military will be controlled by any government in power, with the armed forces' automatic transfer of allegiance to whomever is in control of the government. When the future of the country is unknown, relinquishing control over the military to such effective institutions might be against the long-term interests of those in power.

The severity of challenges to state unity will lead to different levels of resistance to democratic control over armed forces and different actors driving such resistance. At the extreme, with low levels of consensus on state legitimacy (or high levels of challenges to state legitimacy), a complete lack of trust among different sides may lead to

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[54] Alfred Stepan, *The State and Society: Peru in Comparative Perspective* (Princeton: Princeton University Press, 1978), 292., emphasis added

the maintenance of separate armed forces, as was the case in BiH for much of its post-war development. Low levels of consensus are evident in situations when parties that hold the majority in current government have as part of their political agenda any future change in internal state boundaries, whether through a secession of a part of the state, accession of a part of the state to another state, or through internal change of administrative borders. While this study focuses on challenges that come primarily from the political elites, their election to political positions also means that the majority of the population itself challenges the state. In such situations, the political agenda of the state is overwhelmed with challenges to state unity and boundaries are continuously contested; as a result, opposing sides are likely to resist having a unified military, much less one controlled by democratic institutions. In fact, in such circumstances they are likely to maintain separate armed forces that would serve to protect the opposing sides from each other, instead of defending the territorial integrity of the state from an outside threat. When the consensus on state legitimacy is almost non-existent, all sides are likely to resist not only democratic control over military but any arrangement that creates unified armed forces and takes away each side's ability to defend itself in the future. This scenario resembles the situation that existed in BiH for almost a decade after independence, where the three constituent people's distrust of each other led to the maintenance of separate armies and a lack of state-wide defense institutions.

In less severe cases, at medium-level of consensus, when challenges to state unity are less acute but nevertheless present, fewer actors have an incentive to resist democratic control which leads to a different structure of civil-military relations. Medium levels of

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consensus occur when parties challenging state boundaries win seats but do not hold the majority in the government, or when those in power seek to acquire parts of another state(s). Under both conditions, the ruling and opposition parties' incentives are likely to differ, with those in power resisting the establishment of democratic control and those out of power pressing for it. The situation of double uncertainty leads the ruling party to fear the prospects of losing power in the near future, which would allow parties who challenge the state's existence, or who do not have the same ambitions toward accessions of other regions to control the military. Those in control of the government may particularly resist the institutionalization of legislative oversight over defense policy. In addition to vesting power in the ministry of defense, effective defense institutions also inhibit those in power from manipulating the defense sector by giving the elites out of power influence over defense policy through legislative oversight. Such oversight is the primary means through which opposition parties can exert some influence over defense issues. As a result, while the elites might agree to have a unified military and a nominal legal framework for democratic control over armed forces, the party (or parties) in power will fail to relinquish the control over it to democratic institutions. Instead, those in power will likely manipulate the institutional framework to resemble that of a democratic system to appease the opposition demands while maintaining party control over military and defense issues. By politicizing the military and turning it into an ally of the party in power, the government is ensuring that a loss of an election does not necessarily translate into a loss of control over the armed forces. The situation in Croatia during Tudjman's rule resembles this scenario. While legal provisions for democratic civilian control over

the military existed, in practice the defense organization was filled with politicized military personnel and party cronies without expertise in defense issues, legislative oversight existed in name only, legislative defense committee did not exist, and military was subordinate to Tudjman's Croatian Democratic Union (*Hrvatska Demokratska Zajednica*, HDZ) and not to the government itself. My argument, therefore, is that a consensus on the question of state legitimacy is necessary for the creation of effective defense institutions. Or in other words, *if the political agenda of a country is dominated by issues that challenge the legitimacy of the state, defense institutions will not be effective.*

Table 2.1: Hypothesized Causal Processes Stemming from Different Levels of Consensus

High level of consensus	Medium level of consensus	Low level of consensus
⇩	⇩	⇩
Unified Military	Unified Military	Separate Militaries
⇩	⇩	⇩
All actors consent to democratic control	Elites in office resist democratic control	All elites resist democratic control
⇩	⇩	⇩
Legal framework	Nominal legal framework	No legal framework
⇩	⇩	⇩
Appointment and training of civilians	Politicization of armed forces	**No civilian control**
⇩	⇩	
Institutionalization of legal framework	Appointment of military officials and political cronies	
⇩	⇩	
Democratic Civilian Control	**Party control**	

Therefore, both low and medium levels of consensus lead to *non-democratic* civil-military relations, but with different characteristics. High levels of consensus, on the other hand, eliminate fears of the long-term consequences of future elections and create incentives for the establishment of democratic civilian control. Namely, when all involved parties are confident that a loss in any future elections simply means that they have to sit out for one term and can compete again in the following elections, they have an incentive to resolve the problem of "guarding the guardians" through democratic means. The existence of consensus, therefore, *fosters* the creation of effective ministries of defense and legislative committees in democratic societies necessary for democratic control. Under such circumstances, all parties agree that democratic control over armed forces is desirable and work toward the establishment of such control. While the process starts with a comprehensive legislative framework for democratic civil-military relations, such framework necessitates civilians with expertise and experience in key defense institutions if it is to be meaningful. If such civilians are not available, as was the case in the former SFRJ states, the very existence of legislative framework will motivate those in key positions to acquire such knowledge and expertise in order to take advantage of the newly attained powers. This was evident in all former Yugoslav states, where the initial legislation for democratic control led to extensive training and education of officials in defense ministries and parliamentary defense committees. In turn, the more expertise these officials have, the more seriously they take their responsibilities, leading to the institutionalization of legislative provisions for democratic control over military.

While others have pointed to the importance of civilian unity during the transition process, such unity has been often been considered important for different reasons. For example, according to Aguero, civilian coalescence during democratic transition and consolidation is important as it can prevent the military from gaining too much influence.[55] Namely, divisions among political elites allow the military to take advantage of the divisions and assert its influence. Unity among civilians, on the other hand, "will limit the range of resistance strategies available to the military."[56] While pointing to the importance of civilian unity, this approach, however, assumes that civilian disunity is only harmful if it weakens the civilian government and allows a unified military to exploit the circumstances to its advantage. I, however, argue that such a lack of consensus is harmful not because it opens up opportunities for military to take advantage of the weakness in the system, but that it inhibits political elites from constructing effective institutions. Even if the military is not capable of or willing to take advantage of the opportunity and exert a great deal of influence, the lack of civilian coalescence will inhibit the establishment of defense institutions that are necessary for democratic civilian control.

Some authors have emphasized the importance of democratic pacts during the process of democratic transition. According to O'Donnell and Schmitter, a pact is "an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seek to define (or, better, to redefine) rules governing the exercise of power

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[55] Aguero, "Institutions, Transitions, and Bargaining: Civilians and the Military in Shaping Postauthoritarian Regimes."
[56] Ibid., 204.

on the basis of mutual guarantees for the 'vital interests' of those entering into it."[57] Such

pacts, according to the authors, include deals among parties and their leaders about the

content of issues on the political agenda, distribution of benefits, exclusion of other

players from the decision-making process, and similar. While being discriminatory to

some groups in the society and while moving "the polity toward democracy by

undemocratic means,"[58] such pacts can be desirable since they increase the likelihood of

successful transition to democracy. Terry Lynn Karl makes a similar argument about the

importance of pacts as "negotiated compromises in which contending forces agree to

forego their capacity to harm each other by extending guarantees not to threaten each

others' vital interests."[59]

While the elites' consensus on state legitimacy may be a part of such pacts, they

alone cannot ensure that democratic civil-military relations will be established. Created

during initial stages of democratization to ensure that no actor's interests are threatened

enough for that actor to attempt to reverse the process of transition, these pacts at the

same time cannot play a role during the process of democratic consolidation. As

Przeworski points out, the nature of democracy does not allow any *substantive*

compromises as they can be reversed in the next elections.[60] In effect, it is the *absence* of

disputes on the question of legitimacy that facilitates the establishment of democratic

institutions, *rather than the existence* of explicit agreements. If statehood and national

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[57] Guillermo A. O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies* (Baltimore and London: The John Hopkins University Press, 1986), 37.
[58] Ibid., 38.
[59] Karl, "Dilemmas of Democratization in Latin America," 11.
[60] Przeworski, "Some Problems in the Study of the Transition to Democracy."

identity are challenged, institutional compromises that establish uncertainty may impede

the establishment of institutions that could prevent the actors from changing the status

quo if the circumstances permit.

My argument, therefore, is that the existence of a compromise regarding the

legitimacy of the state is a necessary condition for the creation of effective institutions for

democratic control over military. If a country's elites are divided on the questions of

legitimacy, regardless of their consent to democratic transition and consolidation, the

defense institutions they create will not be appropriate to ensure democratic control over

armed forces. In effect, the politicians will fail to create effective institutions in order to

protect their future interests from others' intentions; in attempting to protect themselves

from the possibility of losing control over military in the future, they will inadvertently

create conditions under which no side can exert truly democratic control over military.

Methodology

To determine whether the consensus among political elites leads to crafting of

effective defense institutions and subsequently to democratic civilian control, it is

necessary to explain causal mechanisms that lead to the establishment of democratic

control. In the first hypothesis, effective defense institutions are an independent variable,

determining the quality of civilian control. They are, however, a dependent variable in the

second hypothesis—the creation of effective institutions requires a prior agreement on

the questions of state legitimacy. Consensus, therefore, is a necessary condition for the

establishment of democratic control over military. The relationship, however, is not a

straightforward one between the consensus and the control: the consensus allows

effective institutions to be created, which in turn lead to the establishment of democratic control over armed forces.

Since the purpose of this study is not only to show the relationship between independent and dependent variables, but also to explain *why* and *how* they are connected, qualitative methods are suitable. To show the mechanisms through which dependent and independent variables are linked, I use process tracing within a comparative historical analysis. Process tracing involves mapping of the causal path between the independent and dependent variables, and "uncovering traces of a hypothesized causal mechanism within the context of a historical case or cases."[61] In order to test the hypothesized link from a consensus on state legitimacy, through effective defense institutions, to democratic civilian control, it is necessary to closely examine each step through which countries go in the process of formulating their civil-military relations. This not only allows identification of causal mechanisms, but it also provides an insight into the important question of *why* and *how* the independent and dependent variables are linked in a certain way. Process tracing is particularly suitable for explanations involving necessary variables.[62] It allows identification of a particular path through which the necessary variable leads to the expected outcome and can shed light on why in the absence of the necessary variable the outcome would not occur. Although some have questioned the value of process tracing as a method "unlikely to yield strong

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[61] Andrew Bennett and Colin Elman, "Qualitative Research: Recent Developments in Case Study Methods," *Annual Review of Political Science* 9, no. 1 (2006): 459.
[62] Gary Goertz and James Mahoney, "A Tale of Two Cultures: Causal Mechanisms and Process Tracing," *Qualitative and Multi-Method Research Newsletter* 8, no. 2 (2010).

causal inference,"[63] others have acclaimed that "for qualitative scholars the slogan might be: No strong causal inference without process tracing."[64]

This study applies process tracing within comparative historical analysis of three cases: BiH, Croatia, and Montenegro. According to Mahoney and Rueschemeyer, comparative historical analysis "is defined by a concern with causal analysis, an emphasis on processes over time, and the use of systematic and contextualized comparison."[65] Therefore in addition to examination of historical developments and analysis of causal mechanisms within three cases, this study also engages in a systematic comparison of the three cases. This comparison provides not only understanding of the process of establishing democratic control over military in these specific cases but also allows a broader generalization of the hypothesized causal mechanisms through comparisons of three cases at different points in time.

Montenegro, BiH, and Croatia are what Gerring calls diverse cases. According to Gerring, the goal of selecting diverse cases is to "capture the full range of variation along the dimension(s) of interest."[66] These three cases display a wide variation on dependent and independent variables, both within and across cases. Such a choice of diverse cases is particularly suitable for use with process tracing method, since it allows not only showing that a specific variable leads to a specific outcome, but also allows tracing and outlining

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[63] Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994), 228.
[64] Goertz and Mahoney, "A Tale of Two Cultures: Causal Mechanisms and Process Tracing," 25.
[65] James Mahoney and Dietrich Rueschemeyer, "Comparative Historical Analysis: Achievements and Agendas," in *Comparative Historical Analysis in the Social Sciences*, ed. James Mahoney and Dietrich Rueschemeyer (Cambridge: Cambridge University Press, 2003), 6.
[66] John Gerring, *Case Study Research: Principles and Practices* (Cambridge and New York: Cambridge University Press, 2007), 99.

of causal mechanisms under different circumstances and at various levels of dependent and independent variables. The three cases under study here display such variation in both independent and dependent variables over time. In Montenegro, the very act of achieving independence removed any challenges to state legitimacy from the political scene; as a result, Montenegro built its defense institutions with high levels of consensus and achieved democratic control over armed forces in a relatively short time period. Croatia, on the other hand, started its existence as an independent state with medium levels of consensus, with a significant portion of the political elites challenging the existing boundaries. This same time period was marked by civilian control over military that can be qualified as non-democratic party control. However, as challenge to state legitimacy became an issue of less importance for the opposition parties at the turn of the century, Croatia started moving toward building of effective defense institutions. Finally, BiH started its life as an independent state with extremely low levels of consensus, with all three major ethnic groups exhibiting significant discontent with the state and its boundaries. As a result, each ethnic group also maintained its own armed forces, with a complete lack of existence of any state-level defense institutions. In the early 2000s, as political tensions started abating and elected leaders started planning the future of BiH as a unified state, BiH finally got its first defense institutions and unified armed forces. However, those significant accomplishments were frozen in place when in 2007 challenges to state legitimacy re-entered the political scene of the country, barring any additional progress in the process of establishing democratic civil-military relations.

Table 2.2: Variation on Dependent and Independent Variables Within and Across Cases

	Montenegro			Croatia				Bosnia and Herzegovina			
	Phase 1	Phase 2	Phase 3	Phase 1	Phase 2	Phase 3	Phase 4	Phase 1	Phase 2	Phase 3	Phase 4
Democratic Transition	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
International Incentives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Consensus on State Legitimacy	yes	yes	yes	no	yes	yes	yes	no	no	no	no
Unified Military	yes	yes	yes	yes	yes	yes	yes	no	no	no	yes
Defense Ministry (DM)	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes
Legislative Defense Committee (LDC)	yes	yes	yes	no	yes	yes	yes	no	no	yes	yes
Civilian-staffed DM and LDC	no	yes	yes	no	no	yes	yes	n/a	no	yes	yes
Expertise in DM and LDC	no	no	yes	no	no	no	yes	n/a	no	no	yes
Authority of DM and LDC	no	yes	yes	no	no	yes	yes	n/a	no	no	no
Democratic Civilian Control	no	no	yes	no	no	no	yes	no	no	no	no

Different phases correspond to major reforms undertaken in the process of democratic transition and they vary in length. In Montenegro, phase 1 lasted 2006-2007, phase 2 2008-2009 and phase 2 2010-present. In Croatia, phase 1 lasted 1991-1999, phase 2 2000-2002, phase 3 2003-2004, and phase 4 2005-present. In BiH, phase 1 lasted 1995-1999, phase 2 2000-2004, phase 3 2005-2006, and phase 3 2007-present.

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Democratic civilian control itself can be measured by using different standards. Some authors have measured civil-military relations by looking at how often civilians and military conflict in decision-making process.[67] Others have claimed that we can best determine whether military does what civilians want by looking at whose preferences triumph when there is a conflict between civilians and military.[68] This way, if civilians win in disagreements most of the time, we can speak of civilian control. Instead of using arbitrary measurements, I rely on NATO's evaluations of democratic control. According to NATO, one of the first steps in the prospective members' integration efforts should be the establishment of democratic civilian control over their armed forces through

> effective and transparent arrangements for the democratic control of defence activities; civilian participation in developing defence and security policy; effective and transparent legislative and judicial oversight of the defence sector; enhanced assessment of security risks and national defence requirements, matched with developing and maintaining affordable and interoperable capabilities; optimising the management of defence ministries and other agencies which have associated force structures; compliance with international norms and practices in the defence sector, including export controls; effective and transparent financial, planning and resource allocation procedures in the defence area; effective management of defence spending as well as of the socio-economic consequences of defence restructuring; effective and transparent personnel structures and practices in the defence forces; and effective international cooperation and good neighbourly relations in defence and security matters.[69]

These standards have been the same for each case in my study and allow me to trace the progress of each country through its membership in Partnership for Peace (PfP), Membership Action Plan (MAP), and NATO. While a country's acceptance to NATO signifies that democratic civilian control has been achieved, the country's acceptance to

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[67] Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*.

[68] Desch, *Civilian Control of the Military: The Changing Security Environment*.

[69] NATO, "Security through Partnership," (Brussels, Belgium NATO Public Diplomacy Division, 2005), 24.

the PfP and MAP does not automatically translate into such control. In effect, there are two main areas of reforms that each country needs to accomplish before its NATO membership: democratic civilian control and matching defense capabilities with the needs of the country and the needs of the international community and NATO.[70] As such, a country's admittance to PfP and MAP signify a degree of compliance with these conditions while a NATO membership means that both conditions have been fulfilled. In my research, I use NATO reviews of each country's progress on whether civilian control over military has been achieved and if not, which areas are in need of improving.

Besides allowing me to test my hypotheses, the cases of BiH, Croatia, and Montenegro are also suitable for testing competing explanations. Namely, after eight decades as parts of the same country, these three countries emerged out of the same communist tradition. While the military was subordinate to civilian authorities during Tito's reign, former Yugoslavia's communist regime's exercise of civilian control was far removed from democratic. The military was entirely politicized; its allegiance was to the regime or the Communist Party, not to civilian authorities per se. Civil-military relations were framed by the absolute rule of the Communist Party and the civilian (party) supremacy over military was never questioned.[71] The military personnel had double loyalty: to the military and to the Party, leading to a highly politicized military, but subordinate to civilian authorities since the officers' advancement within the military was

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[70] George Katsirdakis, "Defense Reform and Nato," in *Post-Cold War Defense Reform: Lessons Learned in Europe and the United States*, ed. Istvan Gyarmati and Theodor Winkler (Washington D.C.: Potomac Books, Inc., 2002).

[71] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*.

strictly based on party loyalty.[72] This highly politicized nature of the JNA was evident in

its formal seat in the League of Communists of Yugoslavia, next to the representatives of

six constituent republics and two autonomous provinces within Serbia.[73] As a result, with

the collapse of communism and break-up of former communist countries, many newly

democratizing countries' armies inherited "unprofessional" features of their predecessors,

mostly the view of advancement as a result of party loyalty.[74] In addition to granting the

military an official status of a political actor, the military was also given high levels of

autonomy in defense policy in return for their subordination, leaving civilian authorities

mostly uneducated and without expertise in defense policy issues. As a result, as the

contributors to *Democratic Control of the Military in Postcommunist Europe* find, while

the establishment of civilian control over military was not a difficult task for many newly

democratizing Eastern European states, civilian authorities faced much more difficulties

in establishing effective civilian oversight over defense policy.[75]

     However, if this cultural inheritance is the main explanatory variable in the

establishment of democratic control, we can expect all states emerging from former

Yugoslavia to have similar post-independence experiences in the process of establishing

democratic control over armed forces. This, however, has not been the case. BiH,

Croatia, and Montenegro show a great variation in the quality and pace at which different

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[72] Cottey, Edmunds, and Forster, "Introduction: The Challenge of Democratic Control of Armed Forces in Postcommunist Europe."

[73] Gow, "Professionalization and the Yugoslav Army."; Robin Alison Remington, "The Yugoslav Army: Trauma and Transition," in *Civil-Military Relations in the Soviet and Yugoslav Successor States*, ed. Constantine P. Danopoulos and Daniel Zirker (Boulder: Westview Press, 1996).

[74] Forster, Edmunds, and Cottey, "The Professionalization of Armed Forces in Postcommunist Europe," 12-13.

[75] Cottey, Edmunds, and Forster, *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*. See also Edmunds, Cottey, and Forster, *Civil-Military Relations in Post-Communist Europe: Reviewing the Transition*.

levels of democratic civilian control have been achieved. While Montenegro established such control after only four years, it took Croatia over a decade to do the same; BiH, on the other hand, nearly two decades later is still struggling to institute democratic civil-military relations. The fact that after such shared heritage and joint history within the Socialist Federal Republic of Yugoslavia the states have had different levels of success, points to the fact that culture cannot provide a full explanation.

Similarly, democratization efforts of BiH, Croatia, and Montenegro have significantly been shaped by their desire toward international integration. The three cases under study have all been faced with incentives to follow the prescriptions of the international community in the field of military reform, with the hope of international integration. In these cases, both the civilian authorities and the military have the same interest: to satisfy the needs of the international community, especially the European Union and NATO. Both these organizations require democratic control over armed forces to be established before membership can be considered. As Vankovska and Wiberg point out, these "governments are eager to show their cooperativeness, while the military hope they will face a better future as members of the NATO club."[76] This convergence of interests among civilians and military inspired by the benefits of NATO membership would lead us to expect similar outcomes in the three countries, which again is not the case.

Despite the common cultural background and common interests in satisfying the demands of the international community, BiH, Croatia, and Montenegro faced different

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[76] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*, 26.

challenges during the process of democratic transition. While in Croatia and BiH the realities of war led the way to military reform, Montenegro built both its military and defense institutions during peacetime. Since Croatia and BiH built their militaries during wartime, Desch[77] would suggest that this would significantly affect the quality of civilian control. Since civil war was raging in the territory of BiH from 1992-95, Desch's account could help explain its initial low levels of democratic control over military. However, applying the same approach to the Croatian case would predict high levels of democratic control in that country, which did not occur for a decade after Croatian independence. Although comparative politics literature often qualifies all wars on the territory of former Yugoslavia as civil wars, the Croatian war was clearly an external conflict. Having declared its independence before the war and having elected its new leadership as an independent state, Croatia viewed the war as an international conflict, caused by external aggression. In addition, even after the conflicts ended, for the remainder of the 1990s both Croatia and BiH suffered from high levels of external threat from Serbia, and BiH also from Croatia. As a result, Desch's argument would suggest that Croatia, due to the external conflict and continued high levels of external threat should have been able to exert high levels of democratic civilian control over its military, while BiH should have been struggling with it. Given that during the 1990s neither country achieved democratic control over its military suggests that the location of threat was not a particularly important variable in this sense. While both of them have succeeded to a certain degree in the first generation reforms, BiH is still struggling to establish democratic civilian control

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[77] Desch, *Civilian Control of the Military: The Changing Security Environment*.

over defense policy. The cases chosen for this study are therefore not only suitable for testing my hypotheses but allow me rule out competing explanations by providing controls on most commonly emphasized variables in the literature on civil-military relations.

The data for the three cases were collected from a number of sources. I conducted interviews with a number of current and former government officials in the three countries, making sure to include both members of the ruling and opposition parties during different periods. I interviewed members of the legislative branch in general, members of legislative defense committees, as well as members of defense ministries. In addition, I interviewed a number of military officers. In addition to interviews, I analyzed minutes from legislative sessions, constitutions and defense laws, press releases of governing and opposition parties, newspaper articles from major newspapers in each country, and NATO and European Union statements on each country's progress. These sources provided a detailed view on the issues that dominated political agendas of the three countries during different phases of transition process, their salience, and their effects on democratic transition and consolidation, as well as detailed information on the steps in the process of defense reform, levels of each country's commitment to international integration and their dedication (or absence of such dedication) to satisfying the conditions for integration.

CHAPTER 3

BOSNIA AND HERZEGOVINA

For the past two decades, Bosnia and Herzegovina's (BiH) democratic transition
and consolidation have been impeded by the uncertainty regarding the country's future.
The country's elites have been unable to come to terms with the reality of living in a
unified multi-ethnic Bosnian state, leading to the situation in which the terms of the
country's post-war democratic transition and consolidation have been dictated by the
international community. The consequences of such dysfunction are particularly
pronounced in the area of defense, which is characterized by a lack of democratic control
over armed forces. While a lack of democratic control often implies resistance by the
military to be subordinated to civilian authorities, in BiH the situation is different.
Foreseeing the benefits of being a member of a large international alliance and having
access to advanced training and stable budgets, the military seems to be one actor in BiH
that prefers that democratic control over armed forces be established.[1] Namely, the
establishment of democratic civil-military relations is one of the main pre-requisites for
membership in NATO, and while BiH was able to satisfy the necessary conditions for
NATO's Partnership for Peace (PfP) program in 2006, its accession to the next level of
integration, the Membership Action Plan (MAP), is yet to be formalized, due to the
Defense Ministry's inability to take control of military properties around the country.

Although such necessary control has not been established yet, the country's recent
accomplishments in the area of defense cannot be ignored. Emerging from a four-year

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[1] Personal interview with Zahir Dervišević, retired AFBiH Colonel (Sarajevo, July 2013)

civil war in 1995, BiH had three ethnically based armies, existing not to defend the country from outside aggression but to defend the three ethnic groups from each other if necessary.[2] This is representative of double uncertainty that exists when legitimacy of the state is contested in countries going through democratic transition and consolidation. The first uncertainty, as one of the defining characteristics of democracy, comes from the fact that in democratic societies no party or a group in power can be confident that its reign will continue.[3] The second uncertainty, however, comes from the fact that the elites are not only uncertain regarding the outcome of future elections, but are also uncertain what the long-term consequences of those elections will be. Such double uncertainty produces an expectation that a loss in an election might also lead to a change in state boundaries and possibly an inability to compete again for the lost position. For this reason, BiH maintained three armies and resisted the establishment of effective democratic control over the armed forces which would lead to the military being subordinate to anyone who comes to power. When there is strong resistance to country's legitimacy, and the future of the country is unknown, relinquishing control over the military to such effective institutions might be against the interests of those in power. Unfavorable electoral outcomes may lead to not only a loss of position, but to a necessity to defend oneself from a potential attack by the winners.

Such uncertainty dominated the political agenda until the early 2000s, when the political climate started changing and brought with it significant reforms in the defense

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[2] Bisera Turkovic, "Civil-Military Relations in Bosnia and Herzegovina," in *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ed. Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev (Heidelberg: Physica-Verlag, 2005), 85.

[3] Przeworski, "Some Problems in the Study of the Transition to Democracy."

sector. A first non-nationalist coalition in power strengthened the role of the only state-level defense institution, the Standing Committee on Military Matters (SCMM), which was followed by the creation of the state-level ministry of defense, institutionalization of parliamentary oversight over defense institutions, and finally the unification of the Armed Forces of BiH (AFBiH). Unfortunately, the return of the nationalist rhetoric after 2006 led to another standstill in defense reforms, impeding BiH's establishment of democratic control over armed forces and its international integration into the European Union and NATO.

The case of BiH exemplifies the effects of double uncertainty on the quality of civil-military relations in situations when state legitimacy is *highly* contested. While many researchers have excluded BiH from their analyses of former Yugoslav states because the presence of the international community makes the case of BiH not fit for comparison,[4] such exclusion may not be necessary or in fact appropriate. The presence of the international community in BiH for many years has certainly seemed to be the glue that has held the country together. However, such circumstances do not necessarily make the country unfit for comparison. In fact, they bring about the question of why the international community has to be deeply involved in all aspects of political life of the country, even two decades after peace was achieved. The continued presence of the Office of the High Representative (OHR) and its deep involvement in all aspects of B-H's development is further evidence that the elites' insecurity about the country's future

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[4] See for example Mieczyslaw P. Boduszynski, *Regime Change in the Yugoslav Successor States: Divergent Paths toward a New Europe* (Baltimore: The Johns Hopkins University Press, 2010)., Timothy Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro* (Manchester and New York: Manchester University Press, 2006). and Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*.

prevents them from building effective democratic institutions. As a result, during each

step of democratic consolidation, the elites are given an opportunity to reach a consensus;

after they fail to do so, the OHR is forced to make decisions for them.

The Peace Agreement

From 1992 until 1995, BiH was engulfed in a three-side civil war in which Serbs,

Croats, and Bosniaks were all fighting for control over territory. After nearly four years

of intense fighting, peace was achieved by signing of the General Framework Agreement

for Peace in Bosnia and Herzegovina (GFAP),[5] crafted by the international community.

The terms of the Dayton Agreement were dictated by the international community's

conviction that tensions and hostilities created in ethnic conflicts cannot be successfully

resolved unless different ethnic groups are "demographically separated into defensible

enclaves."[6] According to the chief U.S. negotiator in the Dayton peace process, "trying to

force Serbs, Croats, and Muslims to live together after the ravages and brutality of the

war, after what they had done to one another, would be extraordinary difficult."[7] At the

same time, in spite of the realization that previous enemies had little desire to live

together in the post-war Bosnia, the international community was determined to maintain

BiH as a multiethnic state. Attempting to do anything else would "legitimize Serb

aggression and ethnic cleansing, and lands that had been Muslim or Croat for centuries

would be lost forever to their rightful inhabitants."[8] The solution therefore was to

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[5] "General Framework Agreement for Peace in Bosnia and Herzegovina," (Office of the High
Representative and EU Special Representative, 1995)., also known as the Dayton Agreement
[6] Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security* 20,
no. 4 (1996): 137.
[7] Richard Holbrooke, *To End a War*, Revised ed. (New York: Modern Library, 1999), 97.
[8] Ibid.

maintain a multi-ethnic state, but divide it internally along ethnic lines so the three groups

would have significant autonomy over their affairs.

The peace was therefore designed to both end the hostilities and create conditions

for post-war state-building, reconstruction, and reconciliation of the society.[9] As such,

besides addressing the military issues with the goal to end the violence, the agreement

addressed numerous civilian issues intended to lessen the effects of the security dilemma

among the former enemies by ensuring their equal representation in future governments.

As a solution to reaching both goals, the unified state of BiH was internally divided into

two Entities, a Serb entity, Republika Srpska (RS) which covered approximately 49% of

the territory of the state, and the Federation of Bosnia and Herzegovina (FBiH), a

Bosniak-Croat entity, with 51% of the BiH territory.[10] The Federation was further

divided into ten cantons, only two of which were ethnically mixed. In addition to

territorial separation, the peace agreement established extensive power-sharing

arrangements, by creating a complex political structure that stretched political authority

among different levels of government – state, entity, canton, and municipality – and

dividing public offices equally among the three ethnic groups.

The state-level governmental structure consists of a tripartite Presidency, a

Council of Ministers as the executive branch, and the Parliamentary Assembly as a

bicameral legislature. Positions in each are divided equally among Bosniak, Croat, and

Serb representatives. For example, the Presidency consists of three officials, each elected

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[9] David Chandler, "State-Building in Bosnia: 'The Limits of Informal Trusteeship'," *International Journal of Peace Studies* 11, no. 1 (2006).
[10] The terminology here is highly unusual. While the terms "federation" and "republic" are often used for names of sovereign states, in the case of BiH the Federation of Bosnia and Herzegovina and Republika Srpska (Serb Republic) represent internal subnational entities of the state (or country) of BiH.

directly by the constituents from his or her ethnic group, with the position of the Chair of the Presidency rotating among the three. Although the Constitution[11] envisions that decisions can be made by two Members of the Presidency "when all efforts to reach consensus have failed,"[12] it also essentially gives the power of veto to any member. Namely, a decision considered detrimental to the interests of one ethnic group can be referred to the appropriate entity legislature for a vote. A Serb Member of the Presidency would refer the decision to the National Assembly of RS, while a Bosniak or Croat member would refer it to Bosniak or Croat delegates in the FBiH House of Peoples, respectively.[13] A two-thirds vote by these delegates can veto any decision made by two members of the Presidency. Similar arrangements exist in other levels of state government, making every decision subject to a three-side compromise because any dissent can be considered detrimental to one of the sides and subject to a potential veto by entity delegates. The frequent use of these powers to halt the decision-making process led some to describe the central government as "all brakes and no motor."[14]

The arrangement established in BiH closely resembles Lijphart's formula of consociational democracy, preferable for plural societies.[15] According to Lijphart, in order to make plural societies functional, it is necessary that 1) the country be run by a "grand coalition" consisting of representatives of all groups in the society, 2) the minority

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[11] The Constitution of BiH was embedded in the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 4.

[12] "General Framework Agreement.", Art. V(2c)

[13] Ibid., Art. V(2d)

[14] Christopher S. Chivvis and Harun Đogo, "Getting Back on Track in Bosnia-Herzegovina," *Washington Quarterly* 33, no. 4 (2010): 105.

[15] Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven and London: Yale University Press, 1977).

has the ability to veto decisions of vital interest to it, 3) the groups are proportionally

allocated resources and public positions, and 4) each groups may autonomously make

decisions that only concern that group's internal affairs. Arguably, this arrangement is

intended to make plural societies governable because it provides safeguards for each

group's interests. As a result, consociational democracy is considered not only the best

but the only functional form of democracy in divided societies.[16] And while some have

described the institutional structure of BiH "as a classic example of consociational

settlement,"[17] it is not clear that the framers of BiH followed Lijphart's formula. First, the

allocation of public positions does not necessarily follow the proportional prescription.

With positions divided equally among three (unequal) sides, the result was a perceived

overrepresentation of smaller groups and underrepresentation of larger ones.[18] In

addition, while a "grand coalition" of all groups was formed in BiH, such coalition was

not given the powers to actually govern the country. The Dayton Agreement enumerated

only ten areas in which the central government had jurisdiction, such as foreign policy,

customs policy, and air traffic control, while most other powers were left in the hands of

the Entities.[19] As a result, the Dayton agreement established extensive power sharing

provisions by allowing equal representation to each of the previously warring parties, but

at the same time created a unified state without the power to act as such. In fact, the state-

[16] "The Wave of Power-Sharing Democracy," in *Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*, ed. Andrew Reynolds (Oxford: Oxford University Press, 2002).
[17] Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (Oxford: Oxford University Press, 2002), 216.
[18] Personal interview with a former FBiH official (Sarajevo July 2013)
[19] "General Framework Agreement.", Art. III(1a-j)

level institutions were intentionally created weak.[20] While such weakness of central government seemed to be the only way to maintain a multi-ethnic state by giving significant levels of autonomy to each party, at the same time the fragmentation of authority and weakness of the central governmental structures failed to provide necessary conditions for reintegration of previous enemies and for moving the politics beyond ethnic interests. While the violence ended, the war "continues to play out in peacetime politics."[21] In fact, such fragmented authority has allowed narrow nationalist interests of each group to dominate the political agenda for the most part since 1995.

This trend of fragmented authority and conflicting interests is particularly pronounced in the area of defense. While federal arrangements can often allow for substantial autonomy of different entities, such autonomy does not generally exist in the area of defense, and is not intended to result in separate armed forces. In order to respect the cease fire, the Dayton Agreement required all armed forces to immediately withdraw into their respective entities. Afterwards, incremental reduction in armaments and the size of the military was to be supervised by a multinational military Implementation Force (IFOR) under the command of NATO. At the same time, the treaty did not envisage the future reintegration of armed forces, leaving the military of BiH divided among the three constituent peoples. The BiH military was thus divided into the Army of Republika Srpska (*Vojska Republike Srpske*, VRS) and Army of the Federation of BiH. The latter consisted of BiH Army (ABiH), a mostly Bosniak component, and the Croatian Defense

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[20] Marius Soberg, "The Quest for Institutional Reform in Bosnia and Herzegovina," *East European Politics & Societies* 22, no. 4 (2008).

[21] Valery Perry, "At Cross Purposes? Democratization and Peace Implementation Strategies in Bosnia and Herzegovina's Frozen Conflict," *Human Rights Review* 10 (2009): 36.

Council (*Hrvatsko Vijeće Obrane*, HVO), a Croat component of the army. All three represented the remnants of war-time militaries.

Both the armed forces and democratic institutions for their control were built along ethnic lines which created a country with three separate militaries, with each ethnic group controlling its "portion" of the armed forces. In fact, while the responsibilities of state-level institutions are enumerated in the Constitution,[22] defense is not mentioned as one of those responsibilities. By default, such responsibility falls in the jurisdiction of the entities' governments since the constitutions states that "all governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities."[23] The Constitution only briefly mentions defense, by giving each member of the Presidency "civilian command authority over armed forces"[24] and authorizing the Presidency to appoint members of the SCMM whose task would be to coordinate the activities of BiH's militaries.[25] Such provisions clearly carried no meaning given that there were no unified armed forces whose activities could be coordinated by the SCMM. Furthermore, the Parliamentary Assembly's role in defense was not even mentioned in the Constitution. The entities, however, had their own Constitutions, Defense Laws, and Laws on Armed Forces, which defined their defense establishments and institutions for their control. In Republika Srpska, command and control over VRS was in the hands of the entity president, as proscribed by the

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[22] "General Framework Agreement.", Art. III(1a-j)
[23] Ibid., Art. III(3a)
[24] Ibid., Art. V(5a)
[25] Ibid., Art. V(5b)

Constitution of RS[26] and Law on Defense.[27] In addition, the Constitution of RS gave the National Assembly of RS the power to declare war, in case of an armed attack on *Republika Srpska*, not even mentioning the state of BiH.[28] In the Federation, the command and control was less clear. The Constitution of the Federation,[29] written before the Dayton Agreement was finalized, established a temporary arrangement according to which civilian command of HVO, including the appointment of military officers, would be exercised by the Croat President or the Vice-President of the Federation, while civilian command over the Army of BiH would be exercised by the Chair of the Presidency of BiH. While the same article envisioned that this arrangement would be in effect until the Presidency of Bosnia and Herzegovina is set up in accordance with the provisions of the Dayton Agreement, it did not outline how the change would affect civilian control of the military once that occurred. As a result, this complicated scheme continued until the defense sector was revamped in 2004.

It is clear that the fragmented defense arrangement was not established to accomplish effective command and control over armed forces in case of an outside threat. In fact, were such threat to arise, the fragmentation of authority would have likely made BiH unable to respond to it effectively. On the other hand, such division of authority was well suited for responding to a potential internal threat, by giving each ethic group its

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[26] "Ustav Republike Srpske," [Constitution of Republika Srpska.] *Službeni Glasnik Republike Srpske [Official Gazette of Republika Srpska]* 21/92 (1992).

[27] "Zakon O Odbrani Republike Srpske," [Law on Defense of Republika Srpska.] *Službeni Glasnik Republike Srpske [Official Gazette of Republika Srpska]* 21/96 (1996).

[28] "Ustav Republike Srpske." Art. 70

[29] "Ustav Federacije Bosne I Hercegovine," [Constitution of the Federation of Bosnia and Herzegovina.] *Službeni Glasnik Federacije Bosne i Hercegovine [Official Gazette of the Federation of Bosnia and Herzegovina]* 1/94 (1994)., Art. IX.11(2)

own army with control over it granted on the basis of ethnicity. However, both external

and internal threats were unlikely given the extensive presence of the international

community within the country, which continues to this day. To ensure successful

implementation of the Dayton Agreement, the treaty established extensive supervision of

the peace agreement by multiple international authorities. Military terms of the agreement

would be supervised by a NATO-led military IFOR,[30] civilian terms by the Office of the

High Representative,[31] while numerous issues of elections, human rights, and regional

stability, by the Organization for Security and Cooperation in Europe (OSCE).

Ethnic Tensions and Political Stalemate

Early post-war years were characterized by clearly expressed dissatisfaction with

the results of the Dayton Agreement by all three parties. Each side had its own source of

dissatisfaction: Bosniaks' objection to the existence of the autonomous Serb entity

stemmed from the belief that such autonomy went too far and legitimized Serb actions

during the war; instead, Bosniaks preferred a unified state with a strong central

government. Serbs, on the other hand, viewed the new state as a solution that deprived

them of their independence. Finally Croats, who did not get their own entity, were

dissatisfied with the position of a "junior partner" within the Federation of BiH.[32] As a

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[30] In December 1996, the IFOR was replaced by a NATO-led Stabilization Force (SFOR) which continued its operations until December 2004. In 2004, the United Nations Security Council Resolution 1575 replaced SFOR with the European Union Peacekeeping Force (EUFOR), also known as Operation Althea. Although Althea was a European Union mission, it has been conducted in close cooperation with NATO and with the use of NATO resources and capabilities. EUFOR's mission has since been downsized to 600 troops, and its main purpose is training and capacity building, in its preparation for final withdrawal. See UNSC, "Unsc Resolution 1575," (United Nations Security Council, 2004).

[31] The Office of the High Representative works under the direction of the Peace Implementation Council, established in 1995 during the Peace Implementation Conference in London. The Peace Implementation Council consists of 55 countries and agencies, with a varying number of observers.

[32] Personal interview with a former FBiH official (Sarajevo, July 2013)

result of their discontent, Bosniaks and Croats attempted to maintain their parallel

structures within the Federation: Croat Republic of Herceg-Bosna and Republic of

Bosnia and Herzegovina, both of which were deemed illegal by the Peace

Implementation Council.[33]

The level of dissatisfaction with the new state was confirmed in the first post-war

general elections in 1996, the results of which greatly resembled those of the first

multiparty elections of 1990. Three nationalist parties, the Party of Democratic Action

(*Stranka Demokratske Akcije*, SDA), Serb Democratic Party (*Srpska Demokratska

Stranka*, SDS), and the Croatian Democratic Union of BiH (*Hrvatska Demokratska

Zajednica BiH*, HDZ BiH), dominated the election, by winning collectively 36 out of 42

seats in the House of Representatives. The members of the Presidency came from the

same three parties.[34] The 1998 elections produced similar results. At the same time, this

period was characterized by a complete lack of consensus on any issue. Every debate

both in the legislature and in public seemed to be ethnically charged and necessitating

confrontation among the officials. For example, debates such as the creation of a

common passport, design of state flag, national symbols, and similar, were all highly

contentious and led to no agreements in the Parliamentary Assembly, leading the PIC to

instruct the High Representative to "establish a process leading to a decision on a new

flag and symbols if the parties cannot agree on their own by 31 December 1997."[35] The

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[33] PIC, "Pic Bonn Conclusions," in *Bosnia and Herzegovina 1998: Self-sustaining Structures* (Bonn: Peace Implementation Council, 1997).

[34] Serb member of the Presidency Momčilo Krajišnik was later convicted of crimes against humanity for actions during the Bosnian war by the International Criminal Tribunal for the Former Yugoslavia *Prosecutor V. Momcilo Krajisnik*,(2006).

[35] PIC, "Pic Bonn Conclusions."

stalemate in reaching agreements led the Peace Implementation Council to extend the

High Representative's powers to "ensure implementation of the Peace Agreement

throughout Bosnia and Herzegovina and its Entities, as well as the smooth running of the

common institutions," by making binding decisions on *any issue on which the parties are*

unable to reach a compromise, including the powers to remove officials from office if

their actions are contrary to the peace agreement' s intentions.[36] The High

Representatives did not shy away from these powers. Faced with non-cooperative

officials, the High Representative imposed a number of decisions that had been creating a

stalemate, such as laws on citizenship, coat-of-arms, the flag, the national anthem, and

similar.[37] In addition, the High Representative annulled a number of entity laws that

contradicted the Constitution of BiH, followed by a number of amendments to entity

Constitutions. While this proactive approach of the High Representative helped to

overcome the stalemate created by the elite's rejection of the realities of living in a

unified state, it at the same time removed a sense of responsibility from the leaders and

the parties. "We were getting comfortable knowing that any unfavorable decision can be

blamed on foreign powers," explained one official.[38] By 1999, the International Crisis

Group described the results of the Dayton Agreement as disappointing, where "the only

unqualified success has been the four-year of absence of armed conflict."[39] After its 2000

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[36] Ibid.

[37] For a complete list of decisions imposed by the Office of the High Representative, see
http://www.ohr.int/decisions/archive.asp

[38] Personal interview with a former BiH official (Sarajevo, July 2013)

[39] ICG, "Is Dayton Failing?: Bosnia Four Years after the Peace Agreement," in *ICG Balkans Report N°80*
(Sarajevo: International Crisis Group, 1999), i.

meeting, the Peace Implementation Council similarly described the situation in BiH as

unacceptable:

> The Council expressed its dissatisfaction with the slow pace of domestic
> peace implementation since its Madrid meeting in 1998. The responsibility
> for this insufficient progress lies squarely with obstructionist political
> parties and their allies, both within and outside of BiH. Narrow
> nationalistic and sectarian political interests have impeded everything
> from refugee returns to economic reform to the functioning of government
> institutions. The Council urges the High Representative to use his
> authority in accordance with his mandate to ensure full and accelerated
> implementation in all sectors of civilian implementation.[40]

The same period of 1996-1999 was characterized by a complete absence of

defense reforms and inter-ethnic cooperation on defense issues. The entities maintained

separate armies and separate institutions for their control. The SCMM was the last

institution envisaged by the Dayton Agreement to be created in June 1997, but even after

its creation the Committee's role was weak. One of its earlier meetings that was

scheduled for March of 1998 was cancelled due to the Bosniak member of the

Presidency's refusal to attend the meeting at which the BiH flag was not displayed.[41] As

a result, the High Representative promised to send staff to ensure that the flag is properly

displayed at every building where the meetings would be held, but at the same time

issued a threat that "any subsequent objections and procrastination, which affects the

efficient functioning of the Joint Institutions, will be considered as non-compliance."[42]

The Permanent Secretariat of the SCMM was not established until 1999. While the

Annex 1A of the Dayton Agreement established a Joint Military Commission with the

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[40] PIC, "Declaration of the Peace Implementation Council.," (Brussels: Peace Implementation Council, 2000).
[41] OHR, "The Standing Committee on Military Matters (Scmm) Press Statement," (Sarajevo: Office of the High Representative, 1998).
[42] Ibid.

task of coordinating and addressing any defense related issues on the territory of BiH,[43] the commission's work in the period of 1996-1999 was mostly coercive instead of consultative, due to the refusal of three parties to act together on reforming the state's defense structures.[44] And even with the strong influence of the Commission, the defense reform amounted to no more than downsizing of troops and destroying of excess weaponry.

Toward Defense Reforms

Several developments in the early 2000s provided a foundation and a necessary momentum for change that eventually led to most significant reforms in the area of defense. Incidents such as the *Croat Self-Rule* and the *Orao-Arms-to-Iraq* affair made evident the level of dysfunction within BiH's defense sector, both at state and entity levels. While revealing the weakness of the defense establishment, the incidents at the same time provided a necessary impetus for its change, leading to most significant institutional reforms in the area of defense, and eventually to the creation of the unified Armed Forces of Bosnia and Herzegovina (AFBiH). However, the incidents alone would not have sufficed, had it not been for the change in the political climate in the country. Elections of 2000 brought non-nationalist parties to power for the first time since independence, creating an atmosphere in which reforms could be accomplished. While such change provided political will necessary for reform of the defense sector, it was assisted by the political changes neighboring countries were going through. Serbia and

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[43] "General Framework Agreement.", Art. VIII

[44] Christian Haupt and Jeff Fitzgerald, "Negotiations on Defence Reform in Bosnia and Herzegovina.," in *8th Workshop of the Study Group Regional Stability in South East Europe* (Vienna: National Defence Academy, 2004).

Croatia, important allies of Bosnian Serbs and Croats respectively, were undergoing their own political transformations, which affected the relations between these countries and their Bosnian allies.

The first incident started in the wake of general elections of 2000. Shortly before the elections, the OHR amended electoral laws of BiH, putting the nationalist representatives of the smallest constituent group, Croats, at a disadvantage. HDZ BiH viewed this change as an attack on Croat population and their political preference.[45] Indeed, the electoral reforms produced desired effects given that for the first time since BiH has been conducting multi-party elections, non-nationalist parties won power. The ruling coalition that emerged after the election, called the Alliance for Change, did not include any of the three previously dominant nationalist parties. Realizing that such a change not only cost them this election but may produce a long-term disadvantage, HDZ BiH organized a referendum, asking Croat population in BiH whether Croats should be autonomous and have their own institutions within BiH. In effect the referendum was a call for a third entity in BiH.[46] Such a vote was not authorized by the OHR or any level of the state or FBiH government, and was declared illegal by the international community. The referendum was followed by HDZ's withdrawal from the institutions of the Federation, establishment of parallel Croat institutions, including the Croat National Assembly, and proclamation of the Croat self-rule.

In addition to political disloyalty to the state of BiH, HDZ revealed the level of politicization of HVO. The party requested that the Croats in the Army of the Federation

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[45] Personal interview with a former HDZ BiH official (Sarajevo, August 2013)
[46] Ibid.

disobey orders of non-Croat superiors, which the army obliged by having a number of

Croat soldiers and officers walk out of the barracks.[47] Outgoing FBiH Defense Minister,

Miroslav Prce, ordered that Croat component of the FBiH Army be disbanded and Croat

soldiers to remove the Federation insignia from their uniforms. This was a short-lived

direction, given that soon after the new ruling coalition took power Prce was replaced

with Mijo Anić, a member of a more moderate party, the New Croat Initiative (*Nova*

Hrvatska Inicijativa, NHI). While the new Minister of Defense immediately rescinded

the orders of his predecessor, the decision led to the resignation of the Deputy

Commander of the Joint Command of the Federation Army, General Dragan Ćurčić, with

the explanation that he wanted to maintain his loyalty to the Croat people.[48] He was

replaced by General Ivo Lozančić, a member of NHI, whose authority was dismissed by a

number of Croat officers who refused to declare their allegiance to the new Deputy

Commander. While the lack of democratic control over the armed forces at the state level

was already clear, this incident demonstrated the extent to which even entity civil-

military relations had become politicized and far from democratic.

The following year, an incident in Republika Srpska exemplified dysfunction of

and the inability of both the international community and the federal government to

oversee the fragmented defense sector in the country. Namely, in October of 2002 it was

discovered that Republika Srpska's Orao Aviation Institute was supplying the Iraqi

government with weapons and aircraft parts, in strict defiance of the United Nations

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[47] OHR, "Chronology 2001," Office of the High Representative, http://www.ohr.int/ohr-dept/presso/chronology/default.asp?content_id=5978.
[48] Ibid.

Security Council imposed sanctions on Iraq banning all forms of arms trade between Iraq and UN member countries.[49] According to the High Representative Paddy Ashdown, the Orao-Arms-to-Iraq affair revealed the "extent of the systematic failure to control the armed forces and the military-industrial complex."[50] In addition to the Orao affair, it was discovered that the military intelligence of the RS Army was spying on citizens of BiH, as well as on foreign officials in the country, including the representatives of the OHR, the European Union, NATO, and the United States.[51]

These events prompted the OHR to relentlessly pursue reforms that would minimize the impact of obstructionist forces in BiH. The reforms had far-reaching consequences – not only did the individuals responsible for these events get punished, but the entire institutional structure of BiH, including its defense establishment, was revamped. In the period of 2000-2003, the OHR removed or suspended from office over 70 elected and appointed officials. Among the removed officials was Ante Jelavić, the leader of the HDZ and a Croat member of BiH presidency, who was not only removed from office but also banned from running in future elections or holding any other elected or appointed public office.[52] In addition, the OHR closed financing channels between Bosnian Croats and Croatia, by seizing control over Hercegovačka Banka (The Bank of Herzegovina), which was the main source of funding for Bosnian HDZ and the Croatian

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[49] UNSC, "Uncs Resolution 661," (United Nations Security Council, 1990).

[50] OHR, "High Representative Sets out Final Steps on Orao.," news release, February 21, 2003, http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=29303.

[51] "High Representative Acts to Ensure That Military in Bih Are under Effective Civilian Control.," (Sarajevo: Office of the High Representative, 2003).

[52] "Decision Removing Ante Jelavic from His Position as the Croat Member of the Bih Presidency," (Sarajevo: Office of the High Representative 2001).

Army in BiH.[53] In response to developments in RS, the OHR dismissed a number of officials, seized the Serb Radio and television station transmitter, abolished the Supreme Defense Council of RS, and amended constitutions and laws of each entity to remove references which either declare or infer that the Entities are states in their own right, rather than part of the state of Bosnia and Herzegovina."[54]

Most importantly, the OHR appointed a Defense Reform Commission (DRC) tasked with formulating a comprehensive plan on defense reform in order to create state-level defense structures and prepare BiH for integration into the Euro-Atlantic structures.[55] The commission consisted of twelve members including the Secretary-General of the SCMM, entity Presidents, Ministers of Defense of the RS and FBiH, as well as representatives of the OHR, NATO, SFOR, and OSCE. The goal was to draft new legislation and any amendments to the existing state and entities' laws necessary to establish state-level defense institutions that would exercise democratic control over armed forces in compliance with NATO standards, in order to move the country closer to its membership in the Partnership for Peace.[56] The consequences of the Commission's work were far-reaching. The country for the first time had a state level Ministry of Defense and a state level Defense Law which also institutionalized parliamentary oversight over defense establishment. Such accomplishments laid the groundwork for the unification of the country's fragmented armed forces three years later.

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[53] "Decision Appointing a Provisional Administrator for the Hercegovacka Banka," (Sarajevo: Office of the High Representative, 2001).
[54] "High Representative Acts to Ensure That Military in Bih Are under Effective Civilian Control," (Sarajevo: Office of the High Representative, 2003).
[55] "Decision Establishing the Defense Reform Commission," (Sarajevo: Office of the High Representative, 2003).
[56] Ibid.

While the affairs clearly created a necessary impetus for reforms, the appointment of the Defense Reform Commission could not have been the only factor in its accomplishment. After all, the Commission reached an agreement on all proposed reforms, and for once the OHR did not have to resort to imposing decisions. Unlike previous attempts at state-level institutional reforms, this one was not met with severe resistance by the Serb and Croat elements. Given the extensiveness of reforms and the finality of decisions, one would expect the resistance to be at its highest point on this particular issue. Somewhat surprisingly, the three sides went along with most of the reforms with little resistance, and the proposed legislation passed state and entities' legislatures with relative ease.

Several reasons contributed to such a change in attitude toward defense reform. The most important element was the change in the country's political climate. Unlike the 1990s, the period of 2001-2006 was marked by a relative absence of nationalist rhetoric. Fewer issues in the legislature were being blocked by extreme officials and relative absence of "independent RS" and "third Croat entity" topics in the media was evident. Such transformation started with the 2000 elections. General elections of 2000 produced results significantly different from the previous. The Democratic Alliance for Change, a coalition of 10 parties led by the Social Democratic Party (*Socijaldemokratska Partija*, SDP), the Party for BiH (*Stranka za BiH*, SBiH), and the NHI, formed a government that for the first time excluded nationalist parties that held power during the war. The change was welcomed by the international community, with the hopes that the new government, consisting for the first time of only BiH-oriented parties would "break with the policies of

the past and lead Bosnia and Herzegovina actively and decisively into a better future."[57]

In addition to the new non-nationalist Council of Ministers, a significant change occurred

in the Presidency. In October 2000, Alija Izetbegović, a Bosniak member of the

presidency resigned and was in March of the following year replaced by Beriz Belkić,

member of the SBiH. In addition, upon the removal of Ante Jelavić as the Croat member

of the Presidency by the High Representative, his position was filled by Jozo Križanović,

member of the SDP. With Živko Radišić from the Socialist Party of Republika Srpska in

the position of Serb member, the Presidency for a short period consisted of

representatives of non-nationalist parties. The changed political climate produced first

results in defense reforms efforts, even before the DRC was established. Namely, in July

of 2001, the NATO Secretary General outlined the requirements that BiH needed to meet

in order to join the PfP program:

> There needs to be more effort to ensure a viable and self-reliant state with
> functioning central institutions, such as one government, one parliament
> and one set of armed forces.[…] A common security policy, democratic
> parliamentary oversight and control of the armed forces, the provision at a
> state level of command and control of the armed forces, including a state
> level ministry responsible for defence matters, full transparency for plans
> and budgets, and a development of a common doctrine and common
> standards to train and equip the armed forces of this country. […] Show
> leadership, lead on overcoming internal divisions, strengthen state level
> institutions, promote co-operation and reconciliation and root out crime
> and corruption that have links to political nationalism.[58]

Following these requirements and taking an advantage of a significantly more moderate

political climate, the Presidency in 2002 released the Defense Policy of BiH, the Decision

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[57] "High Representatives Welcomes Formation of New Council of Ministers.," news release, February 2, 2001, http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=4239.
[58] Lord George Robertson, "Nato, Ohr, and Sfor July 13 2001 Press Conference," news release, July 13, 2001, http://www.nato.int/sfor/trans/2001/t010713a.htm.

on the Organization and Functioning of the Defense Institutions in BiH, and SCMM

Terms of Reference. The documents strengthened the position of the Presidency, tasking

it with implementing the defense policy, managing the SCMM, discussing all matters that

concern defense of the country, and most importantly commanding all activities

necessary for the preservation of sovereignty and territorial integrity of BiH. In addition,

the documents strengthened the position of the SCMM, which became the predecessor

institution to the later established Ministry of Defense.

While the commitment to joining the Partnership for Peace was clear, as

witnessed by the public statements and first steps toward reforms, new elections brought

back nationalist politicians to power late in 2002. Although the new leadership took a

more moderate approach than their predecessors from the 1990s, the renewed fear of far

reaching defense reforms was clear in their modest proposals for reform, showing that the

fear of unified armed forces had not vanished yet. In January 2003, the SCMM presented

to NATO and the Peace Implementation Council the country's defense reform targets in

order to join the Partnership for Peace program. According to the report, the plan was to

establish effective civilian control over the armed forces through the SCMM, introduce

parliamentary oversight of the defense sector, and continue restructuring armed forces to

bring them in line with BiH's needs and NATO requirements.[59] While the SCMM hoped

that such reforms would make BiH a credible candidate for NATO's Partnership for

Peace program, NATO required a more far-reaching reforms. In order to satisfy the

conditions, the SCMM and its Secretariat would have to be able to "exercise *real control*

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[59] PIC, "Declaration of the Political Directors of the Peace Implementation Council Steering Board.," (Brussels: Office of the High Representative, 2003).

over the Armed Forces of BiH,"[60] meaning it would not only have to have effective

institutions, but also a military that such effective institutions could indeed command and

control. As a result, the DRC took up an enormous task of working out a solution that

would establish democratic civil-military relations in BiH. While recognizing the

necessity for comprehensive changes in the defense sector, the DRC set off those changes

by establishing, for the first time, a state-level Ministry of Defense. However, at the same

time, the Commission created a convoluted structure with unclear responsibilities and

fragmented authority, while failing to address the problem of multiple armies and leaving

the Ministries of Defense of RS and FBiH intact.

The report, issued in September of 2003, outlined the country's inability to

establish democratic civil-military relations in the absence of state-level defense

institutions.[61] As a result, it proposed a single defense establishment "with an appropriate

and workable division of responsibilities between State and entity institutions."[62] One of

the major outcomes of the DRC's report was the first Law on Defense of BiH, adopted by

the Parliamentary Assembly on December 1 2003.[63] The law for the first time declared

the country's commitment to democratic civilian control over its armed forces.[64] It

established a chain of command starting with the BiH Presidency acting collectively as

the commander-in-chief of the armed forces, through a state-level Ministry of Defense, to

the Chief of Staff of the newly created Joint Staff of BiH. In addition to the Ministry of

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[60] Ibid., emphasis added
[61] DRC, "The Path to Partnership to Peace," in *Report of the Defense Reform Commission* (Sarajevo: Defense Reform Commission, 2003).
[62] Ibid., 3.
[63] "Zakon O Odbrani Bosne I Hercegovine," [Law on Defense of Bosnia and Herzegovina.] *Službeni Glasnik Bosne i Hercegovine [Official Gazette of Bosnia and Herzegovina]* 43/03 (2003).
[64] Ibid., Art. 7

Defense and Joint Staff, the law created Operational Command which was headed by a Commander, receiving orders directly from the Chief of Staff, and commanding any operations conducted by the armed forces. In addition, the law established parliamentary oversight over defense sector, followed by the creation of the Joint Committee on Defense and Security Policy, a joint body of two parliamentary chambers in charge of parliamentary oversight over BiH's defense policy.

However, the reforms maintained the principle of power-sharing that permeates all other areas of BiH's political and social scene. The power-sharing provisions that exist in all other areas are evident in the area of defense too, with the requirement that each position represents all three ethnic groups. While there is one position of the Minister of Defense and as such can only represent one ethnic group, the law established positions of two deputy Ministers of Defense who would be appointed from other two ethnic groups. The same arrangement exists with two deputy Chiefs of the Join Staff and deputy Commanders of the Operational Command. In addition to maintaining power-sharing arrangements in the division of offices, the same principle applied to the division of responsibilities and as a result maintained separate militaries. While the reforms created state-level defense institutions, the second major problem – the existence of multiple armies within one state – was not addressed. Instead, the Law, based on the recommendation of the DRC, kept the existing arrangement of two *de jure*, and three *de facto* armies. Each entity was allowed to maintain its armed forces, and the armed forces of the FBiH were allowed to preserve their existing divisions into Bosniak and Croat components. With multiple armies, the law also kept intact entity Ministries of Defense.

In fact, the RS and FBiH Ministries of Defense were to remain in the administrative chain of command, in charge of training, equipping, and recruitment of their respective armed forces. Therefore, with the separation of commands into operational and administrative, the law gave operational command over armed forces to the state institutions, while the entities retained administrative command. A similar compromise was reached in the field of military intelligence, with state-level institutions being granted operational and strategic control, while the entities remained in control of tactical intelligence operations.

This was clearly an important accomplishment. For the first time, state-level institutions had operational command over Bosnia's armed forces, meaning that they alone could order troops from both entities into combat. However, the maintenance of separate armed forces complicated the matters because even though the presidency of BiH could command entities' armies, their daily training, recruiting, and equipping was still in the hands of entity governments. This compromise was welcomed by the Serb and Croat leaders as a solution that (they believed) satisfied the NATO requirements for Partnership for Peace membership and at the same time allowed each side to preserve some level of autonomy in defense matters.[65] At the same time, Bosniak leaders were deeply disappointed by such an arrangement, considering it an unacceptable compromise reached with the intent to appease the Serb and Croat factions, without consideration of the consequences of ethnically divided military components.[66] In fact, Sulejman Tihić, Bosniak member of the Presidency initially refused to sign the bill and only agreed to it

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[65] Personal interview with a Bosnian Croat official (Sarajevo, July 2013)
[66] Personal interview with an SDA official (Sarajevo, July 2013)

after intense pressure from the international community.[67] Thus again, the need to

compromise and alleviate fears of an uncertain future affected the quality of the

institutional structures that emerged from these reforms.

Figure 3.1: Chain of Command Based on the 2003 Law on Defense
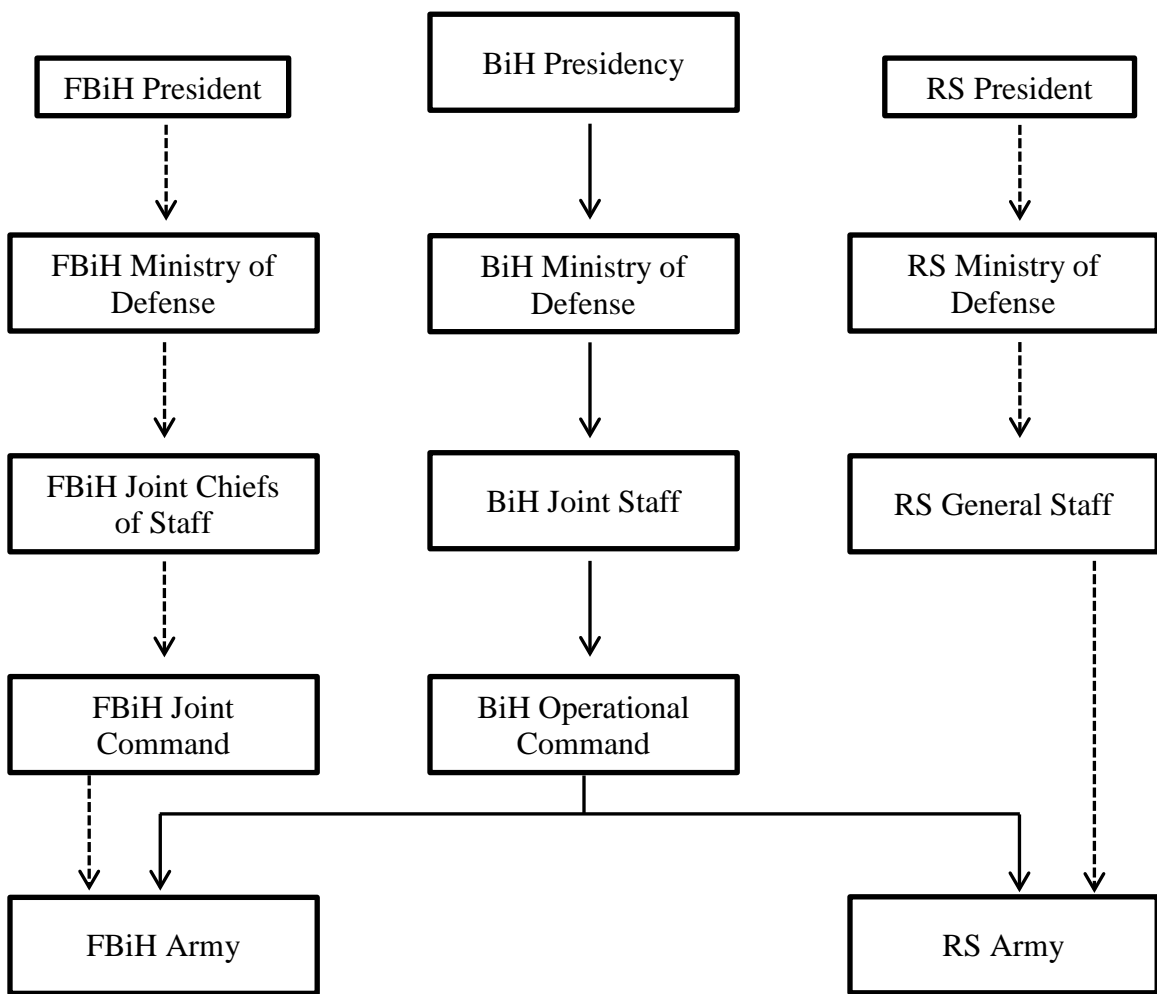
— Operational control,   ---- Administrative control

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[67] Anes Alic, "Bosnia Draws Closer to Nato," *Transitions Online* (2003).

While it had become clear that sweeping changes were necessary, two out of three sides in the debate process were not willing to submit to the level of reforms that were truly necessary. Bosnian Serbs and Croats wanted to reform defense institutions only to the extent necessitated by the Partnership for Peace, but were not willing to go beyond the mere minimum. "They asked us to create state-level Ministry of Defense, and we did. We created every institution we were asked to create, but giving up our military was out of the questions" one former Bosnian Serb official explained.[68] Indeed, while state-level institutions were created and given extensive powers on paper, in reality their powers were diminished by the fact that they did not have a unified army to command; instead, they were commanding ethnic-based militaries, whose allegiance was to their entities, not the state itself. Although the presidency was given the supreme command over the armed forces, the control over daily training, recruitment, and logistics remained at the entity level.

Although the reforms of 2003 did not reach far enough to establish truly democratic civil-military relations, they still represented a significant accomplishment unimaginable just a few years earlier. Although the reign of moderate parties lasted only until the end of 2002, the return of the nationalists to power did not at the same time return nationalist rhetoric to the political scene. The reasons seemed to come from the events that occurred outside BiH, but which affected the attitudes of BiH elites toward their future in a unified state. Namely, the developments in Croatia and Serbia had significant effects on the relationships between these countries and their counterparts in

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[68] Personal interview with a former Bosnian Serb official (Sarajevo, August 2013)

BiH.[69] During the 1990s, Bosnian Croats and Serbs maintained close political and financial ties with Croatia and Serbia respectively. Such relationships were detrimental to the process of building unity within BiH, since they intensified Croat and Serb loyalty toward Croatia and Serbia as an alternative to their loyalty to BiH. Perhaps more importantly than political loyalty, the relationship brought about a level of financial dependence between BiH constituent peoples and the neighboring countries. Namely, Croats and Serbs in BiH were receiving significant financial assistance from Croatia and Serbia, particularly for defense. During the late 1990s, anywhere between 80 and 100% of funding of the Croat component of the Federation Army came from Croatia, while RS Army received nearly 40% of its funding from Serbia.[70]

Both Serbia and Croatia, however, were undergoing significant political transformation at the turn of the century. After the death of Franjo Tudjman in 1999, who just a year earlier lamented that "Bosnia can be maintained only as a country of three entities,"[71] and his replacement by a non-nationalist leadership, support for Bosnian Croats waned. The new Croatian leadership, dedicated to international integration and correcting domestic political problems left after nearly a decade of Tudjman's rule, took a non-nationalist approach to regional affairs. Shortly after the change in government, Croat diplomatic delegation announced that while it was still interested in the status of Croats in BiH, the new leadership would not interfere with internal politics of the

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[69] Mary Kaldor, "Security Structures in Bosnia and Herzegovina " in *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, ed. Gavin Cawthra and Robin Luckham (London & New York: Zed Books, 2003).
[70] ICG, "Is Dayton Failing?: Bosnia Four Years after the Peace Agreement."
[71] Quoted in "Hrvatski Generali Neće U Hag," *Oslobodjenje*, October 19 1999.

country.[72] In addition, both the president of Croatia, Stipe Mesić and the Croat prime

minister Ivica Račan condemned the proclamation of Croat self-rule in March of 2001.[73]

Political proclamations were followed by reduced funding for HVO, in addition to the

obstruction of such funding by the OHR by the closure of the Hercegovačka Banka.

Bosnian Serbs experienced a similar transformation of their relationship with Serbia.

Slobodan Milošević, a Serbian president who fought the Bosnian war and considered

Republika Srpska an injustice of the Dayton Agreement, maintained close ties with the

nationalist leadership of RS, providing funding, support, and encouragement to not

cooperate with the international community. However, after NATO air strikes against

Yugoslavia in 1999, the country was left in economic ruins, reducing the availability of

funds for RS.[74] In addition, the removal of Slobodan Milošević in 2000 and his

replacement by Vojislav Koštunica created political tensions between RS and Serbia,

since Koštunica's public declarations of continued commitment to RS did not match his

actions.[75] As pointed out by the High Representative, the almost simultaneous democratic

changes in Serbia and Croatia affected the situation in BiH by creating conditions in

which BiH had to compete for aid and investment, instead of relying on Serbia and

Croatia.[76] As a result of the weakened relationships with their regional allies, Bosnian

Croats and Serbs started considering how to strengthen their positions within BiH,

instead of thinking about how to break away from it.[77]

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[72] OHR, "Chronology 2001".
[73] Ibid.
[74] Personal interview with a senior RS official (Sarajevo, August 2013)
[75] Ibid.
[76] OHR, "High Representatives Welcomes Formation of New Council of Ministers.."
[77] Personal interview with a Bosnian Croat official (Sarajevo, July 2013)

In addition to the changed political climate, the desire for international integration and the circumstances under which reforms had to be accomplished led to the elites previously unable to reach a compromise of any major or minor issue to agree on reforms and have them passed and implemented in a short period of time. Although representatives of the international community played important advisory and mediatory roles in the DRC's negotiations, there was an understanding that reforms had to be agreed to by the country's elected officials.[78] While NATO demanded state-level defense institutions as necessary for the country's membership in the Partnership for Peace program, it at the same time made it clear that the creation of such institutions could not be imposed by the international community. In other words, if proposed reforms had to be imposed by the OHR, instead of voluntarily adopted by relevant legislatures, such development would preclude BiH from membership in the Partnership for Peace program.[79]

Unified Armed Forces of Bosnia and Herzegovina

While the reforms accomplished in 2003-2004 were the most sweeping since the peace, they did not solve the problem of democratic control over armed forces. One of the most important accomplishments of the first round of reforms was the creation of a state-level Ministry of Defense. As "a core element in contemporary democratic civil-military relations,"[80] the Ministry of Defense is the most important institution for the creation of democratic control of the armed forces. It is the point where the military and

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[78] Personal interview with a BiH Ministry of Defense official (Sarajevo, July 2013)
[79] Ibid.
[80] Bruneau and Goetze, "Ministries of Defense and Democratic Control," 71.

civilians interact on a daily basis, where interests are pursued and responsibilities divided, defense goals and strategies developed and where defense policies are managed and implemented. As such, it is "the organizational link between the democratic government and the military that allows politicians to translate policy preferences into military commands."[81] However, such link in itself implies that there must be clearly defined policy directions that can be translated into commands for the ministry to be able to accomplish its core task. The country's first Defense Law did not provide such direction. In fact, the arrangements seemed to create even more tensions than previously existed, by establishing multiple sources of authority with institutions at different levels vying for control over fragmented defense establishment. In addition, by maintaining ethnically divided militaries, the Ministry of Defense had no real connection with any of them.

While it was clear that such complicated arrangement could not continue for long,[82] the first Law on Defense contained a provision that state and entity institutions would continue work on achieving NATO membership,[83] which was used as a basis for further reforms. It soon became clear that BiH could not achieve its goal of international integration into the European Union and NATO while having "an international military force supervising and controlling the armed forces."[84] In December of 2004, the NATO Secretary General sent a letter to the BiH Presidency, requesting

> support for further measures to move swiftly to strengthen state-level command and control by transferring the competencies of the entity Defense Ministers and commands to the appropriate Bosnia and

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[81] Pion-Berlin, "Defense Organization and Civil-Military Relations in Latin America," 567.
[82] Personal interview with a senior Bosniak official (Sarajevo, August 2013)
[83] "Zakon O Odbrani Bih.", Art. 80
[84] DRC, "Afbih: A Single Military Force for the 21st Century," in *Defence Reform Commission 2005 Report* (Sarajevo: Defense Reform Commission, 2005), 5.

Herzegovina defense institutions, eliminate existing redundancies, adopt a single defense budget funded by the Bosnia and Herzegovina government and combine entity personnel, training, and logistic functions into Bosnia and Herzegovina-level commands.[85]

The Ministry of Defense conducted its internal investigation to evaluate the quality of command and control over armed forces, and address any existing weaknesses. In its report, even the Ministry concluded that the "low level of manning and lack of functional completeness of the BiH Ministry of Defence, BiH Joint Staff and Operational Command are significant limiting factor of full capacity and efficiency of state level command and control over the Armed Forces."[86] As a result, the OHR extended the mandate of the Defense Reform Commission,[87] this time with a NATO representative taking up a co-chairmanship of the commission, in order to secure BiH's candidacy for Partnership for Peace and create a foundation that can be built upon for its eventual membership in NATO. Interestingly, NATO claimed that the need for further reforms and new legislation was not an additional condition for BiH's Partnership for Peace membership, established after the 2003 reforms. Instead, it was necessary to extend the DRC mandate because less than a year after the initial reforms, it became clear that they did not create conditions for "genuine state-level command and control over the Armed Forces of Bosnia and Herzegovina."[88] The division of authority into administrative and operational gave most administrative powers to entity-level institutions, and created conditions in

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[85] Jaap de Hoop Scheffer, "Nato Secretary General Letter to Bih Presidency," (Brussels: NATO, 2004).
[86] Ministry of Defense BiH, "Bih Ministry of Defense Report to the High Representative: Summary of Recommendations," (Sarajevo: Ministry of Defense and Armed Forces of Bosnia and Herzegovina, 2005).
[87] OHR, "Decision Extending the Mandate of the Defense Reform Commission," (Sarajevo: Office of the High Representative, 2004); "Decision Amending the High Representative Decision Extending the Mandate of the Defense Reform Commission as Published in the Official Gazette of Bosnia and Herzegovina No. 4/04," (Sarajevo: Office of the High Representative, 2004).
[88] DRC, "Afbih: A Single Military Force for the 21st Century," 19.

which the weak state-level institutions could not even exercise the modest administrative

tasks of setting standards. So the new reforms were necessary because attempts to

implement the initial reforms had revealed the weaknesses in the structure, preventing

"the fulfilment of the principal intent behind the 2003 defence reforms – ensuring the full

capacity of the State of Bosnia and Herzegovina to exercise command and control over

its armed forces."[89]

A new report of the Defense Reform Commission[90] led to another round of

reforms, the largest since the Dayton Agreement. The reforms accomplished two

previously unimaginable results: created unified armed forces and removed multiple

sources of authority in the defense sector. The new Defense Law of BiH[91] strengthened

the state-level defense institutions by abolishing parallel entity-level Ministries of

Defense and abolished entity militaries by merging them into unified AFBiH.

The new chain of command is rather straightforward, resembling the structures

existing in many Western democracies. It starts from the state Presidency that has the

supreme command and control over the armed forces. With the elimination of entity

Ministries of Defense, the state-level Ministry of Defense was for the first time granted

powers over state's overall defense policy and strategy, both operational and

administrative. Below the Ministry of Defense is the Joint Staff of the AFBiH, through

which the chain goes down to the operational and support commands. Democratic

oversight over the defense establishment was given to the Parliamentary Assembly,

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[89] Ibid., 14.

[90] Ibid.

[91] "Zakon O Odbrani Bosne I Hercegovine ", [Law on Defense of Bosnia and Herzegovina.] *Službeni Glasnik Bosne i Hercegovine [Official Gazette of Bosnia and Herzegovina]* 88/05 (2005).

whose responsibilities include declaring war and state of emergency, exercising oversight over defense institutions and armed forces, passing legislation regarding defense matters including budget, equipment, training, and deployment, approving appointments of all senior officers, and conducting investigations in all defense related matters.

Figure 3.2: Chain of Command Based on the 2005 Law on Defense
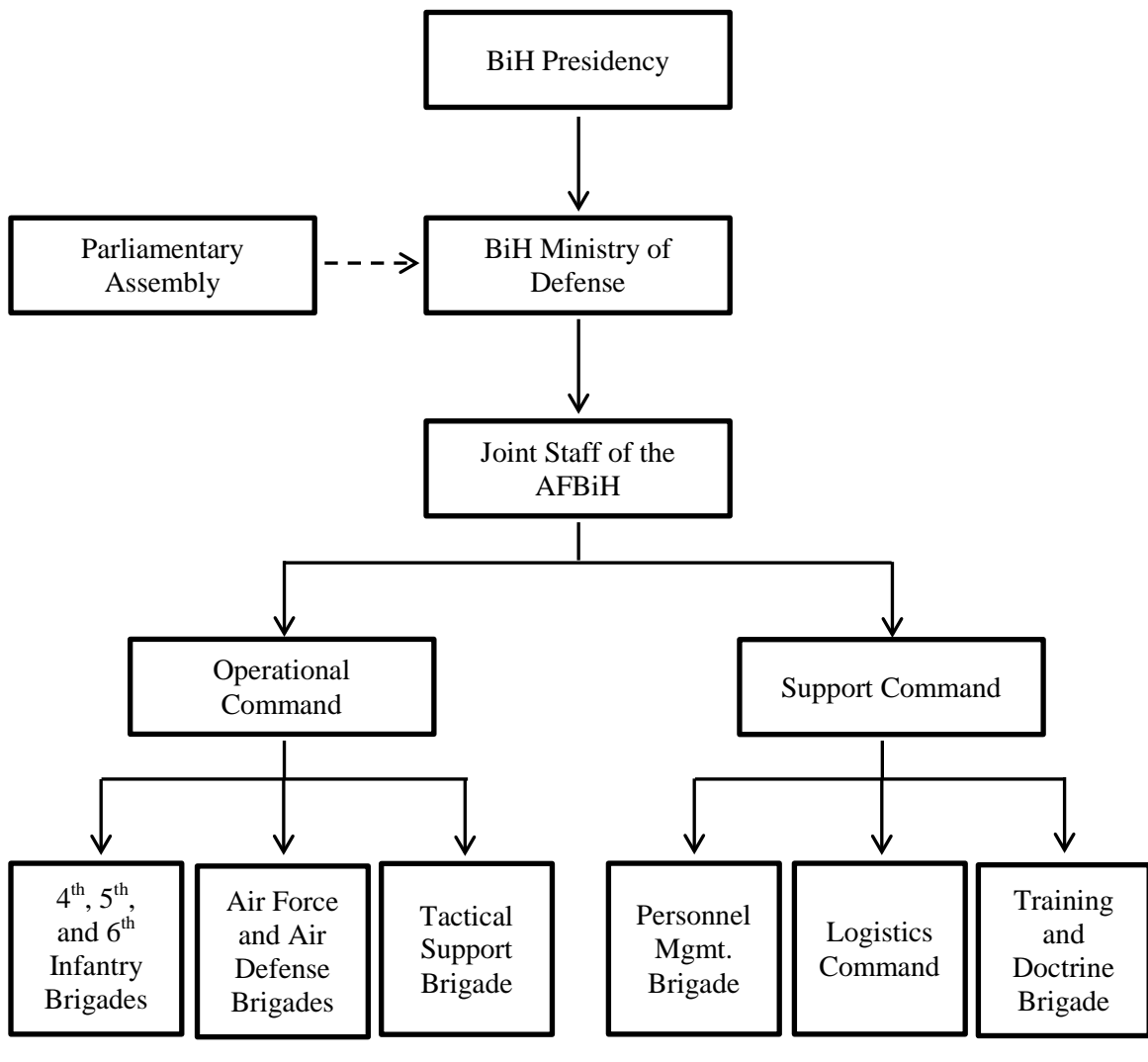
While the same reforms abolished conscription, they at the same time left a semblance of previous arrangements by creating three ethnically based infantry brigades which resemble previous army divisions into VRS, HVO and ABiH. The soldiers in each brigade wear the insignia of their respective ethnic armies. While the army is now unified, the internal divisions are kept through infantry brigades and symbols that differentiate each soldier. Their purpose, however, is simply to preserve and reflect the identity and culture of each of the three ethnic groups,[92] not to represent separate ethnically based components of the armed forces. In order to avoid ethnic polarization among the armed forces or among the defense officials, the law guarantees a non-political military by banning the use of the armed forces for party purposes or for any political activities.[93] In addition, the previous provision that three constituent peoples would be equally represented in each decision-making position was kept, with the Minister of Defense, the Chief of the Joint Staff, the Commander of the Operational Command, and the Commander of Support Command each having two deputies representing each of the three ethnic groups.

With the elimination of entity-level defense institutions and an official fusion of multiple armies into one, BiH had the necessary framework within which it could work to establish democratic civilian control over its armed forces. This accomplishment was recognized by the international community by the country's acceptance into the Partnership for Peace program in 2006. The same year, the success of the reform process led the Peace Implementation Council to declare its intent to close the OHR on June 30

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[92] DRC, "Afbih: A Single Military Force for the 21st Century."
[93] "Zakon O Odbrani Bih.", Art. 5

2007. "BiH's borders are settled and its internal organisation will only change following agreement by all its constituent peoples," stated the High Representative,[94] expressing his hope that the internal divisions that had dominated the political scene for the past decade had been resolved. However, such optimism might have been premature. Establishing institutional structures is only a first step in the creation of civilian control over military; after they are built, the structures need to be translated into efficient institutions by building the capacity for their functioning.[95] Unfortunately, while the officials were working on strengthening the institutional capacity, the political climate in BiH changed.

Renewed Stalemate

The reforms accomplished in the period of 2001-2006 represented significant achievements in the area of defense; however, the process of establishing *democratic* civil-military relations has since stalled. While the institutional structures that were put in place were building the capacity to implement the reforms, political tensions in the country resurfaced, bringing about a new round of inability to reach a compromise. It is not enough that institutions exist on paper; they have to have the ability to control the military and defense policies. Real authority, therefore, is one of the main criteria of effectiveness of defense institutions. However, in the case of BiH this real authority still does not exist. While the country has civilian control over military and has the necessary institutional structures that would allow for that civilian control to become *democratic civilian control*, the Ministry of Defense and the Parliament are still unable to take full

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[94] OHR, "High Representative's Statement Following the Meeting of the Peace Implementation Council," (Sarajevo: Office of the High Representative, 2006).
[95] Cottey, Edmunds, and Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations."

control over defense policies. As a result, the reforms accomplished in the first half of the decade represent what Pierson calls a "critical juncture."[96] They created institutional structures that would be difficult to dismantle; at the same time, they unified previously fragmented armed forces, whose breakup would be untenable, especially with the presence of the international community in the country. Consequently, BiH achieved a tremendous progress with the establishment of state-level defense institutions and unification of armed forces, but instead of continuing to strengthen their capacity, the reform process froze once challenges to state legitimacy re-emerged in 2006.

At the same time as defense sector was being reformed, significant attempts were made to reform the country's constitution. However, the intensely debated constitutional reform failed in 2006, with two votes short of the required two-thirds majority in the House of Representatives. Interestingly, it was not the work of nationalist politicians that brought the so called "April Package" of reforms to failure. While the dominant Serb and Croat parties that had stalled the reforms many times in the past supported the 2006 constitutional reforms, this time it was the Bosniak SBiH that rejected the package, claiming that it did not go far enough in strengthening the powers of state-level institutions. This failure worked in the party's favor, by making it possible for SBiH "to take over SDA's historic role as the speaker of the Bosniac community."[97] However, the "Bosnia-without-entities agenda" that was being pushed by SBiH reignited the same concerns that dominated the political scene in the late 1990s.[98] Since the constitutional

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[96] Pierson, *Politics in Time: History, Institutions, and Social Analysis*.
[97] Sofia Sebastián, "Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina," *FRIDE Working Papers* 46 (2007): 6.
[98] Personal interview with a Bosnian Serb official (Sarajevo, August 2013)

reform failed during the election year, the failure gave fuel once again to nationalist rhetoric during the electoral campaigns and even turned some moderate politicians toward extreme demands. One such moderate-turned-nationalist politician was Milorad Dodik, a leader of the Union of Independent Social Democrats (SNSD) who became the Prime Minister of RS in 2006 and the President of the entity in 2010. Dodik capitalized on the failed reforms by reigniting fears that Bosniaks were attempting to abolish RS and take away Serb autonomy guaranteed by the Dayton Agreement and BiH Constitution. Instead, he intensified demands on the opposite side by re-introducing the idea of independent RS.

In addition to the failed Constitutional reform, the new nationalists were influenced by the Montenegrin referendum on independence the same year, and Kosovo's declaration of independence in 2008 which was formalized in the ruling of the International Court of Justice. To them, both events revealed that "the borders in Europe had not been finalized after all."[99] In other words, the hope was reignited that RS might be able to pursue independence, following the precedents set by Montenegro and Kosovo. Following that logic, the National Assembly of RS passed a Law on Referendum and Citizen Initiative,[100] allowing the citizens of RS to directly decide on a number of issues. This was largely seen as a potential gateway to a referendum on independence of RS,[101] creating even further fears of future instability. According to Dodik, the law was needed because the events in the neighboring countries could now be used as precedents on the

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[99] Ibid.
[100] "Zakon O Refendumu I Gradjanskoj Inicijativi," [Law on the Referendum and Citizen Initiative.] *Službeni Glasnik Republike Srpske [Official Gazette of Republika Srpska]* 42/10 (2010).
[101] "Bosnian Serbs Pass Referendum Law ", *BBC News* (2010), http://news.bbc.co.uk/2/hi/europe/8510383.stm.

basis of which RS could demand its secession from BiH.[102] In addition, Dodik

wholeheartedly welcomed the fact that BiH could now be classified as a country that is

"definitely falling apart."[103] While Dodik was renewing tensions between RS and BiH,

nationalist rhetoric also re-emerged among the Croat leadership. A senior HDZ official

and former member of BiH Presidency Ivo Jović warned that others within BiH should

not continue obstruction of reforms that would lead to the creation of Croat entity within

the country – otherwise, Croats might be willing to dissolve the entire country, as they

did once before with Yugoslavia.[104] As a result of such renewed extremism, the period

since then has been characterized by divisive rhetoric, remarkably similar to the one that

existed during the 1990s, a new stalemate in decision-making process, the international

community's extension of its presence in BiH, and a number of *provisional* agreements

between BiH and numerous international organizations, implementation of which is

pending until the political climate changes. After the general elections of 2010, the six

main parties could not agree on the formation of the new government for fifteen months.

The position of the Prime Minister was supposed to be given to a Croat representative,

since the BiH Constitution requires the office to rotate among the three ethnic groups.

However, in this particular instance, the nominated candidate, Slavko Kukić, was not

considered "Croat enough" and as such was deemed unable to represent the interests of

Bosnian Croats.[105] After fifteen months of intense negotiations, a HDZ BiH candidate

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[102] Quoted in "Dodik: Rs Samostalna U Narendne Četiri Godine," *Oslobodjenje*, September 2 2010.
[103] Quoted in "Rs President Says Bosnia-Herzegovina Is Falling Apart," *B92 News* (2012), http://www.b92.net/eng/news/region.php?yyyy=2012&mm=09&dd=30&nav_id=82427.
[104] Quoted in "Jović: Hrvati Su Srušili Jugoslaviju, Spremni Su I Bih," *Dnevni List*, October 29 2010.
[105] Personal interview with a senior Bosniak official (Sarajevo, July 2013)

Vjekoslav Bevanda was appointed the Prime Minister, with the cabinet consisting of three Croats, three Serbs, and four Bosniaks.

Similar stalemate has characterized all levels of decision-making process. The effects have been especially pronounced in the area of defense, given that the fear-provoking rhetoric to a great extent resembled the political discourse propagated by Slobodan Milošević during the late 1980s, which not only created ethnic tensions and fear, but eventually led to a bloody civil war and the collapse of Yugoslavia.[106] A leaked document revealed that NATO officials in BiH as early as 2008 had serious concerns about the country's progress and the security situation in the country.[107] Major General Wightman described the political atmosphere as resembling the one immediately after the war: "There is no real cooperation among entities and little room for compromise between competing Bosniak and Bosnian Serb visions of BiH. Meanwhile, the Bosnian Croats are simply watching and waiting." While the report praised the reforms accomplished earlier in the decades, it expressed concern over the lack of efficiency and effectiveness of the state-level defense institutions, as well as the inability of the entities to agree to dispose of the excess weaponry and transfer immovable defense property to state institutions.

The particular issue of defense property has been the major stumbling block and a sign of the country's unwillingness to establish democratic civil-military relations. In 2010, BiH was *conditionally* invited to join the MAP, pending the resolution of the most

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[106] Vlado Azinovic, Kurt Bassuener, and Bodo Weber, *Assessing the Potential for Renewed Ethnic Violence in Bosnia and Herzegovina: A Security Risk Analysis* (Atlantic Initiative Democratization Policy Council, 2011), 15.
[107] USNATO-USEU, "Usnato/Useu: Nac-Psc Meeting Highlights Concerns over Fragile Bih Political Situation, (Leaked Diplomatic Cable)." http://wikileaks.org/cable/2008/10/08USNATO403.html#par4.

contested issue: ownership of immovable defense property. Although according to

NATO, "participation in the MAP does not prejudge any decision by the Alliance on

future membership,"[108] the MAP seems to have been a crucial and a necessary step in

recent new NATO admissions. The issue of immovable military property, however,

continues to present a significant challenge in reaching the goal of membership, even

though other conditions for the MAP were satisfied by 2010. Namely, 63 military sites

remain under entity control, even though the army has been united for eight years, and

entities no longer have civilian institutions for military control. Per NATO requirements,

such property must be put under the control of the state Ministry of Defense, in order to

demonstrate that BiH can function as a unified state with democratic civil-military

relations.[109] In spite of that, the entities remain in control over properties in question, and

the Ministry of Defense does not have the necessary authority to take possession of them

without the consent of the entities.

This issue resembles similar circumstances that existed nearly two decades ago –

fear of uncertain future, and suspicions about the others' intentions. While committed to

NATO membership, Bosnian Serbs at the same time fear the consequences of compliance

with the MAP requirements. "Why do they need this property? What do they intend to do

with it?" one Bosnian Serb official lamented.[110] In fact, Bosnian Serbs are comfortable

with *registering* said property as state possessions in order to satisfy the international

community, but are not willing to cede physical control over it. Multiple offers to that

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[108] NATO, "Nato's Relations with Bosnia and Herzegovina.,"
http://www.nato.int/cps/en/natolive/topics_49127.htm.
[109] Ibid.
[110] Personal interview with a Bosnian Serb official (Sarajevo, July 2013)

end have been met with resistance by the Bosniaks who "want it all."[111] Bosnian Serbs

believe that they have given up much of their autonomy already, given that the state-level

competencies have increased significantly since the state was initially created. While

such reforms were accepted, albeit reluctantly, in order to accomplish necessary reforms

and move the country closer to international integration, the continued insistence on

further transfer of authority and strengthening of central governments has been

intensifying fears of further loss of autonomy and potential disappearance of entities,

which in their view is out of the question. The fear might be justified, given that any

attempts to strengthen state-level institutions gives the advantage to the majority party –

the Bosniaks.[112] Bosniaks, on the other hand, have been adamant in their attempts to

increase the powers of central government, and particularly powers of state-level defense

institutions. While part of such demands can be explained by the fact that as the majority

ethnic group Bosniaks benefit from a transfer of powers to the state, another reason seem

to derive from the fear of unclear future. As one official explained, "Serbs have Serbia,

Croats have Croatia. If anything goes wrong, we [Bosniaks] don't have anyone but

ourselves to come to our aide."[113] As a result, the debates over defense budget resemble

the same divisions. While Serbs have been attempting to cut defense spending by

emphasizing the fact that more than one third of the federal budget is spent on defense,[114]

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[111] Ibid.
[112] Roberto Belloni, "Peacebuilding and Consociational Electoral Engineering in Bosnia and Herzegovina," *International Peacekeeping* 11, no. 2 (2004).
[113] Personal interview with a Bosniak official (Sarajevo, July 2013)
[114] Personal interview with a Bosnian Serb official (Sarajevo, August 2013)

Bosniaks point to the fact that defense budget is only 1.12% of the country's GDP, far less than the NATO recommended 2%.[115]

As a result of the renewed antagonism, the planned closure of the OHR has yet to occur. In February 2007, the Peace Implementation Council extended the mandate of the OHR until June 30 2008, due to the "severe deterioration in the political atmosphere."[116] The deadline was extended again in 2008, when the Peace Implementation Council agreed on the "5+2" Agenda, outlining the conditions that have to be met before the OHR can be closed.[117] Among the seven conditions are the resolution of the issue of defense property, respect for the rule of law, and signing of the Stabilization and Association Agreement (SAA) with the European Union, which would eventually lead to BiH's membership in the European Union. While the SAA was provisionally signed the same year, similarly to BiH's MAP membership, this one also has yet to enter into force. The agreement will go into effect once BiH complies with the ruling of the European Court of Human Rights demanding BiH to address the issue of ethnic discrimination of citizens not belonging to one of the three constituent peoples.[118] Of course, membership in the European Union will have to await not only entering into force of the SAA, but also the country's NATO membership. While the requirements for each are similar, the

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[115] Personal interview with a Bosniak official (Sarajevo, July 2013)
[116] PIC, "Declaration by the Steering Board of the Peace Implementation Council," (Brussels: Peace Implementation Council: Steering Board Political Directors, 2007).
[117] "Declaration by the Steering Board of the Peace Implementation Council," (Brussels: Peace Implemetation Council: Steering Board Political Directors, 2008).
[118] European Commission, "Bosnia and Herzegovina 2013 Progress Report," (Brussels: European Commission, 2013).

membership in NATO is a natural first step that "should eventually lead to European Union membership."[119]

Interestingly, the entities working independently are able to achieve progress and establish necessary reforms. It is their cooperation at the state level that is lacking. In 2013, the European Union praised the capability of RS to monitor the progress and implementation of EU-related legislation, while at the same time condemning its inability to cooperate with state and Federation levels of government on standardizing and syncing the same legislation. As a result, some have called for entity-level negotiations with the European Union, in the face of their inability to work as a unified state.[120]

Of course, such entity-level negotiations are not feasible in BiH's relations with NATO, and for as long as the officials continue challenging the legitimacy of the state as is, democratic control over armed forces cannot be established. Interestingly, the experience and expertise of officials is not lacking. Although often loathed by the domestic actors, the presence of NATO and the European Union has provided officials with necessary resources to create knowledgeable officials with skills and expertise in defense area. Officials within the defense sector have been receiving training, education, and advice from NATO, the Geneva Centre for Security Studies, the OSCE, and the Norwegian Center for International Relations, among others, all of which have provided a necessary foundation and skills to perform the functions assigned to them. Of course, knowledge of what to do and the ability to carry it out are two separate issues, and it is the latter that BiH defense officials struggle with. For example, the Parliamentary

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[119] DRC, "The Path to Partnership to Peace," 32.
[120] European Commission, "Bosnia and Herzegovina 2013 Progress Report."

Defense and Security Committee has encountered many obstacles in its attempts to perform its duties as the institution in charge of defense oversight. Just receiving requested information from the Ministry of Defense seems difficult.[121] In 2012, the committee proposed a Law on Parliamentary Oversight, which, among other things, would require the Ministry of Defense and other institutions to submit reports requested by the Parliamentary Committee within 30 days. The law never came to pass. As a result, one official summarized the situation:

> We have everything we need: resources, knowledge, expertise, every help
> from the international community we can ever hope for. The problem is
> that we need to agree on how to put these extraordinary resources to work.
> Instead, we are spending time bickering over nonsense, alienating
> everyone who is trying to help us, and wasting money of one affair after
> another.[122]

Therefore, while Bosnia's defense establishment resembles those of developed Western states on paper, in reality the civil-military relations cannot be classified as democratic because of the inability of civilian defense institutions to exercise powers assigned to them.

Conclusion

Post-war BiH's political system followed the logic of power-sharing, in order to create conditions in which three previously conflicted parties could coexist in a unified country. However, by pursuing a consociational arrangement the international community created conditions that, according to many analyses "froze the conflict in

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[121] Personal interview with a member of the BiH Parliamentary Assembly (Sarajevo, August 2013)
[122] Ibid.

place rather than ameliorated sharply held differences."[123] While successful in terminating the violence, the terms of the peace agreement did not produce durable results in terms of democratic nation building, reconciliation and social integration of previously warring parties. As a result, the country built its armed forces and democratic institutions for their control based on the premise of physical separation. The fragmentation of power among different power centers and different ethnic groups, each furthering the causes that would protect it in the future if violence resumed, prevented them from reaching consensus on any level for almost a decade. In fact, the period of 1995-1999 was characterized by constant quarrels about all aspects of reforms, to the extent that it appeared that Serbs and Croats were purposefully stalling the reforms until the time the international community leaves BiH when the Dayton Agreement can be dismissed.[124] Maintaining separate armed forces was a major factor to that end. If the forces were unified and under the control of one central government, each side would lose leverage necessary to defend itself were the terms of the agreement to be scrapped. For almost a decade after gaining independence, the armed forces remained divided and throughout most of the same period the country did not have a federal-level department of defense. The only federal-level institution in the realm of civil-military relations was the SCMM, which did not have the real authority to command armed forces, nor did it have armed forces to command.

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[123] Graeme P. Herd and Tom Tracy, "Democratic Civil-Military Relations in Bosnia and Herzegovina: A New Paradigm for Protectorate?," *Armed Forces & Society* 32, no. 4 (2006): 555.
[124] ICG, "Is Dayton Failing?: Bosnia Four Years after the Peace Agreement."

Major progress was achieved in the period of 2000-2006, as a result of a (temporarily) changed political climate both in BiH and in surrounding countries. After a coalition of non-nationalist parties, committed to improving the situation in BiH as a whole, not some parts of it, came to power in the early 2002, the first steps toward reforming the fragmented defense sector were taken, paving the way for the creation of state-level Ministry of Defense, establishment of Parliamentary oversight over the defense sector, and in 2006 the unification of three militaries into one Armed Forces of BiH. This chain of events has led Herd and Tracy[125] to challenge the application of Cottey, Edmonds, and Forster's[126] first and second generation framework to civil-military relations in BiH. According to Cottey et al., the establishment of institutional structures represents the first step which then provides the basis for capacity-building efforts. In contrast, Herd and Tracy argue that the order in which reforms have been carried out in BiH was reversed, where the issue of addressing the second generation issues preceded the first generation issues. The capacity for successful implementation of democratic civil-military relations was built before institutional structures which are supposed to provide the foundation of the first generation efforts. While that certainly appeared to be the case in 2006, subsequent events have revealed that the capacity that was built before the institutional structures were established reflected not a truly entrenched capacity but a temporary will of the officials who happened to hold offices at the time.

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[125] Herd and Tracy, "Democratic Civil-Military Relations in Bosnia and Herzegovina: A New Paradigm for Protectorate?."
[126] Andrew Cottey, Timothy Edmunds, and Anthony Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations," ibid.29, no. 1 (2002).

As a result of renewed political tensions, the civil-military relations are still far from being classified as democratic. However, unlike in many countries where the military is the one resisting democratic civilian control, in BiH it is the civilians who resist ceding control over military to the central government subject to change in future elections and possibly willing to act against the interests of one or more of the country's constituent peoples. Military officers believe that the only way forward is through the international integration, and that necessitates "civilians behaving as leaders and not as children."[127] As one author puts it, "the general fear is not that the AFBiH will *generate* instability, but rather that it could fall victim to deepening political instability."[128] In fact, one official explained that "We don't have problems controlling the military. We have problems controlling each other. You have to understand, political realities dictate defense relationships."[129]

Continuing challenges to state legitimacy have delayed both the establishment of democratic civil-military relations and the country's attempts at international integration. Provisional agreements that BiH has entered into with the European Union and NATO have signified the country's commitment to international integration, but at the same time the fear of uncertain future has obstructed the implementation of necessary reforms to achieve such integration. As a result, the international community continues echoing the same sentiment, ensuring BiH that it "will be able to join *once it has achieved the*

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[127] Personal interview with an AFBiH Officer (Sarajevo, July 2013)
[128] Azinovic, Bassuener, and Weber, *Assessing the Potential for Renewed Ethnic Violence in Bosnia and Herzegovina: A Security Risk Analysis*, 34., original emphasis
[129] Personal interview with a senior Bosnian Serb official (Sarajevo, August 2013)

necessary progress in its reform efforts."[130] The level of dysfunction is evident in the fact

that the officials cannot agree even on simple issues such as the division of foreign aid. In

September 2013, the European Commission was forced to cancel €5 million agricultural

projects because the authorities could not agree how to use the assistance, divide the

funds, and channel responsibilities for the projects.[131]

Two steps are *necessary* before BiH can establish democratic civil-military

relations. First, each side must come to terms with living in the unified Bosnian state and

accept the fact that the borders have been determined and there is no likelihood they will

be changed. Second, each side must be assured that other groups within the state accept

the same. The second condition is as equally as important as the first one, because

acceptance of state boundaries and its legitimacy alone still does not alleviate fears of

other's intentions. For as long as any party believes that its future might be in danger due

to others' actions, there will be resistance to ceding defense authority to efficient state

institutions.

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[130] NATO, "Membership Action Plan," NATO, http://www.nato.int/cps/en/natolive/topics_37356.htm., emphasis added
[131] European Commission, "Bosnia and Herzegovina 2013 Progress Report."

CHAPTER 4

CROATIA

Croatia's independence from the Socialist Federal Republic of Yugoslavia (SFRJ) in 1991 coincided with political liberalization of the regime that mirrored similar political transformations occurring throughout the Eastern Europe. After the Croatian League of Communists withdrew from the Yugoslav League of Communists in 1989, a number of new parties with a wide array of political agendas largely repressed during the previous decades appeared in Croatia. In spite of a wide array of choices, the first multi-party elections clearly signaled the dominance of the Croatian Democratic Union[1] (*Hrvatska Demokratska Zajednica*, HDZ), a nationalist party with Croatian independence as the focal element of its political program. The victory of the HDZ led by a former general Franjo Tudjman was followed by a number of steps to distance Croatia from the SFRJ which culminated with the country's declaration of independence. The first multiparty elections were held in 1990, Croatia became an internationally recognized independent state in 1991, and many institutional reforms typical during democratic transitions were completed by 1992. Notwithstanding these developments, democratic consolidation and establishment of democratic civilian control over armed forces were delayed for an entire decade, due to the challenges to the legitimacy of the newly independent Croatian state. Only in 2000, after ethnic tensions stopped dominating the political agenda of the country and both internal and external challenges to the Croatian state subsided did Croatia enter the period when significant steps were taken toward democratic control over its armed

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[1] The word *Zajednica* in Croatian can be translated both as union and community. The name of the HDZ is therefore sometimes translated as the Croatian Democratic Community.

forces, which led to the admission of Croatia to the Partnership for Peace in 2000, its admission to the Membership Action Plan in 2002 and finally in 2009 to a full-fledged NATO membership.

Croatia's developments in the area of civil-military relations proceeded in four distinct phases. The first phase lasted from independence in 1991 until the collapse of Tudjman's control in 1999. While this phase encompasses both wartime and peacetime circumstances, both were characterized by civilian control that in many ways resembled the pre-independence control of the Yugoslav People's Army (JNA) during the reign of the Communist Party. While civilians had control over the military, they at the same time established non-democratic control over highly politicized armed forces in response to numerous challenges to the sovereignty and unity of the Croatian state. The second phase lasted from 2000 until 2002 and was the most significant period for reforms of the defense sector. The collapse of Tudjman's regime, change in the political atmosphere within the country, as well as the simultaneous changes in the neighboring countries, all affected the new ruling elites to alter the direction of Croatia's development and create institutional foundations for the establishment of democratic civil-military relations. Although Croatia gained independence almost a decade earlier and begun its democratic transition at the same time, it was only during this phase that we can truly talk about Cottey, Edmunds, and Forster's[2] first generation reforms, followed by the second generation reforms in the third phase. While most necessary institutional structures were established by the end of 2002, the third phase was necessary to build the capacity for

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[2] Cottey, Edmunds, and Forster, "The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations."

their implementation, within both the civilian and military sectors. Namely, the highly politicized military organization needed to transform into a non-political professional military. Additionally, civilian officials, many of whom were excluded from the decision-making process and oversight during the 1990s, needed to build skills and expertise necessary for democratic control over the military. The third phase therefore is the phase during which the capacity for the implementation of most defense reforms was built, leading to the country's full establishment of democratic civilian control over the armed forces in 2005.[3]

Croatia is therefore a case in which the establishment of democratic civil-military relations was impeded due to the medium levels of challenges to the state. Unlike BiH, where Bosnian Croats and Bosnian Serbs, together representing the majority of the population, were dissatisfied with living in a unified BiH and demanded independence, in Croatia it was the minority Serb population that challenged the legitimacy of the state. Croatian Serbs, who at the onset of independence constituted slightly over 12 percent of the population, refused to accept the newly independent state and organized militarily in order to fight for secession. The situation was additionally aggravated by the fact that the

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[3] Other authors have divided Croatia's development into different phases, designating the first phase as the period of the Homeland War lasting from 1991-1995, the second the period of regime consolidation lasting from 1995-1999, and the third phase the one of legitimate democratization lasting since 2000. See Ryan C. Hendrickson and Ryan P. Smith, "Croatia and Nato: Moving toward Alliance Membership," *Comparative Strategy* 25, no. 4 (2006)., Alex J. Bellamy, "A Crisis of Legitimacy: The Military and Society in Croatia," in *Soldiers and Societies in Postcommunist Europe: Legitimacy and Change*, ed. Anthony Forster, Timothy Edmunds, and Andrew Cottey (Basingstoke: Palgrave Macmillan, 2003)., and Alex J. Bellamy and Timothy Edmunds, "Civil-Military Relations in Croatia: Politicisation and Politics of Reform," in *Civil-Military Relations in Postcommunist Europe: Reviewing the Transition*, ed. Timothy Edmunds, Andrew Cottey, and Anthony Forster (New York: Routledge, 2006). Although these phases accurately describe Croatia's regime transitions, they do not necessarily capture the changes in the defense sector. While there is a clear distinction between the war-time and peace-time regime development, the reforms in the defense sector did not differ much before and after 1995.

SFRJ and later the Federal Republic of Yugoslavia (SRJ)[4] provided political, military, and financial support to Croatian Serbs, leading to a war between Croatia and SFRJ. In addition, the situation in Croatia was complicated by the dominant party's ambitions towards annexing parts of the territory of Bosnia and Herzegovina (BiH), specifically the regions occupied by ethnic Croats. These ambitions led to Croatia's involvement in Bosnian war and continued goals of annexation even after the peace treaty was signed. These circumstances produced a decade of party control over military, with civil-military relations resembling the relations that existed in many former communist states. Only after ethnic tensions stopped dominating the agenda and the new administration changed its policies in BiH did the country enter a period with no challenges to state legitimacy.

Challenged Legitimacy of the New State

Croatia gained independence in 1991 and although it immediately started the process of political and defense reforms, the real signs of those reform efforts did not appear until 2000. From 1991 until 2000, civilian control over military very much resembled the civil-military relations during the rule of the Communist party. The military was highly politicized and "used in a variety of ways to support the ruling party,"[5] which undermined the quality of democratic control and slowed down the process of Croatia's international integration. The same period was also described as the period with no consensus regarding "which political community the Serbian national minority belongs to, where are the frontiers of the new state and what should be the

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[4] After the dissolution of Yugoslavia, the successor state of the SFRJ changed its name to the Federal Republic of Yugoslavia (SRJ).
[5] Bellamy and Edmunds, "Civil-Military Relations in Croatia: Politicisation and Politics of Reform," 73.

constitutive principles of the new political community."[6] In addition, this period was characterized by Croatia's coveting portions of the territory of the neighboring BiH where Croats represented the majority of the population. These issues led to Croatia's engagement in two conflicts. In what has become known as the Homeland War, Croatia fought for independence against the SFRJ, which continued even after its independence was recognized because the government of Serbia wanted to "keep" the Croatian territories inhabited by ethnic Serbs. In addition to the Homeland War, similarly to Serbia's support for Croatian Serbs, Croatia became involved in a conflict in BiH, in support of Bosnian Croats. Both these conflicts and the resulting instability and uncertainty regarding the country's future produced political environment unfavorable for democratic consolidation and the establishment of democratic control over armed forces.

The first signs of turmoil were signaled in the results of the first multi-party elections, before Croatia's declaration of independence, which were subsequently confirmed in every major election until 2000. While the voters had a newly discovered variety of choices, two trends dominated the first multiparty elections of 1990: reformed communism and nationalism.[7] The majority of voters opted for a party that focused on Croatian national question and a possible exit from the Federation. As a result, the outcome of the first multi-party elections in Croatia clearly reflected the desire of the population to promote Croatian independence and sovereignty. The HDZ, which advocated nationalist tendencies of ethnic Croats and offered a program of independent

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[6] Goran Cular, "Political Development in Croatia 1990-2000: Fast Transition - Postoponed Consolidation," *Politicka Misao* 37, no. 5 (2000): 34.
[7] Alex J. Bellamy, "Croatia after Tudjman," *Problems of Post-Communism* 48, no. 5 (2001).

Croatia, received nearly 60 percent of the seats in the parliament.[8] The HDZ was different from other parties that emerged at that time because even through it sought to represent the entire Croatian people and not just a specific group, "it addressed only the Croatian people, however, not the Serbs, Yugoslavs and members of other ethnic communities in Croatia."[9] According to Cular, "instead of a clear party program, the HDZ offered a fuzzy platform for democratic transition dominated by only one issue – sovereignty of the Croatian state."[10] The HDZ-dominated parliament appointed a former general Franjo Tudjman as the president of the state, cementing the domination of the nationalist agenda.

While the Croatian League of Communists transformed into the Social Democratic Party (*Socijaldemokratska Partija*, SDP)[11] with a more moderate socialist agenda, it received less than 30 percent of the seats after the first elections, losing support from many due to the emergence of a number of ethnic and regional parties.[12] While the trend of HDZ's dominance was confirmed in all following elections until 2000, the support for reformed communists plummeted. In the elections of 1992 and 1993,[13] the

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[8] The structure of the Croatian Parliament has changed several times since 1990. At the time of the 1990 elections, the parliament consisted of three chambers: the Socio-Political Chamber, the Chamber of Counties, and the Chamber of Associated Labor. Later that year the parliament was transformed into a unicameral legislature, and in 1993 the House of Counties was once again established, creating a bicameral legislature. In 2001, the House of Counties was again abolished, creating again a unicameral legislature which exists to this day.

[9] Nenad Zakošek, "Political Parties and the Party System in Croatia," in *The 1990 and 1992/93 Sabor Elections in Croatia: Analyses, Documents and Data*, ed. Ivan Šiber (Berlin: Edition Sigma, 1997), 39.

[10] Cular, "Political Development in Croatia 1990-2000: Fast Transition - Postoponed Consolidation," 35.

[11] SDP changed its name initially from the League of Communists to the League of Communists of Croatia-Party of Democratic Changes (SKH-SDP). Later it merged with the Social Democratic Party of Croatia (SDSH) and became the Social Democratic Party.

[12] For detailed electoral results see the site of Croatian Electoral Commission at http://www.izbori.hr/izbori/ws.nsf/site.xsp?documentId=8BD9243DD4840AD3C1257C5C004BF6B3

[13] Presidential and parliamentary elections were held in 1992. Since the House of Counties was formed the following year, the first elections for the House of Counties were held in 1993.

HDZ received over 60 percent of the seats in the parliament and Tudjman's presidency was confirmed in a popular vote. The SDP, however, received less than 5 percent of the vote, mostly because it was not considered "nationalist enough" by any one segment of the society. While in the 1990 elections ethnic Serbs split their votes between the successors of communists and the Serbian Democratic Party (*Srpska Demokratska Stranka*, SDS), in the following elections the Serbs abandoned the SDP in favor of a nationalist party considering itself to be a defender of interests of Serbian population, the Serbian People's Party (*Srpska Narodna Stranka*, SNS).[14] Not only did the SDP lose supports from Serbs, it also lost support from Croats, due to the fact that a number of Serbs voted for the party in the first elections. As such, the party was considered too attached to Belgrade and not in line with the Croatian national question.[15]

In addition to parties representing ethnic Serbs, a number of other smaller anti-system parties emerged. Among them was the nationalist Croatian Party of Rights (*Hrvatska Stranka Prava*, HSP), described as an "ultra-nationalist neo-fascist Croatian party,"[16] which maintained its own paramilitary organization, the Croatian Defense Forces. In addition, the Istrian Democratic Assembly (*Istarski Demokratski Sabor*, IDS), with the main agenda of securing regional autonomy of Istria emerged strong in the northwestern party of the country. Although the party repeatedly received the majority of the votes in the region, the small size of the region's representation made it unlikely that

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[14] The SDS became dominant in areas where Croatian Serbs were predominant, and was largely responsible for the rebellion of ethnic Serbs in 1991. However, after the 1991 elections the party walked out of the Parliament in protest and was later banned from running in elections by the Constitutional Court because its activities were viewed as unconstitutional. After that the Serbian ethnic minority was represented by the SNS.

[15] Bellamy, "Croatia after Tudjman."

[16] Cular, "Political Development in Croatia 1990-2000: Fast Transition - Postoponed Consolidation," 39.

the party could pose a significant threat to the country's unity. Nevertheless, according to a high ranking official, its activities represented an additional "nuisance" that even further undermined the unity of the newly formed independent state.[17] In the first years of transition, the Croatian party system was therefore transformed into an ethnically-based party system, a "system where each party's support stemmed from one ethnic group and each party made appeals only to one ethnic group."[18]

The dominance of the HDZ and the existence of mostly ethnic parties had important consequences for the development of Croatia in the next several years. Although it brought an end to the communist rule, the HDZ's victory also "unleashed an outpouring of pent-up nationalist euphoria after decades in which any expression of nationalist feeling was taboo."[19] Immediately after taking office the HDZ-controlled government rewrote the constitution, replacing the previous designation of the state as a state of Croatian people, Serbs living in Croatia, and of other peoples and minorities, into a nation-state "of Croatian people and of other peoples and minorities."[20] This reduced the status of Croatian Serbs from the status of a constitutive group to a status of a national minority. Such change was followed by the reduction of the proportion of Serbs in public

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[17] Personal interview with a former high ranking official (July 2013)

[18] Paula M. Pickering and Mark Baskin, "What Is to Be Done? Succession from the League of Communists of Croatia," *Communist and Post-Communist Studies* 41, no. 4 (2008): 530.

[19] ICG, "Change in the Offing: The Shifting Political Scene in Croatia.," in *ICG Balkans Report N°50* (Zagreb & Sarajevo: International Crisis Group, 1998), 2.

[20] "Ustav Republike Hrvatske," [Constitution of the Republic of Croatia.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 56/90 (1990). My translation. Original text: "Republika Hrvatska ustanovljuje se kao nacionalna država hrvatskoga naroda i država pripadnika inih naroda i manjina, koji su njezini državljani."

employment positions, as well as "a stream of anti-Croat propaganda from Belgrade,"[21] all leading to high levels of fears and insecurity among both Serbs and Croats.

The declaration of independence in June of 1991 led to the eruption of violence. The Serbian minority, supported by the Serbian government, rejected the legitimacy of the newly declared independent Croatia, leading to a war between the Croatian military forces and the JNA forces controlled by Belgrade. At the time, Croatia did not have an official state military; instead, it was compelled to create armed forces during war time out of police forces, Territorial Defense Forces (*Teritorijalna Odbrana*, TO), and volunteer civilian units. The main building block of this new military came from the police forces which, although originally not trained for the purpose of fighting wars, had been controlled by the Croatian government and as such were considered untarnished by their relations to the central government from Belgrade. In the period of 1990-1991, 18 units of special police forces were created, reinforced with heavy equipment generally reserved for the military, and augmented in size with Croat officers and conscripts deserting from the JNA. These special police forces were organized into the Assembly of the National Guard (*Zbor Narodne Garde*, ZNG) by a presidential decision issued shortly before the violence started. Although the ZNG was formed out of special police forces and was established and regulated by the Law on Internal Affairs, it was put under the control of the Ministry of Defense.[22] The law defined ZNG as a professional military formation used for public security, the protection of the constitutional system of the

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[21] ICG, "Change in the Offing: The Shifting Political Scene in Croatia.," 2.
[22] "Zakon O Izmjenama I Dopunama Zakona O Unutarnjim Poslovima," [Law on the Changes and Amendments to the Law on Internal Affairs.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 19/91 (1991)., Art. 25c; "Zakon O Unutarnjim Poslovima," [Law on Internal Affairs.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 29/91 (1991)., Art. 27

Croatian state, and preservation of sovereignty and territorial integrity of the state, thus clearly going well beyond the regular police tasks.

Parallel to the strengthening in terms of size and equipment of the special police forces, the government of Croatia took control of the Croatian Territorial Defense Forces (*Hrvatska Teritorijalna Obrana*, HTO). The Territorial Defense Forces were created in the SFRJ in the late 1960s as part of the total territorial defense strategy and represented a second-level force within the Yugoslav People's Army. Its role was to buttress the JNA by providing a guerilla-style territorial defense in case of an external attack on the country. However, unlike the regular JNA forces, the Territorial Defense Forces were under the command of each constituent republic's government, making them in the case of Croatia's turmoil more responsive to the needs of the new Croatian state than those of the federal government. As the tensions between Croatia and Serbia escalated, the Croatian government seized the HTO bases and equipment, reorganized the HTO into new brigades, and put them under the command of the Ministry of Defense. The special police forces and the HTO, together with a host of volunteer paramilitary organizations fought against the JNA until the Defense Law[23] in August of 1991 combined them into the official Croatian Armed Forces and the following month formed the General Command.

Although the peace agreement in January 1992 officially ended the conflict between Croatia and Yugoslavia, nearly a third of Croatia's territory remained outside the state's control. Krajina and Slavonia, majority Serb regions, remained under the control

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[23] "Zakon O Obrani," [Law on Defense.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 49/91 (1991).

of ethnic Serbs until 1995 and existed as the Republic of Serbian Krajina, a contentious

self-proclaimed independent territory whose existence was never recognized by the

Croatian government or by the international community. Not only were the Serbs in this

region unwilling to accept the Croatian state, but the government of Serbia was coveting

this region as a potential to enlarge its country's territory and prevent the Serb-populated

regions from seceding from Yugoslavia. As such, these regions were the main source of

conflict between Serbia and Croatia in the following years. Therefore, during the 1990s,

"Krajina and Slavonia remained de jure in Croatia but under the de facto control of well-

armed Serbian minorities backed by Belgrade."[24] Although a majority of this territory

was regained in two military operations *Flash* and *Storm* in the summer of 1995, the last

part of the territory, Eastern Slavonia, remained contested and under the international

administration until 1998. In 1996, the United Nations established a United Nations

Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

(UNTAES) mission, in order to secure demilitarization of this region and its peaceful

reintegration into Croatia,[25] which was finally achieved in 1998. Therefore, the country's

borders were not settled until 1998, when the last part of the lost territory, Eastern

Slavonia, was peacefully reintegrated into Croatia. It is perhaps not coincidental that the

last elections in which the HDZ with an openly nationalist agenda won were in 1997,

shortly before the last part of the Croatian territory was recaptured. This victory allowed

HDZ to continue its policies for another three years until Tudjman's death, although the

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[24] Henry R. Huttenbach, "The Genocide Factor in the Yugoslav Wars of Dismemberment," in *Reflections on the Balkan Wars: Ten Years after the Break up of Yugoslavia*, ed. Jeffrey S. Morton, et al. (New York & Basingstoke: Palgrave Macmillan, 2004), 27.
[25] UNSC, "Unsc Resolution 1037," (United Nations Security Council, 1996).

major issue challenging territorial integrity of the country was resolved in 1998. Thus for the most part of Tudjman's rule, the principal goal of the government was to ensure that the country's territorial integrity be restored.[26] Once the territorial integrity was restored, however, the goal was to protect it from the perceived threat from the government in Belgrade and its aspirations for a "great Serbia" which continued until 2000 when Milošević was removed from power in Serbia.

Although the war in Croatia officially ended with the signing of the peace agreement in 1992, the country soon became involved in another conflict. From 1993 until 1995, the Croatian Armed Forces fought in BiH in support of Bosnian Croats with the hopes of annexing parts of BiH territory populated by ethnic Croats. In fact, this goal persisted even after the Dayton Agreement of 1995 ended the war in BiH. While the conflict ended in 1995, the president and his administration made countless public statements about the need to protect Bosnian Croats by including them into the Croatian constitutional order. To that end, the Tudjman administration funded the Croatian Defense Council (HVO), a Croat component of the Bosnian army, ensured that Bosnian Croats get the right to vote in Croatian elections, and continued the campaign of promoting the Croat right to self-rule in BiH all throughout its reign until 2000, presenting challenges to the consolidation of both Croatian and Bosnian democracies. This objective to eventually capture portions of Bosnian state was a persistent cause of divisions within Croatian politics and between Croatia and the international community. Even some moderate HDZ members opposed both Croatia's involvement in BiH war and

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[26] ICG, "Change in the Offing: The Shifting Political Scene in Croatia.," 2.

its peacetime interference in BiH politics. One of the HDZ members that opposed such involvement was Stipe Mesić, who left the party in 1994 as a result of his objections to Tudjman's policies in BiH. In 2000, he became the president of Croatia and by continuing his policies of non-interference ensured the transformation of the country's political direction.

Non-Democratic Control over Politicized Armed Forces

The Armed Forces of the Republic of Croatia (*Oružane Snage Republike Hrvatske*, OSRH)[27] were therefore built during the times of contested state legitimacy, and their control was adjusted to such circumstances by the establishment of non-democratic civilian control over politicized armed forces. Institutional arrangements of the defense establishment violated all rules of democratic control, concentrating powers in the hands of the president, militarizing the Ministry of Defense, placing the General Staff too close to the president, and completely excluding the legislative branch from the defense-related decision-making process and oversight. While the first Law on Defense[28] enumerates responsibilities of the president, the cabinet, and the ministry of defense, the role of the parliament is not even mentioned in the text of the document. Only in the Constitution is the parliament's role in defense mentioned, although briefly. According to the Constitution, the parliament is in charge of decisions regarding war and peace,[29] but no specifications regarding those powers are elaborated upon. Such provision carried no real meaning given the extensive powers of the executive branch, making it clear that the

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[27] Known as the Croatian Armed Forces until 1996 when they were renamed into the Armed Forces of the Republic of Croatia. For simplicity I use the term OSRH for all the periods of the military's existence.
[28] "Zakon O Obrani."
[29] "Ustav Rh.", Art. 80

parliament was largely left out of the defense areas both in the decision-making and in the oversight phases.

According to the Constitution, Defense Law, and Law on Services in the Armed Forces, the President is a Commander-in-Chief of the armed forces, responsible for the structure and preparation of the armed forces, such as their overall size, development, mobilization, organization of units, services, and commands, as well as their training and equipping. This concentration of power in the hands of the president largely bypasses the Ministry of Defense of the Republic of Croatia (*Ministarstvo Obrane Republike Hrvatske*, MORH) which, according to the laws is in charge of administrative and expert tasks in the area of the defense. As a result, while the MORH is supposed to be a link between the president and the military in the chain of command, in reality the structure and organization of the defense establishment as well as the composition of the MORH made the civilians within the Ministry powerless to act. The MORH, as well as every other institution in the chain of command, was filled with military officers. Even when the Minister of Defense was a civilian, the deputy minister, assistant ministers, and secretary of the Ministry of Defense were all active service military officers, contributing to a heavy presence of military personnel in what should be a civilian institution in the chain of command.

The easy interchange of civilian and military positions and difficulties of reforms in the MORH were exemplified in 1998, after the death of Gojko Šušak who had been the Minister of Defense since 1991. His replacement, Andrija Hebrang, the vice-president of the HDZ, attempted reforms in the MORH in order to make the division of

responsibilities more clear, the decision-making process more transparent, and the organization of the chain of command more democratic. However, the resistance he faced from all levels of the HDZ forced him to resign in October of the same year, less than five months after his term started.[30] Hebrang was succeeded by General Miljavac, who on October 14 retired from the position of the Chief of the General Staff and the same day became the Minister of Defense, where he remained until the HDZ lost its grip on power in 2000. Unlike Hebrang who was determined to reform the defense sector, General Miljavac asserted that the overriding priority of the MORH is to make sure that "the readiness of Croatia's armed forces is a constant not to be disturbed."[31]

In addition to the tangled relationships and divisions of power between civilians and the military, the structure of the MORH created a clutter of institutions within the Ministry, making the chain of command even more intricate. While the Ministry was highly oversized, complicated, and divided into eight departments, the Defense Law also provided for two more institutions within the MORH. First, the General Staff was formed as part of the Ministry,[32] in charge of all activities regarding the command and use of the military, and was directly responsible to the president. According to the amended Defense Law of 1993,[33] the composition and personnel in the General Staff is determined by the president. So the General Staff and the MORH work side-by side, both directly subordinate to the president. While officially part of the Ministry of Defense, the General

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[30] Personal interview with a former MORH official (August 2013)

[31] Dragan Lozancic and Mislav Burdelez, "Brief Review of Civil-Military Relations in the Republic of Croatia," *Politicka Misao* 35, no. 5 (1998): 45.

[32] "Zakon O Obrani.", Art. 23

[33] "Zakon O Obrani," [Law on Defense.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 74/93 (1993).

Staff had a direct link to the president in a chain of command that mostly went from the president to the General Staff, bypassing the Ministry in most cases. In addition, the Ministry of Defense also contained a Military Council, an advisory body consisting of the Minister of Defense, the Chiefs of Staff, and a number of defense and national security experts, all appointed by the President. The structure of the MORH, therefore, made the Ministry a shell institution that encompassed most other institutions in the chain of command, all of which were in direct contact with and directly subordinate to the president.

Figure 4.1: Chain of Command Based on the 1991/1993 Law on Defense
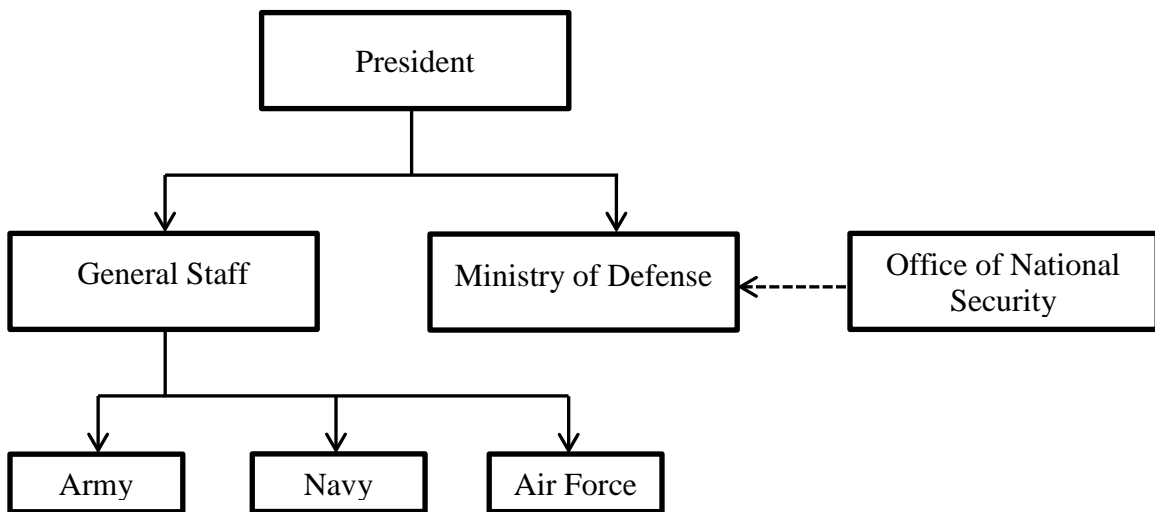
—— Command,   ----· Oversight

Note: The chart represents the chain of command as exercised in reality during this time period. Although the General Staff was oficially part of the Ministry of Defense, in reality most communication proceeded from the president to the General Staff to the military without going through the Ministry.

While the parliament was largely excluded from defense-related matters, the

Office of National Security was created as a state executive body responsible for

supervising the work of all state institutions in the field of national security and

coordinating their activities. However, the quality of the supervision that came from this

office was highly questionable. The office could not provide any real oversight given that

the chairman of the office was appointed by the president, the office itself was part of the

executive, not the legislative branch, and was filled with a mix of civilian and military

personnel, all making the office mostly a façade institution.[34] In fact, Tudjman's son,

Miroslav Tudjman, headed the office for some time during the 1990s. Therefore,

members of the only office able to oversee the defense institutions were not elected in

popular elections, and excluded any representatives of the opposition parties. The only

avenue through which the parliament could provide any oversight in the area of defense

was through the budget approval and through the State Auditing Office whose

responsibility included auditing state agencies and submitting annual reports to the

legislative branch. However, until 1998 the MORH was not subject to audits from the

Auditing Office since there was no requirement to submit yearly reports to the

parliament.[35] Thus even here the area of defense enjoyed special privileges and the

parliament did not have access to the only means it could use to provide any oversight.

In addition to the concentration of powers in the hands of the president and the

non-democratic nature of the chain of command, the lack of democratic character of

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[34] Personal interview with a former high ranking official (July 2013)
[35] Radovan Vukadinović and Lidija Cehulić, "Development of Civil-Military Relations in Croatia," in
*Civil-Military Relations in South Eastern Europe: A Survey of the National Perspectives and of the
Adaptation Process to the Partnership for Peace Standards*, ed. Plamen Pantev (Vienna: National Defense
Academy, 2001).

civil-military relations was evident in the politicization of the armed forces. Instead of establishing institutions conducive to democratic control over the armed forces, the Tudjman regime sought to exert its control "through politicization of the armed forces via the penetration model."[36] The military at all levels was infiltrated with political supporters of the governing elite, turning it into a "client of the ruling party."[37] While the 1991 Defense Law banned military officers from political party membership,[38] this provision was removed the following year in the Law on the Changes of the Law on Defense.[39] It was necessary to remove this provision in order to allow the governing party to keep the army politically motivated and loyal to the party itself, not the system as a whole. Namely, during the early years of Croatian independence, most of the high ranking officers were members of the HDZ. According to Vukadinović and Cehulić, in the context of war this political affiliation of the officers with the HDZ "was very often substitute for the lack of formal training or military experience."[40]

Until 1995, it was common for a number of high ranking military officers to appear on party election lists, and even serve in the parliament. Even after serving military officers were banned from serving in the legislature and in courts in 1995, the political nature of the armed forces and the interconnectedness of civilian government and military did not change. The most important link between civilians and the military,

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[36] Ozren Zunec, "Democracy in the 'Fog of War': Civil-Military Relations in Croatia," in *Civil-Military Relations in the Soviet and Yugoslav Successor States*, ed. Constantine Danopoulos and Daniel Zirker (Boulder, Colorado: Westview Press, 1996), 219.

[37] Ibid., 227.

[38] "Zakon O Obrani.", Art. 42

[39] "Zakon O Izmjeni Zakona O Obrani," [Law on the Changes of the Law on Defense.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 19/92 (1992).

[40] Vukadinović and Cehulić, "Development of Civil-Military Relations in Croatia," 82.

the executive branch, was filled with military officers, and the promotion system in the

military was closely tied to each individual's dedication to the political causes of the

Tudjman administration.[41] While the relations between the civilians and the military

resembled the ones in the former SFRJ, the difference was that in Croatia the reliance on

the socialist principles as the basis of military influence was replaced by the principle of

ethnic nationalism with the HDZ as its main protector.[42] As a result of the penetration of

the HDZ ideology within the military ranks, the OSRH from this period have been

described as "one of the most politicized militaries in the post-communist world."[43]

The fact that positions within both military and civilian institutions were filled

based on political loyalty and not based on expertise or knowledge produced both

positive and negative consequences: while such relationship between the ruling party and

the military led to the subordination of the military to civilian authorities and absence of

any possibility of military intervention in politics, it also meant a lack professionalism in

the armed forces and postponement of democratic reforms. Although the fighting of two

wars and hiring of foreign consultancy companies to help with training and education of

the military contributed to the creation of tactically capable and well prepared armed

forces, the political nature of their appointment and advancement diminished the level of

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[41] Personal interview with a former MORH official (August 2013). For more on politicization of the Croatian military see Timothy Edmunds, "Reform in Croatia and Serbia-Montenegro," *The Adelphi Papers* 43, no. 360 (2003); Zunec, "Democracy in the 'Fog of War': Civil-Military Relations in Croatia."; Bellamy and Edmunds, "Civil-Military Relations in Croatia: Politicisation and Politics of Reform."; Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans.*.

[42] Alex J. Bellamy, "'Like Drunken Geese in the Fog': Developing Democratic Control of Armed Forces in Croatia," in *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, ed. Andrew Cottey, Timothy Edmunds, and Anthony Forster (Basingstoke and New York: Palgrave Macmillan, 2002), 178.

[43] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*, 211.

professionalism. Therefore, although the state was in no danger of military coup for as long as the party remained in power, the fact that the government seemed to prefer a "nationalistic 'patriotic soldier' over a professional one"[44] meant that in addition to creating impediments to democratic reforms, such relations could have posed a challenge by leading to military insubordination once the party that had the military's loyalty left power. In fact, when the HDZ lost elections in 2000, there was a widespread fear that the military might intervene in protest of the electoral results. The military, however, stayed in the barracks, but in the course of events it did display its lack of professionalism.

As "a secret world of party-military relations,"[45] the area of defense was therefore dominated by the president with the focus on restoring and later protecting the challenged territorial integrity of the state. The institutional arrangements, interpersonal relationships among the officials, and the fear among the population of partitions of the Croatian state all allowed the president to have a complete control over the defense sector and circumvent any oversight, especially from non-HDZ members. While it was clear that such relations were non-democratic, the majority of the population and officials were willing to tolerate it, as long as the newly won independence was preserved. As one former high ranking official stated, " when you have a problem of not controlling parts of your territory and state sovereignty is challenged at every step, democratic control over armed forces is not your first priority; the first priority is to mold armed forces capable of fixing that problem."[46] As a result, during this period the OSRH and the security sector in

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[44] Ibid., 217.
[45] Bellamy, "'Like Drunken Geese in the Fog': Developing Democratic Control of Armed Forces in Croatia," 185.
[46] Personal interview with a former high ranking official (July 2013)

general "were to all intents and purposes answerable to the presidency alone, while the presidency in turn was largely accountable to no-one."[47]

Despite the clear lack of democratic control over the armed forces and constant challenges to state legitimacy, the government did express the desire toward international integration, particularly toward the membership in NATO, which would have necessitated a change in civil-military relations. Croatia expressed its desire to join the Partnership for Peace as early as 1994, shortly after the program was established.[48] To that end, in 1994 the country took the United States State Department's advice and hired the Military Professional Resources Incorporated (MPRI), a U.S. military consultancy firm, to help with both military training and education and training of civilians in issues of civil-military relations and the establishment of democratic control over armed forces.[49] The following year, the United States Congress authorized the International Military Education and Training (IMET) fund, with the purpose of training Croatian civilian and military personnel. From 1995 until 2000, through the IMET program the United States trained hundreds of civilian officials and military officers both in the

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[47] Edmunds, "Reform in Croatia and Serbia-Montenegro," 14.

[48] NATO, "Nato's Relations with Croatia," http://www.nato.int/cps/en/natolive/topics_31803.htm?selectedLocale=en. See also Mirko Bilandžić, "Hrvatska Vojska U Medjunarodnim Odnosima," [Croatian Military in International Relations.] *Polemos* 11, no. 2 (2008). and Siniša Tatalović, Anton Grizold, and Vlatko Cvrtila, *Suvremene Sigurnosne Politike: Države I Nacionalna Sigurnost Početkom 21. Stoljeća [Contemporary Security Politics: States and National Security at the Beginning of the 21st Century]* (Zagreb: Golden Marketing-Tehnička Knjiga, 2008).

[49] Serb refugees from the Krajina region later filed a class action suit against the MPRI and its umbrella corporation L-3 for complicity in the genocide of 1995. The claim alleges that the consultancy firm trained and equipped the Croatian Armed Forces to conduct the *Operation Storm* which resulted in the expulsion of 200,000 ethnic Serbs from the region. According to the claim, before the MPRI training, Croatian leaders had not undertaken a major offensive in the region because "(a) the Croatian forces were not sufficiently trained and equipped to conduct such a major offensive; and (b) the Croatian leadership itself had no experience in planning and conducting such a major and highly coordinated operation" See *Genocide Victims of Krajina V. L-3 Services Inc.,*(2011).

United States and in Croatia, established language learning centers for the Military

School of Foreign Languages, and appointed full-time personnel to provide additional

assistance to the Croatian Armed Forces in the process of implementing the tasks funded

by IMET.[50] The desire to join the Partnership for Peace and NATO was confirmed in the

president's 1996 State of the Union address, in which he expressed the government's

goals of international integration, by designating membership in NATO and the European

Union as priorities of the country's foreign policy and directing the officials to work

toward the achievement of that goal. To confirm such commitment, the same year the

government submitted an official PfP membership request. In its response, NATO

welcomed future cooperation between Croatia and the alliance, but at the same time

shunned any serious consideration of Croatia's potential membership in the official

NATO deliberations, because at the time the country failed to satisfy the majority of the

membership conditions.[51] The communication between the two continued, however, all

throughout the reign of the HDZ.

In 1998, the United States ambassador in Croatia presented on behalf of the U.S.

government a "Roadmap to Partnership for Peace," outlining the steps the country needed

to take in order to become a member of the partnership, which if successfully

implemented could have led to Croatia's acceptance into the PfP by the end of the same

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[50] Kristan J. Wheaton, "Cultivating Croatia's Military," *NATO Review* 48, no. 2 (2000); Richard B. Liebl, Marin Braovac, and Andrijana Jelic, "Security Assistance Programs: The Catalyst for Transition in the Croatian Military," *DISAM Journal of International Security Assistance Management* 24, no. 3 (2002).
[51] Tatalović, Grizold, and Cvrtila, *Suvremene Sigurnosne Politike: Države I Nacionalna Sigurnost Početkom 21. Stoljeća [Contemporary Security Politics: States and National Security at the Beginning of the 21st Century]*.

year.[52] According to Ambassador Montgomery, three areas were in need of most urgent

reforms. First, there was a need for reconciliation of the population and facilitation of the

return of refugees, particularly Croatian Serbs, to Croatia. Second, the country needed to

respect the terms of the Dayton Agreement in BiH, stop interfering in Bosnia's internal

affairs, and halt funding Bosnian Croat officials and institutions, including the Croatian

Army in BiH. "We expect the Government of Croatia to demonstrate to the Bosnian

Croat community and its leadership, both in public and in private, that they do not live in

Croatia, but in Bosnia – now and in the future."[53] Finally, the country needed to

democratize its political system. However, above all the ambassador emphasized the need

for Croatia to reach an agreement regarding the country's unity:

> Having won the war and established your independence, you are now
> confronted with the need to take equally painful and courageous steps to
> "win the peace" and to consolidate firmly Croatia's place in the world.
> This requires, first and foremost, a *national consensus on your vision for
> your country's future*.[54]

This, however, was not accomplished until 2000, and as a result the defense reform

stalled until the same period. Although some have described this first period of Croatia's

transition as one of isolation, during which the country "sought little contact with

Western institutions,"[55] the reality was that the government maintained close relations

with western institutions and took steps to bring the country closer to international

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[52] Ambassador Montgomery presented the "Roadmap" in his speech at the Law School of the University of Zagreb on May 27 1998. The speech was later published in the Croatian International Relations Review. William Montgomery, "Croatia's Roadmap to Partnership for Peace " *Croatian International Relations Review* 4, no. 11 (1998).

[53] Ibid., 89.

[54] Ibid., 87., emphasis added

[55] Peter Volten, "The Western Balkan Candidates for Nato Membership and Partnership: Croatia," *Harmonie Papers* 18 (2005): 45.

integration. However, the necessity to reform the defense establishment also necessitated

cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY),

which had indicted a number of OSRH officers. This cooperation with the ICTY was

extremely contentious: sending war heroes to trials in foreign countries was not only seen

as a betrayal of those who secured the country's independence, it was also seen as a

potential security threat to the country. The threats from inside and outside of the country

were viewed as being still very prevalent, and turning the back on the military might

make the military less willing to fight for the country's survival.[56] Therefore, although

the will existed to secure international integration, the necessary steps toward

accomplishing it were delayed during the 1990s because of the persistent threat to the

country's unity and the fear that any policy direction that alienates the armed forces

might also make the country more vulnerable to threats to its sovereignty. As a result, in

addition to the lack of democratic control over the armed forces, the country went

through an entire decade of independence without developing national security and

defense strategies, signifying even further the extent to which the country's defense

policy was a personal matter of the HDZ government. The lack of strategic documents

meant that the leadership did not have to commit to any set of long-term strategies and

could remain "flexible" in its defense policy direction.[57] The relenting challenges to the

legitimacy of the state thus "allowed the HDZ to subordinate all political issues to

national security" and "permitted the HDZ to monopolize all national policy making in

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[56] Personal interview with a former member of parliament (August 2013)
[57] Personal interviews with former opposition members (July-August 2013)

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Croatia,"[58] leading to the existence of non-democratic civilian control over the military until the political climate changed in the 2000s.

Changing Political Climate and Defense Reforms

The political climate in Croatia changed at the turn of the century. The fact that in the late 1990s and the early 2000s state legitimacy tensions stopped dominating the agenda allowed Croatia to enter the period of most significant efforts toward the establishment of democratic control over its armed forces, leading to the admission of Croatia into the Partnership for Peace program in 2000, its admission to the Membership Action Plan in 2002 and finally in 2009 to a full-fledged NATO membership. The first three years of the 2000s brought the most significant changes to Croatia's political scene and its defense establishment. The war ended in 1995 and Eastern Slavonia was peacefully recaptured in 1998, meaning that most territorial issues were resolved by the time of Tudjman's death in 1999 and with them most threats that created tensions during the 1990s vanished. In addition, the fears of potential Serb aggression from within Croatia and from Serbia itself were waning.

First, the likelihood of Croatian Serb minority reclaiming its independence, as it did in the 1990s, dropped as a result of low number of Serbs residing in Croatia. During the war and particularly as a result of the Operation Storm that recaptured Krajina, between 300,000 and 350,000 Serbs left Croatia. Although the international community kept pressuring the Croatian government to facilitate the return of refugees and by 2000 the government's official reports claimed that over 100,000 of them had returned, these

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[58] Pickering and Baskin, "What Is to Be Done? Succession from the League of Communists of Croatia," 531.

numbers were highly exaggerated and did not account for a high number of refugees who returned only briefly before leaving again.[59] In fact, while in the early 1990s Serbs accounted for over 12 percent of the population in Croatia, in 2001 they accounted for 4.5 percent, and according to the 2011 census, they now account for only 4.36 percent of the population.[60] Such reduced numbers of ethnic Serbs were also reflected in their representation in the legislative branch. While in the early 1990s Serbs had 12 seats guaranteed in the parliament, after the mass exodus of Serbs their representation was reduced to only three representatives. Although amounting to a humanitarian crisis, the almost non-existent return of refugees and their weak representation in the government also contributed to abating of fears of the Croatian population and officials. The smaller any single minority group, the less threat it may pose to the unity of the Croatian state.[61]

In addition to being fewer in numbers, the few Serbs that remained in Croatia started shifting their support from anti-system parties toward parties that recognized the legitimacy of the Croatian state. Instead of voting for the SNS, most Croatian Serbs turned toward the Independent Democratic Serbian Party (*Samostalna Demokratska Srpska Stranka*, SDSS). Unlike the previously dominant Croatian Serb ethnic parties which worked against the system, the SDSS worked on providing a "genuine political

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[59] Human Rights Watch, "Broken Promises," Human Rights Watch, http://www.hrw.org/reports/2003/09/02/broken-promises#_ftn5; United States Committee for Refugees and Immigrants, "U.S. Committee for Refugees World Refugee Survey 2000: Croatia," (2000), http://www.refworld.org/docid/3ae6a8ca40.html.
[60] Croatian Bureau of Statistics, "Statistical Yearbook of the Republic of Croatia," (Zagreb 2013); "Census of Population, Households and Dwellings," (Zagreb 2001).
[61] Personal interview with a former high ranking official (July 2013)

voice to Serbs seeking *to work within* the Croatian political system."[62] Created in 1997, the SDSS' original program included representation of Croatian Serbs from Serb-dominated areas, and their organization in the process of peaceful reintegration of these regions *into the Croatian constitutional system.*[63]

In addition to domestic changes, the threat from an outside aggression from Serbia disappeared in 2000. Only months before Milošević's departure from power, an official described Croatia as "living in a shadow of a volcano"[64] due to Milošević's perilous intentions in the region. At the same time the Croatian Prime Minister claimed that while his government was in support of improving relations with Serbia, "genuine normalisation of relations will, however, not be possible as long as Yugoslav President Slobodan Milosevic remains in power and the attitudes and mindset that he has helped inculcate continue to prevail."[65] However, the removal of Slobodan Milošević from power in 2000, and the turn of the new Serbian administration led by Vojislav Koštunica toward the issue of Kosovo and repairing its crumbling economy devastated by the NATO intervention against Yugoslavia in 1999, brought a sense of relief to Croatian officials and the population at large.

The same period was characterized by changing attitudes of the Croatian population: the people started turning their focus away from war-time politics more toward issues that affected their daily lives. The population was becoming more and more

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[62] Pickering and Baskin, "What Is to Be Done? Succession from the League of Communists of Croatia," 532., emphasis added
[63] SDSS, "Samostalna Demokratska Srpska Stranka: O Nama [Independent Democratic Serbian Party: About Us]," http://www.sdss.hr/index.php?i=3.
[64] Quoted in NATO PA, "Report on the Visit of Mr. Javier Ruperez, President, Nato Parliamentary Assembly, to Croatia 10-12 April 2000," (International Secretariat: NATO Parliamentary Assembly, 2000).
[65] Ivica Račan, "Making up for Lost Time," *NATO Review* 48, no. 2 (2000).

concerned with economic issues, while nationalist policies and aspirations were becoming less imperative.[66] The fact that in 2000 Croatia's GDP per capita was only 5,000 U.S. dollars, while in the neighboring Slovenia, which declared independence at the same time as Croatia, it was more than double that number,[67] was creating discontent toward the HDZ administration and its policies. The policies of Tudjman's administration had created a severe strain on Croatia's economy. With high levels of crime and corruption, unemployment levels of 20 percent, unpaid wages of public employees, and high levels of public debt, the administration had nevertheless found ways to send "enormous sums" to Bosnian Croats to support the "politics of partition,"[68] creating resentment among the population toward the country's involvement in BiH.

As a result of the changing political climate and shifting priorities of the population, the 2000 elections brought the much needed change to Croatia's political scene. The parliamentary elections resulted in a six-party coalition government led by the Social Democratic Party (*Socijaldemokratska Partija*, SDP) and the Croatian Social Liberal Party (*Hrvatska Socijalno Liberalna Stranka*, HSLS), with Ivica Račan as the prime minister, and the presidential elections gave the presidency to a moderate Stipe Mesić. Even the Istrian Democratic Assembly which had previously fought for regional autonomy of the Istria region and was considered a threat to the system became a part of the governing coalition, signifying the change in the political climate and the shifting of priorities. In addition, the new president Stipe Mesić had been a high ranking HDZ

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[66] Personal interview with a former member of parliament (August 2013)
[67] World Bank, "Gdp Per Capita," http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?page=2.
[68] NATO PA, "Report on the Visit of Mr. Javier Ruperez, President, Nato Parliamentary Assembly, to Croatia 10-12 April 2000."

official until 1994, when he abandoned the party because of his disapproval of Croatia's

involvement in BiH. In line with his earlier policies toward BiH, the Mesić

administration focused on ensuring the country's international integration by immediately

emphasizing its non-nationalist approach to the relations with the neighboring countries.

In a statement for the NATO Review, the Prime Minister explained the attitude of his

government toward BiH:

> Whereas certain individuals in the former ruling party and Tudjman
> himself clearly coveted parts of Bosnia, my government respects the
> sovereignty and territorial integrity of our neighbour. Indeed, my
> colleagues and I were outspoken critics of Tudjman's policies towards
> Bosnia both during and after the Bosnian war, believing that a functioning
> and successful Bosnian state was and is in Croatia's national interest. We
> are therefore committed to the Dayton peace process and intend to
> contribute to the reconstruction of a Bosnia that can be a home to all its
> peoples. Since coming into office, we have stopped transferring soldiers
> directly between the Croatian Armed Forces and the Croat Defence
> Council, the Bosnian Croat component of the Bosnian Federations Armed
> Forces. We have also severed direct communications and control links
> between the two militaries.[69]

Such commitment to non-aspirational politics in BiH was confirmed the following year

by the Croat diplomatic delegations' rejection of the proclamation of Croat Self-Rule in

BiH.[70] In addition, the reduced funding for the Croatian Defense Council (HVO) in BiH

signified that any potential military involvement by Croatia was not an option any more.

The changed political climate in the country led to a number of political reforms

and more importantly reforms of the defense sector, most of which were accomplished in

the first two years of the 2000s. Several issues needed urgent attention: it was necessary

to redesign the relationships among different governmental institutions and restructure

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[69] Račan, "Making up for Lost Time."
[70] OHR, "Chronology 2001". See Chapter 3 for more on the proclamation of the *Croat Self-Rule* in BiH.

the chain of command, break the concentration of powers in the hands of the president, empower the legislative branch to take part in defense oversight, civilianize defense institutions, and de-politicize the armed forces. All these were daunting tasks that would present serious challenges to any country. In the case of Croatia, the task was even more arduous due to the fact that the country never had democratic control over its armed forces, did not have legacies to build upon, and the officials, most of whom had previously been excluded from the decision-making process, had no knowledge of expertise in this areas. While the political will certainly existed to reform the defense establishment, the lack of expertise became evident in the first outcomes of the reform efforts and as a result slowed down the process of establishing democratic control over armed forces.

The first issue the new government decided to tackle was to redesign the relationships between the president, the cabinet, and the parliament, and to resolve the problem of over-concentration of powers in the hands of the president. That was accomplished by a new Constitution written in 2000, which transformed the political system from semi-presidential to parliamentary. The fears of Tudjman's era ultra-presidentialism led to a much weakened position of the president, with a transfer of most executive powers to the cabinet accountable to the parliament, particularly to the House of Representatives.[71] In addition, the House of Representatives' powers and responsibilities were significantly enhanced, particularly in the area of defense. According to the new Constitution, the House has the power to decide on issues of war

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[71] "Ustav Republike Hrvatske," [Constitution of the Republic of Croatia.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 124/2000 (2000)., Art. 80 and 115

and peace, determine the national security strategy and defense strategy, and conduct oversight over the armed forces as well as over the entire security sector establishment.[72] The president nevertheless retained significant powers in the area of defense, with the responsibility of "defending independence and territorial integrity of the Republic of Croatia."[73] As the commander-in-chief, the president appoints senior military officials, and with the decision of the parliament declares war and peace.[74]

While the constitution outlined the main areas of responsibilities, it was necessary to detail these responsibilities in the new Defense Law, as well as to provide a framework for the country's security strategy. These documents, however, proved to be more difficult to pass than the constitution, since they required more expertise in the area of defense, which had been lacking among most officials drafting and debating the documents. The lack of clarity led to the delay in the passing of a new Defense Law and National Security and Defense Strategies, which took two years to pass since the consensus was reached that they needed to be written. Although according to Edmunds such delay was the result of "infighting, suspicion and mistrust between the government and the presidency over the extent of their various institutional powers and responsibilities,"[75] it is more likely that such delay was due to the lack of knowledge and

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[72] The changes to the Constitution in 2001 abolished the House of Counties and established a unicameral legislature. The powers vested in the House of Representatives in the 2000 Constitution were transferred to the Parliament in its entirety. See "Ustav Republike Hrvatske," [Constitution of the Republic of Croatia.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 41/2001 (2001).
[73] "Ustav Rh.", Art. 94. My translation. Original text: "Predsjednik Republike odgovara za obranu neovisnosti i teritorijalne cjelovitosti Republike Hrvatske."
[74] Ibid., Art. 100
[75] Edmunds, "Reform in Croatia and Serbia-Montenegro," 17.

experience among the officials who had previously yielded this area to the president.[76]

Nevertheless, the new government did accomplish these tasks and in March of 2002 the country had a new Law on Defense, the National Security Strategy, and the Defense Strategy. The Law on Defense[77] confirmed the reduction of presidential powers by replacing the supreme authority of the president that existed during the 1990s with a division of powers between the president and the Ministry of Defense. The President therefore continues to serve as the Commander-in-Chief, while the MORH has the power to formulate and propose strategic planning, defense budget, and conduct oversight over state of emergency operations. Although some have criticized this arrangement as a potential point of rivalry between the president and the cabinet, with a potential to slow down the decision-making process in cases of true national emergency,[78] such fears seem unfounded. In fact, this new division of powers was an important step in removing absolute competencies of the president, dividing powers among civilian sectors of the government, empowering the Ministry of Defense, and eliminating direct contact between the president and the military.

While the General Staff remained as part of the MORH, the powers were delineated more clearly than they had been under the previous administration and the General Staff was clearly put under the command of the Ministry. As such, the General Staff in in charge of operational and command tasks, in response to orders from the

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[76] Personal interview with a former member of parliament (August 2013)

[77] "Zakon O Obrani," [Law on Defense.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 33/02 (2002).

[78] Mladen Staničić, "The Evolution of Civil-Military Relations in South East Europe: The Case of Croatia," in *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ed. Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev (Heidelberg: Physica-Verlag, 2005).

president *and* from the MORH.[79] In addition, the General Staff participates in the

preparation of National Security and Defense Strategies, Military Strategy, and long-term

development strategies, and also recommends appointments of senior-level military

officers. And while the Chief of the General Staff serves as a military adviser to the

president and to the Minister of Defense, the president is not in a direct contact with the

General Staff in the chain of command, as the orders must run through the Minister of

Defense, making the distance between the president and the General Staff much more

conducive to democratic control. In addition, any documents or proposals by the General

Staff must be approved by the Minister of Defense before making their way to the

president or to the legislative branch. Finally, although retaining significant powers, the

president's powers are limited in the process of defense policy-making. No role is

envisioned for the president in the process of making the National Security Strategy and

determining budgetary allocations. While the president can refuse to sign the legislation

passed by the legislature by sending the issue to the Constitutional Court, this would be

an exceptionally rare step, leading one author to compare the position of the president to

"the position of the Chief Executive Officer in a large company who is responsible for

the operations and well-being of the company but cannot influence its finances or

development plans."[80]

    In addition to a more clear delineation of the chain of command, the parliament

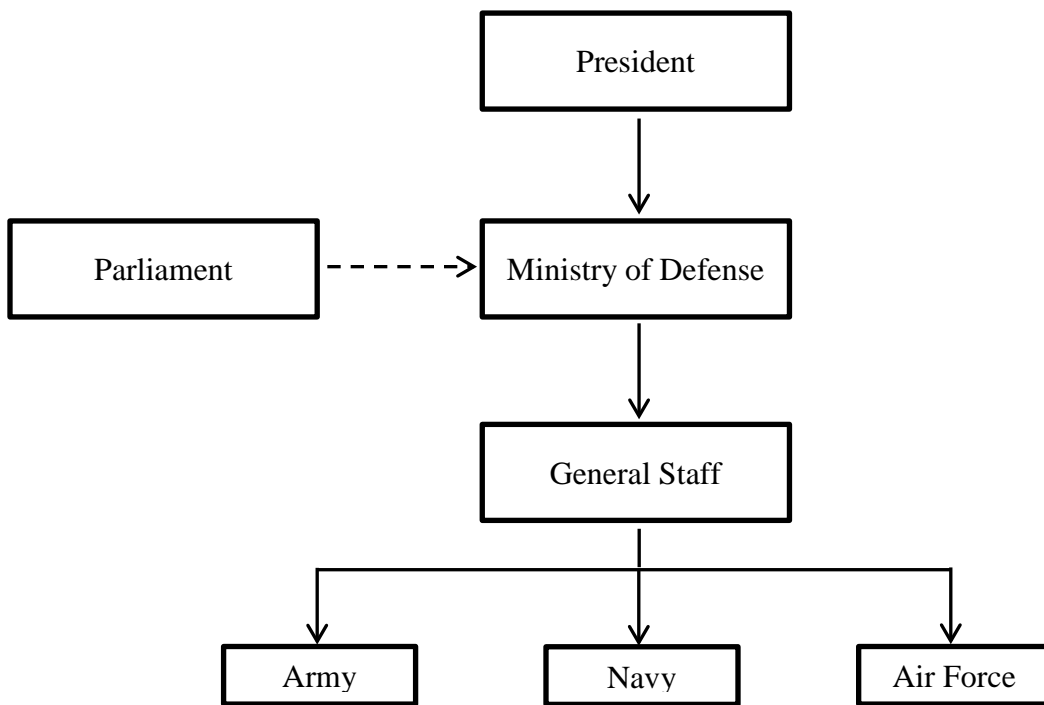was significantly empowered to conduct oversight over defense policy. The

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[79] "Zakon O Obrani.", Art. 11

[80] Zvonimir Mahecic, "Civilians and the Military in Security Sector Reform," in *Defence and Security Sector Governance and Reform in South East Europe: Croatia*, ed. Jan Trapans and Philipp H. Fluri (Geneva: DCAF & Center for Civil-Military Relations, 2003), 56.

parliamentary committee of Domestic Policy and National Security was given the powers

to conduct oversight of the defense establishment, to deliberate the defense budget,

receive annual reports on all defense-related issues from appropriate institutions, and to

summon defense officials for hearings or request answers in writing, giving it a wide-

ranging authority in the area of defense.

Figure 4.2: Chain of Command Based on the 2002 Law on Defense

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                        ┌─────────────────┐
                        │    President     │
                        └─────────────────┘
                                 │
                                 ▼
┌─────────────────┐     ┌─────────────────────┐
│   Parliament    │----▶│ Ministry of Defense  │
└─────────────────┘     └─────────────────────┘
                                 │
                                 ▼
                        ┌─────────────────┐
                        │  General Staff   │
                        └─────────────────┘
                                 │
          ┌──────────────────────┼──────────────────────┐
          ▼                      ▼                      ▼
    ┌───────────┐          ┌───────────┐          ┌───────────┐
    │   Army    │          │   Navy    │          │ Air Force │
    └───────────┘          └───────────┘          └───────────┘
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—— Command, ----- Oversight
Note: While the General Staff is still formally part of the Ministry of Defense, in reality the command must go from the President through the Ministry of Defense to the General Staff.

The same year the government produced the National Security Strategy of Croatia.[81] Besides detailing the goals and principles of national security, the Strategy also emphasized the country's changed security environment. The challenges that existed during the first ten years of the country's independent existence were not present any more, both in terms of domestic threats and external threats as a result of the changed international environment. The security environment was described as more favorable than it had been during the previous ten years.[82] In addition, Serbia, which posed a threat before the political changes of 2000, was now seen as a potential partner instead of a potential source of instability.[83] Finally, the Strategy emphasized the country's dedication to international integration. Membership in the European Union and NATO was seen as a unique occasion for "preserving and strengthening of democracy, protection of sovereignty, and unlimited opportunity for state's development."[84] Similar attitudes were echoed in the Defense Strategy,[85] which also emphasized the priority of democratic control over armed forces. According to the document, the civilian-controlled OSRH would not be threatening to the society; instead, through the execution of its roles the military would be the foundation of democratic development and domestic stability and security."[86]

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[81] "Strategija Nacionalne Sigurnosti Republike Hrvatske," [National Security Strategy of the Republic of Croatia.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 32/2002 (2002).
[82] Ibid., Art. 4-5
[83] Ibid., Art. 7
[84] Ibid., Art. 9. My translation. Original text: "članstvo u EU i NATO-u pruža jedinstvenu povijesnu prigodu za očuvanje i jačanje demokracije, zaštitu neovisnosti, kao i neograničene mogućnosti gospodarskog napretka."
[85] "Strategija Obrane Republike Hrvatske," [Defense Strategy of the Republic of Croatia.] *Narodne Novine [Official Gazette of the Republic of Croatia]* 33/2002 (2002).
[86] Ibid., Art. 2.1.

Democratic Civilian Control over Croatia's Armed Forces

The institutional reforms accomplished in the period of 2000-2002 represented more significant achievements in the process of establishing democratic civil-military relations than had been accomplished in the entire first decade of the country's independence. In fact, 2002 can be labeled as the year when the country finalized its "first generation reforms," which was recognized by the international community. In 2000, Croatia was admitted into the Partnership for Peace and the same year it started an intensified dialogue for NATO membership. The following year, the government signed a SAA with the European Union, and in May of 2002, it was accepted into the Membership Action Plan. The significance of defense reforms accomplished by 2002 was further emphasized by the fact that at the same time of its acceptance into the MAP, the country was granted a NATO candidate status. A 2002 report of the Committee on Central and Eastern Europe to the NATO Parliamentary Assembly praised the country's progress since 2000 in all areas, including the defense reform, and outlined judicial reforms, corruption, and non-compliance with the ICTY as the areas in need of further reforms.[87] In fact, as early as in August of 2000, the Croatian Chief of General Staff was predicting that Croatia would join NATO in the next two to three years.[88] That, however, would have to wait.

The restructuring of the chain of command, delineating the responsibilities more clearly, and empowering the parliament to conduct oversight were not the only issues

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[87] NATO PA, "Nato Enlargement and Partnerships," in *Report of the Sub-Committee on Central and Eastern Europe* (NATO Parliamentary Assembly, 2002).
[88] "Hrvatska Vojska U Nato-U Za Dvije Do Tri Godine [Croatian Military in Nato in Two to Three Years]," *Novi List*, August 4-5 2000.

standing in the way of Croatia's establishment of democratic civilian control over its armed forces. De-politicization of the military, civilianization of the defense establishment, and development of necessary defense expertise and knowledge among the government officials were additional impediments to democratic defense relations. To the surprise of many officials, the first of these challenges proved to be the easiest one to meet, while the other two took several years to overcome.[89] The lack of civilians in the defense sector and politicized armed forces were posing significant challenges to the quality of civilian control over the military when the coalition government came to power. Jozo Radoš, described as the first Minister of Defense "who was a proper civilian,"[90] faced a daunting task of de-politicizing the armed forces, loyal not to the government itself but to the previous administration of the HDZ. While there was much fear that the loss of power by the HDZ and the transfer of power to new coalition partners would lead to a potential military involvement, the military stayed in the barracks. According to Kristan Wheaton a foreign area officer for the U.S. Army stationed at the U.S. embassy in Zagreb, although some right-wing extremists called for a military coup, the fact that the military did not intervene to protect the outgoing HDZ was not coincidental; it was the result of the previous five years' efforts of the NATO allies and the government to professionalize the Croatian armed forces.[91]

However, although the military stayed in the barracks, the level of military's insubordination to the new administration became evident the same year the new

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[89] Personal interview with a former MORH official (July 2013)
[90] Vukadinović and Cehulić, "Development of Civil-Military Relations in Croatia," 84.
[91] Wheaton, "Cultivating Croatia's Military."

government came to power. In 2000, the government made an announcement that it would start cooperating with the ICTY, the decision considered highly controversial among both the military officers and the public. Twelve active and retired generals signed and released a letter criticizing the government's decision to turn its back on war heroes by portraying them as war criminals. While the letter itself exemplified the character of non-democratic civil-military relations, the lack of civilian control, and the lack of loyalty to the new government, it at the same time provided the opportunity for the new government to assert its dominance and deter any similar acts of non-compliance in the future. The president took the opportunity to do just that – he immediately retired the seven active generals who had signed the letter, explaining that the military must be de-politicized and respect the constitution which bans officers of publicly displaying their political preferences: "Whoever wants to be involved in politics has the right to do so; I won't suggest which party they should join. But while they are in the army they will not be publishing pamphlets."[92] The president looked at the generals' action as an attempted coup and with "a stroke of a pen managed to put an end to it."[93] This move seemed to close the chapter on politicized armed forces. Although many senior officers privately yearned for the days of the HDZ, they realized how costly such political affiliation can be.[94] In fact, the military refrained from disobedience even in the face of tremendous downsizing of the military and cuts to the defense budget. The country downsized from

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[92] Quoted in Jonathan Steele, "Croatia's President Gives Seven Generals Their Marching Orders," *The Guardian*, September 30 2000.
[93] Personal interview with a former high ranking official (August 2013)
[94] Ibid.

61,000 active duty soldiers in 2000 to 51,000 in 2002 and 20,800 in 2004, with the defense budget following the same course,[95] while the military stayed silent.

In addition to the task of de-politicizing the armed forces, the government faced the task of civilianizing the defense institutions. The key positions within the MORH were civilianized relatively quickly; the minister, as well as deputy and assistant ministers were all civilians within the first year of the new administration. However, achieving more significant civilianization of the Ministry was much more difficult. Namely, the government inherited an oversized MORH with over 4,000 personnel, most of whom were military officers. While it would have seemed easy to relieve them of their duties, their immediate firing and replacing with civilians would have created other problems. First, the Ministry would have been filled with personnel without any expertise in the area of defense. But even more troubling was the fact that the unemployment in the country was above 20 percent and firing of thousands of MORH personnel would have exacerbated the problem of unemployment. Furthermore, the country was significantly downsizing its armed forces, meaning that the military personnel from the MORH could not be easily placed in other positions. As a result, the size of the MORH was gradually reduced over the next five years, and the number of civilian relative to military personnel was slowly increased.

The same time period was used to improve the level of expertise among defense officials, both in the Ministry and in the parliament. While the defense reforms

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[95] IISS, "Nato and Non-Nato Europe," in *The Military Balance* (International Institute for Strategic Studies, 2000); "Nato and Non-Nato Europe," in *The Military Balance* (International Institute for Strategic Studies, 2002); "Non-Nato Europe," in *The Military Balance* (International Institute for Strategic Studies, 2004).

empowered the parliament to oversee defense policy, the obstacles posed by the lack of

expertise became evident in the parliament's early attempts to fulfill its role. Namely,

although the parliamentary committee of Domestic Policy and National Security was

granted extensive powers in area of defense, initially many of the committee members

did not seem interested in or capable of taking on these responsibilities. As a result, the

committee largely failed to take part in serious deliberations regarding the National

Security and Defense Strategies. Instead, the documents were prepared by the members

of the Ministry of Defense and Intelligence Services and passed in the parliament with

very little discussion. In fact, during the parliamentary debate about the National Security

Strategy, several representatives pointed out that the document was difficult to

understand as it was not written clearly and precisely, which did not necessarily reflect

the lack of clarity of the document but the lack of understanding of the subject by the

representatives. Much of the debate focused on issues not necessarily related to the

document but reflecting political rivalries of the opposition and governing parties, such as

denials by the HDZ officials that during the 1990s the military was politicized and the

accusations of corruption and "trade of mandates" among the government officials. As a

result, this first period of reforms was characterized by the parliament's failure to take

advantage of many its powers, mostly because the members of parliament were "not

very much aware of how to do this job."[96] The Committee on Domestic Policy and

National Security had a relatively broad mandate: it was tasked with overseeing and

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[96] Mladen Staničić, "Security Sector Reform in Croatia," in *Defence and Security Sector Governance and Reform in South East Europe: Croatia*, ed. Jan Trapans and Philipp H. Fluri (Geneva: DCAF & Center for Civil-Military Relations, 2003), 7.

debating all issues related to internal and external security. As such, many believed that the committee members would be overburdened with too many issues to consider and their attention on any one issue would be diluted; in reality, however, the committee met infrequently and when it did, the issues of defense were rarely debated.[97] As a result, according to Watkins the entire reform process was guided by the international community, due to a "very limited domestic capacity."[98]

This, however, was corrected over the course of the next several years with a heavy support of the international community. The NATO, the European Union, the OSCE, as well as individual countries provided officials with extensive training, seminars, workshops, conferences, and similar, making it possible to build knowledge and expertise in the area of defense. Particularly important was (and continues to be) the Marshall Center in Garmisch, Germany, with regular courses on democratic civil-military relations, defense reform, parliamentary oversight, and regional stability, allowing Croatian officials to develop skills necessary in for the establishment and maintenance of democratic civil military relations. The training and education provided by the Marshall Center has been described as "invaluable" by many Croatian officials.[99] As a result, by the late 2003, the committee on Domestic Policy and National Security started holding regular meetings, conducting hearings, taking a closer look at defense issues, which indeed brought earlier fears of overburdened committee to reality; in response to increased work and responsibilities, a sub-committee was created to deal only with the

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[97] Personal interview with a former high ranking official (August 2013)
[98] Amadeo Watkins, *Pfp Integration: Croatia, Serbia & Montenegro*, Balkas Series 04/05 (Camberley: Conflict Studies Research Centre, 2005), 5.
[99] Personal interviews with Croatian officials (July-August 2013)

narrow issue of defense.[100] In 2007, this sub-committee was granted a status of full legislative committee.

Although the election in 2003 brought the HDZ in a coalition with several smaller parties back to power, this time the party had a more moderate vision of its political agenda. The fact that the previous government "left the stage with a more democratic and internationally respected Croatia, and probably beyond the point of no return en route to Euro-Atlantic integration"[101] meant that the new HDZ government would continue the reforms and not return to the 1990s policies. Shortly after taking office, the new government conducted a Strategic Defense Review (SDR). The document, which took two years to complete, was prepared by the Ministry of Defense in cooperation with the Ministry of Foreign Affairs and European Integration, the Ministry of the Interior, the intelligence community, and with the help of NATO experts. As a "fundamental instrument of current defence reform efforts and mechanism to meet the requirements of NATO membership,"[102] the report outlined the country's strategic goals, plans for training and equipping, plans for the better management of human and material resources, and provided a basis for the future reforms, such as the plan to downsize the armed forces to 16,000 by 2007. The document also outlined plans for gradual switching from a conscript-based to all professional military, which was achieved in 2008.

The SDR also focused on democratic control over the armed forces, by emphasizing the role of the parliament, especially through the Committee for Domestic

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[100] Personal interview with a former member of parliament (August 2013)

[101] Volten, "The Western Balkan Candidates for Nato Membership and Partnership: Croatia," 46.

[102] MORH, "Strategic Defense Review," (Zagreb: Ministry of Defense of the Republic of Croatia, 2005), 41.

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Policy and National Security, and the role of the Ministry of Defense as the key executive body in charge of managing the country's defense policy. However, the document recognized the shortfalls of the MORH as it consisted of "an oversized administration where the responsibilities are often divided and not clearly visible. This has a negative impact on the effectiveness of the entire organisation and poses serious challenges for the efficient use of human and other available resources."[103] As the Ministry of Defense and the General Staff were originally structured according to the guidance and advice provided by the MPRI, they were organized into large structures consisting of eight departments each, closely resembling the Pentagon structures and not the needs of a smaller country.[104] Although the Ministry personnel and the number of departments were both cut in half by 2003, the SDR proposed further downsizing in the Ministry and the General Staff, followed by their more efficient organization with a well-defined division of responsibilities, and elimination of redundancy and duplication of efforts. This reorganization was accomplished the following year, as the SDR projected.

As a result of the successful reforms, after 2005 the main impediment to Croatia's membership in NATO was not a lack of civilian control, but low public support for NATO membership. As early as May of 2004, the NATO Secretary-General applauded the country's progress in defense reform efforts and emphasized that full cooperation with the ICTY, facilitation of the return of refugees, judicial reform in order to clear the backlog of cases, and modernization of the military, particularly the problem of "ageing

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[103] Ibid., 38.
[104] Bellamy and Edmunds, "Civil-Military Relations in Croatia: Politicisation and Politics of Reform."

and obsolete equipment" were four areas in need of further reforms.[105] At the same time,

Secretary-General Scheffer described the accomplishments in other areas as

"impressive." After that, Croatia was continuously receiving praise from the U.S.,

NATO, and the European Union officials regarding the speed and quality of the

establishment of democratic civil-military relations,[106] and for the country's overall

achievements in the process of satisfying NATO criteria.[107] Similar validation was

echoed in the European Commission's progress report, which emphasized the

accomplishments in the field of security and defense.[108] However, although as a result of

positive reviews Croatia applied for NATO membership in 2004, the support of less than

40 percent of the population prevented the alliance from issuing an official invitation to

the country. While the government was committed to the country's membership in

NATO, in 2006 the NATO Secretary-General emphasized that 35 percent membership

approval was not enough and urged Croatia to obtain higher public support for

membership.[109] A similar sentiment was later echoed in a U.S. Congressional Research

Service report, according to which "Croatia's progress on political and economic reforms

is generally considered to be very good and does not appear to be an obstacle to its

NATO candidacy," the lack of public support nevertheless is "perhaps the biggest

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[105] Jaap de Hoop Scheffer, "Speech by Nato Secretary General, Jaap De Hoop Scheffer before the Croatian Parliament," (Zagreb 2004).
[106] Personal interviews with Croatian officials (July-August 2013)
[107] Richard Cheney, "Vice President's Remarks at a Dinner with Prime Minister Ivo Sanader of Croatia," news release, May 6, 2006, http://georgewbush-whitehouse.archives.gov/news/releases/2006/05/20060506-4.html.
[108] European Commission, "Croatia Progress Report 2005," (Brussels: European Commission, 2005).
[109] "Nato Urges More Reforms, Public Support in Croatia," *Reuters News*, July 6 2006.

weakness of Croatia's membership candidacy."[110] The same report, however, points out

that all major governing and opposition parties in Croatia are strongly in favor of NATO

membership. According to Volten, the Western insistence and stipulations allowed the

officials to overcome nationalist divisions and agree on reforms; however, "while the

head in Zagreb knows where to go, the body has yet not fully healed – psychologically

and physically – and the population still needs wise guidance."[111]

In order to align the interests of the population with the goals of the leadership

and provide the necessary "wise guidance," the government set on a campaign to ensure

public support and make membership possible. In 2005, the Ministry of Foreign Affairs

launched a web site dedicated to providing the public with information regarding the

country's membership efforts and their effects.[112] In 2007, the Ministry of Defense

published a brochure titled "Meet NATO," in order to alleviate public fears regarding the

membership in the alliance.[113] According to the brochure, without a collective security

organization such as NATO, Croatia will have to maintain a large standing army that

demands large human and material resources. In fact, the brochure emphasizes that non-

membership poses a higher security risk than membership. The campaign produced the

desired results. In a 2007 poll conducted for the Ministry of Foreign Affair, 57 percent of

people expressed their support for NATO membership while nearly a quarter opposed the

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[110] CRS, "Nato Enlargement: Albania, Croatia, and Possible Future Candidates," in *CRS Report for Congress* (Washington DC: Congressional Research Service, 2008), 9-10.
[111] Volten, "The Western Balkan Candidates for Nato Membership and Partnership: Croatia," 44.
[112] "Foreign Ministry Launches Web Site to Promote Croatian Bid to Join Nato," *Associated Press*, December 19 2005.
[113] MORH, *Upoznaj Nato* [Meet NATO] (Zagreb: Ministry of Defense of the Republic of Croatia, 2007).

idea.[114] The following year the numbers were even more promising. Nearly 60 percent of people were in support of the Country's accession, while the number of those opposing the membership dropped to less than 20 percent.[115] As a result, the same year Croatia received an official membership invitation, and in 2009 became a member of NATO.

Conclusion

The first decade of Croatia's independence and democratic transition was characterized by several challenges to the legitimacy of the state. The questionable status of Krajina, Slavonia, and Baranja regions populated by ethnic Serbs, led to fears among the officials and the public in general of potential loss of the territory due to Croatian Serbs' demands for independence, and Serbia's aspirations toward annexing the region. Not only did Croatia and Yugoslavia engage in a war, but even after the war officially ended, the Serbian minority refused to accept the new Croatian state as legitimate and declared an independent Republic of Serbian Krajina. In addition, Croatian nationalist parties refused to accept BiH as a multi-ethnic state with a significant portion of ethnic Croats and instead sought to capture the Croat-dominated regions in BiH. This environment provided conditions favorable not to the establishment of democratic civil-military relations, but to the establishment of subjective control of the military. Fearing secession of Serb-dominated regions and further attacks by Yugoslavia, the HDZ-controlled government wanted to ensure that either scenario would be met with severe resistance by the Croatian Armed Forces, committed to the establishment and

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[114] "More Than Half Croats Support Nato Membership - Poll," *SeeNews*, May 31 2007.
[115] "Latest Poll Shows Nearly 60 Per Cent of Croats Support Nato Membership," *HINA News Agency*, March 10 2008.

preservation of independent Croatia, and not committed to any repeated unification of the former Yugoslav states. Furthermore, while the government's aspirations toward BiH were receiving widespread condemnation of the international community and opposition parties within the country, the ruling elites needed to ensure that the military would be committed to the agenda of Croatian expansion. In 1998, the International Crisis Group observed that although the violence ended in 1995, "the obsession of Tudjman, coinciding with the interests of the Herzegovina lobby, with the Croat-controlled areas of Bosnia has prevented Croatia from truly adapting to peacetime conditions."[116] As a result, the first decade of Croatian independence was characterized by non-democratic civil-military relations; even though the military was under civilian control, the nature of such control was creating impediments to democratic reforms and international integration.

In 2000, several changes occurred almost simultaneously that led to a shift in political priorities and consequently to reforms of civil-military relations. In spite of the repeated reports that the Serb refugees were returning to their homes, the number of Serbs in Croatia was actually declining, bringing them to a minority that constituted less than five percent of the population. With only three representatives in the legislature, the Croatian Serbs had little impact on the politics of the country, deciding as a result to give the three seats to a party willing to work within the system. At the approximately the same time, Slobodan Milošević, an avid supporter of Croatian Serbs and a creator of the decade-long uncertainty in Croatia, was removed from power. With the threat of inside

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[116] ICG, "Change in the Offing: The Shifting Political Scene in Croatia.," 3.

and outside aggression gone, Croatian public and officials could reject "the zero-sum security discourse propagated by the HDZ government"[117] and turn toward democratic consolidation and reforms that would lead to the establishment of democratic control over the armed forces.

However, although the will existed to execute the reforms immediately, the damage done before and during the 1990s was not easy to repair. Decades of non-democratic civil-military relations, politicized armed forces, domination over defense by a small number of governing elites, and exclusion of opposition parties from the area of defense, all contributed to a lack of capacity necessary for swift defense reforms. However, as Pietz put it, "the de-nationalization of Croatian politics since Tudjman's death has definitely had a strong impact on the de-nationalization of the CAF [Croatian Armed Forces] and the improvement of civilian and democratic control."[118] As a result, although the administration faced difficulties in its reform efforts, the very fact that the focus of the political agenda switched from nationalist questions and aspirations toward economic development, democratic consolidation, and international integration, has made it possible to achieve democratic civil-military relations. The task the Croatian authorities took on beginning in 2000 was enormous. They were faced with depoliticizing the armed forces, clarifying the division of power among different government agencies, establishing parliamentary oversight, and building up of knowledge and expertise in the

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[117] Bellamy, "A Crisis of Legitimacy: The Military and Society in Croatia," 185.
[118] Tobias Pietz, *Defense Reform and Conversion in Albania, Macedonia and Croatia*, Bicc Brief 34 (Bonn: Bonn International Center for Conversion, 2006), 39.

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defense issues among the civilian officials and staff. While most legislative reforms were accomplished in the first two years, the capacity to execute them took until 2005.

As a result of successful reforms, Croatia became a member of the PfP in 2000 and at the Ministerial meeting of the Euro-Atlantic Partnership Council in Iceland in May 2002 it was accepted into the MAP. Although the conditions for full NATO membership were satisfied by 2005, the country received an official membership invitation in April of 2008 and officially became a member of NATO only in 2009, after it had achieved high enough levels of public support for the membership. The country's integration in NATO was closely followed with the European Union Integration. Shortly after being accepted into the PfP, Croatia signed the SAA agreement with the European Union. In 2004, it achieved a candidate status and the following year in started accession negotiation talks with the European Union. Four years after it became a member of NATO, Croatia became a member of the European Union.

CHAPTER 5

MONTENEGRO

In the early 1990s when four former Socialist Federal Republic of Yugoslavia

(SFRJ) states chose to secede from Yugoslavia, Montenegro opted to stay in the Federal

Republic of Yugoslavia (SRJ), the successor of SFRJ, which was in 2003 transformed

into a looser State Union of Serbia and Montenegro (SCG). In 2006, Montenegro held a

referendum on its independence, and officially left the Union on June 3. Although the

two had continued existence as parts of one state until 2006, the relationship between the

two republics became tense in 1997, when Montenegrin leadership started distancing

itself from the Milošević regime, realizing that the "economic and political consequences

of the alliance with Milosevic had become too burdensome,"[1] and instead built its

democratic institutions in line with "pro-western policies."[2]

Civil-military relations in the SRJ and SCG resembled those of the communist

period, as well as those that existed in Tudjman's Croatia. With Milošević in power until

2000, the overall reforms of the political system, including the area of defense, were

geared toward enhancing his powers and promoting pro-Serbian nationalism. It is not

surprising, therefore, that civil-military relations during this period were far from

democratic, as the entire political system was seized by Milošević and his allies.

However, while the responsibility for the absence of democratic reforms during the 1990s

can be attributed to Milošević and his authoritarian tendencies, the same cannot be said

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[1] Karsten Friis, "The Referendum in Montenegro: The Eu's 'Postmodern Diplomacy'," *European Foreign Affairs Review* 12 (2007): 69.
[2] Gow, "The European Exception: Civil-Military Relations in the Federal Republic of Yugoslavia (Serbia and Montenegro)," 195.

about the administration that replaced him. Although the victory of democratic forces in 2000 brought significant changes to the political scene and substantially accelerated the process of democratization, such a change did not bring with it a noteworthy reform of the country's defense relations. Instead, Montenegro's continued push for independence and Kosovo's unclear status under the international control delayed the process of defense reforms. While the rest of the political system was significantly democratized, the defense relations remained far from democratic. As a result, Montenegro relied on its police forces to provide security, training and equipping them to resemble more a military formation than a police force.

In 2006, Montenegro opted for independence from the state union. Although highly contentious before the referendum, this decision settled the question of the country's future status and allowed the country to move swiftly toward democratic reforms. The same year it gained independence, Montenegro was admitted into the Partnership for Peace program, signifying an onset of democratic defense reforms. In the following three years, the country simultaneously focused on the first generation issues, such as the passing of all relevant legislation in the area of defense and clarifying the responsibilities of and relationships among different levels of government, and second generation issues such as developing the capacity for implementation of the legislative provisions. Although the government was forming, instead of reforming its defense sector, and as a result did not have the necessary expertise in the area, the decision to accept vast levels of support and advice from the international community and particularly NATO and the European Union led to the country's fast success in the

process of establishing democratic civil-military relations. In fact, the country was accepted into the Membership Action Plan in 2009 and as of 2010 its civil-military relations have been evaluated as democratic. Although the country continued to improve its defense sector, the main impediments to a full-fledged NATO membership since 2010 has not been the lack of democratic controls but the lack of public support for alliance membership. Similarly to the situation in Croatia in the mid-2000s, the public is greatly opposed to NATO membership, making NATO member states reluctant to accept it into the alliance.

Evolving Union with Serbia

In the early 1990s, when other Yugoslav republics decided to secede from the SFRJ and pursue independent existence, Montenegro held a referendum on its future status. The population overwhelmingly voted for a continued existence with Serbia. As a result, the SFRJ was dissolved and Montenegro and Serbia formed a Federal Republic of Yugoslavia. By 1997, however, many started believing that the union with Serbia was impairing Montenegro's economic development and harming its international relations. The wars in Croatia and BiH and the economic sanctions imposed by the international community devastated the economy. In addition, the country was continuously isolated from the international community due to Milošević's actions during Croatian and Bosnian wars, his refusal to cooperate with the International Criminal Tribunal for former Yugoslavia (ICTY), and the continued interference in the politics of Republika Srpska in BiH and Serbian Krajina in Croatia. The same year, the widespread protests against the Serbian leadership, especially Milošević who had just been appointed president of the

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SRJ,[3] signaled the high level of dissatisfaction with the government's policies in Serbia as well. Finally, as a much smaller member of the federation, Montenegro had much less influence in the decision-making process at the federal level, leaving the state unable to counter unfavorable decisions from Belgrade. All these development produced doubts among the population and some Montenegrin officials about the desirability of continued existence as part of one country.

As a result, beginning in 1997, the government of Montenegro began distancing itself from Serbia and from Milošević's policies. The first signal of these divisions appeared in Montenegro's internal politics in 1997 when the party that had ruled Montenegro since the collapse of communism, the Democratic Party of Socialists (*Demokratska Partija Socijalista*, DPS)[4] became internally divided on the question of Montenegro-Serbia relations. The prime minister at the time, Milo Djukanović advocated distancing the state from the Federation and pursuing a more autonomous development initially; these goals later become more radical with a clear focus on full independence. Momir Bulatović, the president of Montenegro and leader of the DPS, was a close ally of the Belgrade administration and as such advocated a continued existence as a part of the SRJ. As a result of this division, Bulatović left the DPS and created instead the Socialist People's Party (*Socijalistička Narodna Partija*, SNP), with a main agenda of preserving

[3] Slobodan Milošević was a president of Serbia from 1989 until 1997. In 1997 he was no longer eligible to run for Serbian presidency due to the term limits imposed by Serbian constitution. He could, however, serve as a federal president. The 1992 SRJ constitution established that the federal president would be chosen by the federal parliament, and in 1997 Milošević was appointed to the presidency by a decision of the parliament.

[4] The Montenegrin League of Communists ran in the first multiparty elections in 1990 and won the majority of the vote. The following year, however, the party held a vote among its members which decided that the party be renamed into the Democratic Party of Socialists. Although the program of the party significantly changed in 1997, the party retained its name. The same party has been in power in Montenegro since then, alone or in coalitions with other parties.

the union and strengthening the relationship between two states within the Federation.[5]

The two became the dominant parties of Montenegro politics, and their programs of *pro-independence* and *pro-union* dominated the political agenda of the country for the following decade, creating a highly politicized and divided society. Their agendas were even clear in descriptive names of coalitions the two parties led in different elections. For example, in the 1998, 2001 and 2002 elections the DPS-led coalitions run under the names For Better Life (*Da Živimo Bolje*), Victory Belongs to Montenegro (*Pobjeda je Crne Gore*), and Democratic List for European Montenegro (*Demokratska Lista za Evropsku Crnu Goru*). The pro-union block ran as Together for Yugoslavia (*Zajedno za Jugoslaviju*) and Together for Changes (*Zajedno za Promene*). Interestingly, the descriptive labels disappeared in the 2006 election, as the parties simply campaigned under their party names. The divisions between the pro-independence and pro-union blocks over this period reflected in the change of Montenegro's ethnic composition: while in 1991 more than 61 percent of people in Montenegro declared themselves as Montenegrins and less than 10 percent as Serbs,[6] by 2003 the numbers were significantly changed. By 2003 the portion of Montenegrins had declined to just over 40 percent while the number of Serbs rose to 30 percent.[7] This change was not due to change in the population of the state, but to the changes in sentiments among the people. In both cases the number of Montenegrins and Serbs totaled to little over 70 percent, with the main

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[5] After leaving the DPS, Bulatović was appointed the prime minister of the SRJ where he served until Milošević's removal from power in 2000.

[6] Savezni Zavod za Statistiku SFRJ, "Popis Stanovništva, Domacinstva, Stanova I Poljoprivrednih Gazdinstava U 1991. Godini," (Belgrade1991).

[7] Monstat, "Popis Stanovništva, Domaćinstava I Stanova 2003: Prvi Rezultati Po Opštinama, Naseljima, I Mjesnim Zajednicama," (Podgorica: Republički Zavod za Statistiku, 2003).

factor being that those who supported a continued union with Serbia decided to classify themselves as Serbs, in order to signal their allegiance to the neighboring state.

In October 1997, Milo Djukanović won the presidency by campaigning against Milošević's policies, which signaled a shift in people's attitudes toward Serbia. The following year, a coalition led by the DPS won parliamentary elections with 42 out of 78 seats, while the SNP won 29 seats in the parliament. Similar distribution of seats was repeated in every election until 2006, when the support for the SNP dropped significantly. Immediately after the victory of the pro-independence block in 1997, the government took a number of significant steps to distance itself from the federal government and minimize the ties between the two states. These moves were supported by the international community because Djukanović was at the time "recognised as an internal force which could significantly influence the downfall of Slobodan Milosevic's regime."[8] With the international community's support, the government of Montenegro in 1998 established its own custom services which operated independently from the federal customs directorate. At the same time the state started establishing independent trade and customs relations with other states, policies generally reserved for federal institutions. It also established its own central bank, monetary and fiscal policy and along the same lines in 1999 it abandoned the Serbian Dinar and adopted the Deutsch Mark as its official currency.[9] In addition, Montenegro established its own Ministry of Foreign Affairs, signaling even further the level of independence the state was seeking within the

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[8] CEDEM, *Context Analysis of the Security Sector Reform in Montenegro (1989 - 2009)*, Civil Society Capacity Building to Map and Monitor Security Sector Reform in the Western Balkans, 2009-2011 (Podgorica: Centre for Democracy and Human Rights, 2011), 14.
[9] In 2002 when the German Mark was abolished as part of the EU's common currency policy, Montenegro adopted the Euro as its official currency.

Federation. Although these steps indicated that the state had become "de facto independent from the FRY institutions," and the support for formal independence grew rapidly among the population, until 2000 the government of Montenegro nevertheless "kept a relatively low profile regarding the independence, to avoid providing Milošević with an 'excuse' for military intervention."[10] The removal of Milošević from power in 2000, however, allowed the state to accelerate its push for independence and start openly making more radical demands for secession. Although many, including the international community, believed that with the fall of Milošević in 2000 the relations between Montenegro and Serbia would normalize, the Podgorica administration viewed the change as an opportunity to push forward with independence demands even further, believing that the new democratic forces in Belgrade will be less eager to engage militarily to stop the independence process. In 2001, the administration even started replacing the federal military with the state police as an organization in charge of Montenegro's international borders.

As a result of Montenegro's increasing appropriation of functions from the federal government and abandonment of federal institutions, it became clear that the Federation was not a viable option for long-term existence. The international community consequently pressured the two states to re-design their relationships. Under such pressure, in March of 2002, the two states signed what became known as the Belgrade Agreement,[11] consenting to start negotiations regarding the future of the country. The

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[10] Friis, "The Referendum in Montenegro: The Eu's 'Postmodern Diplomacy'," 70.
[11] "Polazne Osnove Za Preuređenje Odnosa Srbije I Crne Gore [Agreement on Principles of Relations between Serbia and Montenegro within the State Union]," (Belgrade 2002).

agreement required the governments to start talks on a Constitutional Charter that would

frame the relations between the two republics in a way that would make the country

functional again. Completed in February of the following year, the Charter significantly

redefined the relations between Serbia and Montenegro by replacing the SRJ with a

looser State Union of Serbia and Montenegro.[12] In line with the previous distancing of

the two states, the new union resembled more a confederation of independent states than

a federal entity. The member states were granted significant autonomy in most areas,

with the exception of the union's international identity and military. The Charter

specified that the union had a single international identity and would therefore join

regional and global organizations as one entity,[13] and had a Federal Army that was under

democratic and civilian control.[14] The Charter even abolished the federal Ministry of

Internal Affairs, which was in charge of the federal police forces. With the abolishment

of the ministry, the federal police forces ceased to exist, making the Federal Army the

only security institution at the level of the union.

Although the redefinition of relations between Montenegro and Serbia that

occurred with the new Constitutional Charter was supposed to make the state's existence

more feasible because it allowed each member state more autonomy in its internal affairs,

the reformed Union was perhaps even more dysfunctional than the SRJ. In reality, neither

state was satisfied with the agreement; while Serbia had hoped for a stronger centralized

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[12] "Ustavna Povelja Državne Zajednice Srbije I Crne Gore," [Constitutional Charter of the State Union of Serbia and Montenegro.] *Službeni List Srbije i Crne Gore [Official Gazette of Serbia and Montenegro]* 01/03 and 26/05 (2003).
[13] Ibid., Art. 14
[14] Ibid., Art. 54

union, Montenegro wanted full independence.[15] However, while both were dissatisfied with the agreement, Montenegro gained a significant advantage since the state's aspirations toward independence were recognized and legitimized in the Charter. Namely, the Constitutional Charter included a provision by which either of the member states could withdraw from the union by a popular referendum after a three-year waiting period.[16] While this had been a main topic on the Montenegrin political scene since 1997, now the independence goals were given legitimacy which allowed the government to start openly preparing for departure from the union. Since the Montenegrin government did not see the new union as a potential for a long-term continuation of relations but as a stepping stone toward full independence, it largely worked against the functionality of the union. Even the international community recognized that the union is unlikely to live past the three-year period. Although the Charter required a single international identity for the new country, the European Union soon abandoned even this provision and in 2004 started separate negotiation processes with the two member states in a so-called "twin-track" of negotiations. The distance between the two states culminated in a May 21, 2006 referendum, in which 55.5 percent of Montenegrin population voted for independence.

Defense Relations in the Federation

The decade between the time independence aspirations emerged in Montenegro in 1997 until its official independence in 2006 represented a precarious security environment for Montenegro. The state did not have its own armed forces, but it did have

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[15] ICG, "Crna Gora Na Putu Ka Nezavisnosti [Montenegro on the Road to Independence]," in *Izveštaj za Evropu N°169* (Belgrade, Podgorica & Brussels: International Crisis Group, 2005).
[16] "Ustavna Povelja.", Art. 60

the Yugoslav Army (*Vojska Jugoslavije*, VJ) bases stationed within its territory. The population and the officials in Montenegro were well aware that the same military had recently been engaged in Slovenia, Croatia, and BiH in response to their independence declarations, creating fears that the same could occur in the case of Montenegro's attempt to depart from the Federation. The army was highly politicized and under the strong influence of the administration in Belgrade, intensifying suspicions that Milošević might use the troops stationed in Montenegro to challenge the country's bid for independence. In addition to the military's politicized position, the legislative provisions for its control and the powers of the Montenegrin leadership in any decision regarding the deployment and use of the military were not clear and allowed the Serbian leadership to dominate the decision-making process.

While defense relations were outlined in the 1992 Constitution[17] and the 1994 Law on Defense,[18] both provided very vague delineations of the role of Montenegrin leadership in defense matters. The constitution defined the purpose of the military as to "defend sovereignty, territorial integrity, independence, and constitutional order" of the country,[19] under the command of the federal president who acts in accordance to the decisions of the Supreme Defense Council (*Vrhovni Savjet Odbrane*, VSO) which consists of the federal president and presidents of two constituent republics.[20] In addition,

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[17] "Ustav Savezne Republike Jugoslavije," [Constitution of the Federal Republic of Yugoslavia.] *Službeni List Savezne Republike Jugoslavije [Official Gazette of the Federal Republic of Yugoslavia]* 1/92 (1992).
[18] "Zakon O Odbrani Savezne Republike Jugoslavije," [Law on Defense of the Federal Republic of Yugoslavia.] *Službeni List Savezne Republike Jugoslavije [Official Gazette of the Federal Republic of Yugoslavia]* 43/94 (1994).
[19] "Ustav Srj.", Art. 133. My translation. Original text: "brani suverenitet, teritoriju, nezavisnost i ustavni poredak."
[20] Ibid., Art. 135

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the president of the Federation is in charge of appointments, promotions and dismissals of military officers, as well as of judges and prosecutors of the military court.[21] The rules of agreement within the VSO were, however, left unspecified. It was not clear whether a consensus was required or if decisions could be made by a majority of the vote, and whether all three members needed to be present when decisions were made and vote was taken.[22] In reality, this meant that Montenegrin president could be sidestepped in the decision-making process, leaving the state vulnerable to decisions defined by Belgrade. The Law on Defense provided more detailed responsibilities of the Council, but by designating that the Council "makes decisions pursuant to which the President of the Republic commands the Armed Forces of Yugoslavia"[23] the Law nevertheless left the decision-making process within the Council ambiguous. In addition to unclear federal laws, there were considerable inconsistencies between the federal and state regulations. Although the army was a federal institution and as such was supposed to be regulated by federal laws, the Constitution of Serbia[24] largely contradicted the provisions of the federal law by empowering the parliament of Serbia to declare the state of war,[25] and designating the president of Serbia as the commander of the armed forces with the

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[21] Ibid., Art. 136

[22] Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro*; Dimitrios Koukourdinos, "Constitutional Law and External Limits of the Legal Framing of Democratic Control of Armed Forces: Croatia and Yugoslavia in Focus," in *Legal Framing of the Democratic Control of Armed Forces and the Security Sector: Norms and Reality/Ies*, ed. Biljana Vankovska (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2001); Gow and Zveržhanovski, *Security, Democracy and War Crimes: Security Sector Transformation in Serbia*.

[23] "Zakon O Odbrani Srj.", Art. 41.2. My translation. Original text: "donosi odluke u skladu s kojima predsednik Republike komanduje Vojskom Jugoslavije."

[24] "Ustav Republike Srbije," [Constitution of the Republic of Serbia.] *Službeni Glasnik Republike Srbije [Official Gazette of the Republic of Serbia]* 1/90 (1990).

[25] Ibid., Art. 73

responsibility of planning and preparing defense activities and ordering mobilization of the forces in times of war.[26]

Although the legislative provisions were not well-defined, the practice became clear when the VJ became engaged in Kosovo and against NATO forces during 1998-1999 without a consultation with the Montenegrin president, even though he was one of the three members of the Supreme Defense Council, leading Gow to conclude that "the reality of civil-military relations was that whichever post Milošević held, in terms of power, this was the decisive position and he was the point of decision."[27] In effect, until 1997 the dominant position in the chain of command was that of the Serbian president and after 1997 the command was in the hands of the SRJ president, both of which were represented in the same person. In addition to the military's engagement in Kosovo without Montenegro's consent, in June of 1999 by an order from the General Staff, a special battalion, known as the "Seventh Battalion of the Military Police for Special use during Peace and War" was formed in Montenegro. The infamous Seventh Battalion was viewed by the Montenegrin officials as a paramilitary organization with the purpose of spreading fear and deterring the state from secession attempts.[28] The General Staff officials at the time rejected the claims that the battalion was a paramilitary formation by explaining that "the military, according to the needs and war experiences, reorganizes its commands and units for the purpose of more efficient carrying out tasks" and that only in Montenegro such actions are interpreted as negative with the purpose of creating a

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[26] Ibid., Art. 83
[27] Gow, "The European Exception: Civil-Military Relations in the Federal Republic of Yugoslavia (Serbia and Montenegro)," 203.
[28] Personal interview with a former member of parliament (Podgorica, August 2013)

negative attitude toward the military.[29] In a recent interview, however, the former chief of the counterintelligence services in the SRJ and a deputy Minister of Defense in SCG General Dimitrijević revealed that in reality the battalion was intended to be a counter-force to the Montenegrin police and its members were specially selected people with a "pedigree."[30] The battalion itself clashed numerous times with the population and with the police in Montenegro until it was disbanded by a decision of the Supreme Defense Council after the fall of Milošević. The incidents created a sense that instead of hosting its own military, the state was being occupied by foreign military forces.[31] Such concerns were intensified every time the issue of independence was brought up. When asked about the possibility of VJ's involvement in Montenegro, the Chief of the General Staff, General Pavković, compared Montenegro's secession ambitions to terrorist actions by stating that "terrorism, separatist movements and other violent acts are unconstitutional and unlawful and threaten the existence of the state and the people. […] From that evil the country and the people must defend themselves by all constitutional and legal means."[32]

While this period was clearly characterized by challenges to the legitimacy of the Federation, the level of such challenges can be classified as moderate since at the federal level pro-independence Montenegrin parties represented a minority. However, within

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[29] Quoted in Velizar Brajović, "Crna Gora - Vojska I Policija: Dve Vrste Čuvara," *Vreme*, February 19 2000. My translation. Original text: "vojska, u skladu sa potrebama i iskustvima iz rata, preduzima mjere u domenu reorganizacije pojedinih komandi i jedinica, prvenstveno radi efikasnijeg izvršavanja zadataka"
[30] "General Aleksandar Dimitrijević: Nikad Se Nisam Bavio Politikom Niti Sarađivao Sa Kriminalcima," *Pobjeda*, March 16 2013.
[31] Personal interview with a high ranking official (Podgorica, August 2013)
[32] "Vojska Sluša Predsednika," *Glas Javnosti*, May 29 2000. My translation. Original text: "Terorizam, separatističke pobune i drugi nasilni akti protivustavni su i protivzakoniti i usmereni su na samo biće države i naroda. […] Od tog zla i država i narod moraju da se brane svim sredstvima koja su definisana Ustavom i zakonima."

Montenegro the challenges can be considered high, since the parties whose main item on the agenda was the state's independence were continuously in power. Though the government of Montenegro was banned by the constitution and later by the charter from creating its own armed forces, the high level of disapproval of the union with Serbia led the state to develop other types of security assurances. As a result of its concerns regarding VJ's possible actions and the absence of its own military, the administration in Podgorica focused on strengthening those security institutions that would operate independently from the federal government. The police forces were convenient to use for this purpose because they were already under the control of Montenegrin authorities, unlike the federal army. The government strengthened the police forces in terms of size, training, and equipment by increasing the police personnel, training them in issues of national defense, and equipping them with armored vehicles and weapons usually reserved for military forces. The government even elicited help from the Organization for Security and Co-operation in Europe in police training and particularly training them in border security.[33] While such forces were increasingly relied on to defend Montenegro's security, "their main characteristic was strong militarization."[34] A 2001 OCSE report estimated that in addition to 3,800 uniformed officers and 427 investigators, Montenegro had approximately additional 10,000 members of a Special Police Units, created for the purpose of acting as a defense force and countering the threat of the federal army, resulting in its significant and rapid increase that produced "a relatively young police

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[33] Barry J. Ryan, "The Eu's Emerging Security-First Agenda: Securing Albania and Montenegro," *Security Dialogue* 40, no. 3 (2009).

[34] CEDEM, *Context Analysis of the Security Sector Reform in Montenegro (1989 - 2009)*, 14.

force with little sense of public service."[35] The same report emphasized the militarization of the police forces, by recognizing that their equipment, training, and functions were more related to military than police tasks.

Interestingly, just as the armed forces suffer from non-democratic control in countries with challenged legitimacy, in the absence of a military Montenegro's control over its police forces resembled the same non-democratic character. The police was highly politicized, with appointments of high ranking officials and hiring of police officers both being determined on the basis of political allegiances. This was viewed as a necessary precautionary measure, because if the police was to act as a counter-force to the army, its members had to be hostile to the pro-Serbian commitments of the federal military.[36] This led to the creation of an oversized, politically motivated, unprofessional police whose priority was to defend the state from a potential attack from Serbia and not to investigate and prevent crime,[37] leading to proliferation of organized crime which Montenegro struggles with to this day.

According to a 2005 OSCE report, after the democratic changes in Serbia produced a less precarious security environment for Montenegro, the state "was left with a military-style, inadequately trained, young, oversized police force" which was at the same time "corrupt [and] politicized."[38] As a result, the report recommended a number of steps toward police reforms, among which was a reform of the police forces' structural

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[35] Richard Monk, "Study on Policing in the Federal Republic of Yugoslavia," in *OSCE Study* (Vienna: Organisation for Security and Co-operation in Europe, 2001), 34.

[36] Personal interview with a government official (Podgorica, August 2013)

[37] CEDEM, *Context Analysis of the Security Sector Reform in Montenegro (1989 - 2009)*, 16.

[38] Linda Schouten, Novak Gajić, and Sharon Riggle, "Police Reform in Montenegro 2001-2005: Assessment and Recommendations," (Belgrade: Law Enforcement Department OSCE Mission to Serbia and Montenegro, 2006), 26.

integrity encompassing increased accountability with oversight, transparency, and de-politicization.[39] The fact was, however, that even though the change of leadership at the federal level produced a more democratic environment, the government of Montenegro was still not assured that there was no possibility of military intervention in the case of independence proclamation, and thus wanted to maintain strong (and militarized) police forces until the state has gained its independence and all security threats from Belgrade have been eliminated.[40] As a result, even after the democratic changes in Serbia, Montenegro continued to strip the federal government of its military roles in Montenegro. In addition to strengthening its police force, beginning in 2001 the Montenegrin leadership started taking control of the state's international borders, removing the federal military from that function and replacing it with the state's police forces. The move was both political and practical. Politically, by taking over border policing the officials could demonstrate "the capacity of the pro-independence Government to take over responsibility for border security."[41] Practically, reducing functions of the federal military the state would reduce the number of military personnel in its territory, and with it the danger posed by the organization.

In a way, the concerns that persisted even after a democratic change occurred in Serbia seemed justified, since even after Milošević was removed in October 2000 and pro-democratic forces came to power, civil-military relations remained non-democratic. Although Koštunica, the newly elected president of the country, asked the Geneva Centre

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[39] Ibid., 33.
[40] Personal interview with a government official (Podgorica August 2013)
[41] Novak Gajić, "Border Management Reform," in *Security Sector Reform in the New Partnership for Peace Members: Bosnia-Herzegovina, Montenegro, Serbia*, ed. Philipp Fluri and George Katsirdakis (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007), 116-17.

for Democratic Control over Armed Forces and the New York based East West Institute for help with security sector reforms and establishing democratic control over the military, the military officials rejected the need for foreign involvement in defense restructuring and instead took initiative to organize their own discussions on civil-military relations and Partnership for Peace prospects, and the General Staff conducted its own military restructuring and downsizing.[42] In spite of the clear defiance of the federal leadership, the controversial Chief of the General Staff General Pavković remained in the position until March of 2002, where he blatantly flaunted his political preferences on many issues such as the country's cooperation with the ICTY, relations between Montenegro and Serbia and potential actions in case of a secession, and costs and benefits of international integration. While the military was not interested in defense reforms during this period, the same was true for Montenegrin leadership: it was not willing to work on defense reforms or invest in strengthening the federal military, because the government of Serbia wanted to strengthen its armed forces but maintain subjective control over them. According to a high ranking Montenegrin official, "the last thing we wanted was to waste time on defense reform. We had one foot out the door"[43] As a result, from the time democratic parties came to power until the SRJ was transformed into SCG, the VSO met only several times, and even in those cases no important decisions were made. In fact, in this three-year period only one document on civil-military relations was passed in the federal parliament, the Law on the Security

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[42] Predrag Simić, "Reform of the Security Sector in Serbia and Montenegro," in *Security Sector Governance in the Western Balkans 2004*, ed. Istvan Gyarmati and Scott Vesel (Baden-Baden: Nomos Verlagsgesellschaft, 2004).
[43] Personal interview with a high ranking official (Podgorica, August 2013)

Services, due to the fact that policy makers were unwilling to commit to any federal laws that were likely to be short-lived.[44]

In 2003, as the two states were redesigning their relationship and converting the SRJ into a looser union of SCG, the Belgrade administration applied for membership in the Partnership for Peace program,[45] which necessitated defense reforms that would make civil-military relations more democratic and in line with the Partnership for Peace requirements. The Constitutional Charter and reforms that followed it achieved some restructuring, but the country was still far from having democratic civilian control. The Charter maintained the VSO as the supreme command institution, but it clarified that the decisions must be made with a consensus among the three members.[46] However, although the Charter clarified the decision-making process in the Council, it at the same time did not provide for any type of oversight of the council's decisions. The parliament was largely left out of the process, turning most defense-related decisions into a negotiated political agreement among the three members of the Council, without any involvement or input of any other actors.[47] In addition, a major step in the reform process was accomplished with the placing of the General Staff and the intelligence services under the command and control of the Ministry of Defense. Before the reforms, the Federal Ministry of Defense was only an administrative body whose would-be powers were largely deferred to the General Staff. In addition to being in charge of following the Council's guidelines in terms of military organization, training, and equipping, the

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[44] Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro*, 97.
[45] NATO, "Nato's Relations with Serbia " http://www.nato.int/cps/en/natolive/topics_50100.htm.
[46] "Ustavna Povelja.", Art. 56
[47] Watkins, *Pfp Integration: Croatia, Serbia & Montenegro*.

General Staff had been directly subordinate to the Supreme Council, and not to the Ministry of Defense, weakening the Ministry's role in civilian control of the military and creating a chain of command that ran from the VSO directly through the General Staff to the military units.[48] The restructuring of the chain of command in 2003 was a significant step in the process of empowering the Ministry of Defense. However, while the Ministry was officially authorized to take part in the chain of command, it still suffered from many non-democratic qualities. The Ministry consisted of mostly military personnel, most of whom were not interested in reforms of the defense sector; additionally, the few civilians that worked in the Ministry lacked any expertise in the area of defense and were either largely bypassed in the decision-making process or were "brought in as a measure of burden-sharing" and appointed based on political allegiances instead of expertise and experience.[49]

Although it maintained a non-democratic character of defense relations, the Charter nevertheless provided Montenegro with a level of relief from the military threat. Namely, unlike the previous constitution of the SRJ, the Constitutional Charter did not contain a provision that the military's role would be to protect the territorial integrity of the country. Instead, the duty of the military was defined as to "defend Serbia and Montenegro in line with the Constitutional Charter and principles of international law that regulate the use of force."[50] While this was an unusual omission, it was essential for the leadership of Montenegro that the Charter did not give the officials in Serbia a

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[48] Koukourdinos, "Constitutional Law and External Limits of the Legal Framing of Democratic Control of Armed Forces: Croatia and Yugoslavia in Focus."

[49] Watkins, *Pfp Integration: Croatia, Serbia & Montenegro*, 16.

[50] "Ustavna Povelja.", Art. 55. My translation. Original text: "Zadatak Vojske je odbrana Srbije i Crne Gore, u skladu s Ustavnom poveljom i principima međunarodnog prava koji regulišu upotrebu sile."

constitutional right to use the military to prevent the state's independence.[51] The fact that

now the constitution could not be used as a justification for military action allowed the

state's leadership to press on with independence plans while at the same time weakening

the federal grip on power. In line with that, Montenegro largely refused to finance the

federal army, justifying such actions with the need to downsize the country's military

forces and turn to modernizing and professionalizing it instead of strengthening its

numbers. In its communications with NATO officials, Montenegrin officials

continuously "stressed the need to downsize the armed forces and to adjust to NATO

standards."[52] Of course, while downsizing might have been one reason for such failure to

fund the military, other reasons were no less important: although it would be

unconstitutional, the fear still existed that Montenegro might fund the armed forces which

might then be used against the state; in addition, the failure to contribute to federal

institutions was a sign of protest against the federal government and its legitimacy and a

calculated step to further weaken the legitimacy of the state in the eyes of the

international community – if the federal institutions cannot function, the demands for

independence become more legitimate.[53] The one federal institution that seemed to be

supported by Montenegro was the Ministry of Foreign Affairs, cooperation in which was

used in order to promote the idea of independence through diplomatic channels.[54]

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[51] Personal interview with a former government official (Podgorica, August 2013)
[52] NATO PA, "Visit to Serbia and Montenegro by the Sub-Committee on Central and Eastern Europe," in *NATO Parliamentary Assembly Mission Reports* (Brussels: NATO Parliamentary Assembly, 2004)., Para. 29
[53] Personal interview with a member of parliament (Podgorica, July 2013)
[54] ICG, "Crna Gora Na Putu Ka Nezavisnosti [Montenegro on the Road to Independence]."

Interestingly, although the absence of support for federal institutions was intended as a form of protest against the state, it had an additional effect: it motivated many military officers to embrace the idea of potential membership in NATO's Partnership for Peace program, "regarding it as a chance to protect the army from the political uncertainties accompanying the first steps of the new state."[55] The attempts to weaken the federal state by the authorities in Montenegro, therefore, led to the shift in attitudes among many military officers toward NATO and actual demands from younger officers toward the establishment of democratic civil-military relations that would stabilize the uncertain defense scene.[56] However, although the military officers shifted their attitudes and officials from both states agreed to pursue a membership in the Partnership for Peace program, the reality is that the two states could not reach a consensus on any defense-related reforms and even could not adopt security and defense strategies. Without a comprehensive national security strategy, it was difficult to accomplish any meaningful reforms of the defense sector and establish democratic civil-military relations.[57] As a result, the focus mainly turned to tactical reforms of the military, such as downsizing and modernizing, without any strategic documents and doctrines.[58]

By 2006, the Union was a dysfunctional entity "which distracted attention and energy from the urgently needed reform processes in both Serbia and Montenegro. Within Montenegro the state-status issue completely dominated the political agenda for

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[55] Simić, "Reform of the Security Sector in Serbia and Montenegro," 176.
[56] Until then, military officers were largely opposed to the country's Partnership for Peace membership as a result of the NATO campaign in BiH and Kosovo against first the JNA and later the VJ.
[57] Simić, "Reform of the Security Sector in Serbia and Montenegro."
[58] Petar Pašić, "Nova Vojska 2010. Godine: Reforme Vojske Srbije I Crne Gore Biće Završene Za Sedam Godina," *Glas Javnosti*, January 14 2004.

years, making a final resolution a political necessity."[59] Already by 2005 it was clear that

the union could not continue under the same conditions and a referendum on

independence was inevitable. A report from NATO Parliamentary Assembly noted that

although some defense reforms had only begun in 2003, due to the unstable political

situation "the impetus for continuing reform process withered away" as "Serbia and

Montenegro still lacked a national security or defence strategy."[60] In an analysis of the

situation in SCG, the International Crisis Group recommended a number of necessary

steps in the process of preparing for the referendum.[61] An important set of

recommendations of the ICG concerned the military: the Ministry of Defense and the

Chief of the General Staff should publicly declare that the military had no opinions

regarding the Montenegrin referendum, that the military would not interfere with that

political process, and that the question of securing peace and security in Montenegro

would be left to the Montenegrin police. In addition, in case that the public votes for

independence, the army should stay in the barracks and avoid any provocations. More

importantly, the report outlined the difficulty of democratic consolidation while the

legitimacy of the state is challenged:

> In order for Serbia to become a contributor of stability in the region, it first
> has to define its borders and focus on the resolution of its own problems,
> while trying to correct its relations with the neighboring countries. This
> will likely occur when Serbia diverts its attention from Kosovo,
> Montenegro, and Bosnia. It is not realistic to expect this until the questions
> of Kosovo and Montenegro are resolved.[62]

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[59] Friis, "The Referendum in Montenegro: The Eu's 'Postmodern Diplomacy'," 67-68.

[60] NATO PA, "Visit to Serbia and Montenegro by the Sub-Committee on Central and Eastern Europe.", Para. 29

[61] ICG, "Crna Gora Na Putu Ka Nezavisnosti [Montenegro on the Road to Independence]."

[62] Ibid., 14. My translation. Original text: "Da bi Srbija postala faktor stabilnosti u regionu, ona mora da definiše svoje granice i dobro se koncentriše na rešavanje sopstvenih problema, dok nastoji da popravi

Independence and Defense Reforms

The period from 1997 until 2006 was therefore characterized by Serbia's dominance over politicized military and the military's role as a protector of the Federation, which, in spite of democratic changes in 2000 and re-designed relationships in 2003, nevertheless preserved deep levels of distrust of the VJ among Montenegrin leadership. As a result, it was a period of non-democratic civil-military relations at the level of the Federation, and non-democratic control over Montenegro's police forces. With independence, however, "the situation in Montenegrin society became more relaxed in comparison to the previous years, and in that way created a context in which security sector reform could start in earnest."[63] The referendum on independence in May of 2006 not only produced an independent country, it also allowed Montenegro to consolidate its democracy, strengthening of which had been impeded due to a decade-long uncertainty regarding the country's future. Although the period between 1992 and 2006 has been described by some as "lost time" for Montenegro,[64] the developments of the decade established necessary foundations of democratic society and allowed the advancement of conditions that would resolve the question of challenged state legitimacy. Although the pro-Serbian and pro-Montenegrin sentiments persisted among the population, the referendum settled the issue of statehood and removed the status of the country from the political agenda. The first parliamentary elections in a newly independent state were held

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oštećene odnose sa susednim zemljama. Ovo će se verovatno dogoditi tek kada Srbija svoju pažnju odvrati od Kosova, Crne Gore i Bosne. Ovo nije realno očekivati dok se pitanje Kosovo i Crne Gore definitivno ne reši."

[63] CEDEM, *Context Analysis of the Security Sector Reform in Montenegro (1989 - 2009)*, 21.

[64] Mehmedin Tahirović, "Crna Gora I Partnerstvo Za Mir," [Montenegro and the Partnership for Peace.] *Medjunarodne Studije* 8, no. 2 (2008): 56.

in September of 2006 and maintained the dominance of the DPS, which in a coalition with the Social Democratic Party (*Socijaldemokratska Partija*, SDP) won 41 out of 80 seats in the parliament, with seven other parties dividing the rest of the seats. Although there was still a clear division of the parties along ethnic lines, as the parties formed coalitions of "Montenegrin" and "Serbian" blocks, the electoral campaigns of *all parties* demonstrated different priorities. Unlike the previous elections that focused on the question of independence versus a continued union with Serbia, the main items of debate in the 2006 elections (as well as in all elections since then) were the issues Euro-Atlantic integrations, the state of the economy, high levels of unemployment, organized crime and corruption, and the questions of foreign investment. A 2007 report from NATO Parliamentary Assembly recognized this shift by stating that although the electoral coalitions still resemble those of the pre-referendum period, it is also important to note that "no political party currently challenges the existence of the Montenegrin state as such."[65] The shift was not due to the change of people's attitudes toward Serbia; instead, the change in priorities came as a result of the finality of the referendum.[66] While many were not satisfied with the outcome of the referendum, they at the same time understood that another change in the country's status would not be possible due to the extensive involvement of the international community in the process of gaining independence.

With the statehood issue resolved, the government could work on defense-related decisions. While the military was created out of the remnants of the VJ that were found

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[65] Vitalino Canas, "Independent Montenegro: Early Assessment and Prospects for Euro-Atlantic Integration," in *NATO Parliamentary Assembly 2007 Annual Session Committee Reports* (Brussels: NATO Parliamentary Assembly, 2007)., Para. 30
[66] Personal interviews with government officials (July-August 2013)

on Montenegro's territory, the institutions for its control were created from scratch. According to the country's first Minister of Defense, "the term 'defence reform' has become so common that nearly everyone uses it to refer to our MOD; however, the reality is that the MOD is 'forming' rather than 'reforming' in Montenegro."[67] The level of *forming*, as opposed to *reforming* of defense sector is evident in the fact that due to the country's small size, lack of economic resources, and lack of external threats after independence, the leadership even questioned the need for having armed forces. However, the need for international integration was the main factor for the decision to establish armed forces: "If one benefits from collective security, one should contribute to it. Living in a secure house cannot be rent or maintenance free."[68] Given the lack of tradition to turn to, Montenegro's defense institutions were formed under the guidance and support of the international community, leading to a chain of command from the president as the Commander-in-Chief and presiding over the Security and Defense Council, through the Ministry of Defense to the General Staff of the Armed Forces, which closely resembles the "second-best defense structure,"[69] as well as the structures established in Croatia and BiH after the last round of reforms.

The first defense-related documents adopted in 2006 and 2007 revealed two commitments: to democratic civil-military relations and to international integrations, particularly membership in the European Union and NATO. The same month it officially

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[67] Boro Vučinić, "Montenegro, Nato and a New State's Security," *NATO Review* 8 (2008).
[68] Ibid.
[69] Pion-Berlin, "Defense Organization and Civil-Military Relations in Latin America," 576-77.

became an independent country, the government adopted a National Security Strategy,[70] outlining the strategies and goals of defense and overall security sector reform. The Strategy identified membership in NATO and the European Union as the main objectives of the country: "a strategic objective of Montenegro is to become a member of NATO and the EU in the shortest possible period. With that goal in mind, Montenegro wishes to join NATO's Partnership for Peace program."[71] As a result, the Strategy emphasized the need to take all necessary steps to satisfy the conditions for Euro-Atlantic integrations. In addition to outlining the country's goals and major threats to the society such as terrorism, organized crime, corruption, and economic crises, the document also established the basis for further legislative action in the process of establishing democratic control over armed forces by outlining the main actors within the system of national security and their main responsibilities. In that regard the document emphasizes that "the system of national security is under democratic and civilian control,"[72] with the president of the state in charge of the immediate command of the military and presiding over the Security and Defense Council (*Savjet za Odbranu i Bezbjendost*, SOB). The document also stresses the role of the parliament in providing oversight of the security sector, and the ministry of defense headed by a civilian as an institution in charge of recommending and executing defense policies, developing defense plans, and equipping

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[70] "Strategija Nacionalne Bezbjednosti Crne Gore [National Security Strategy of Montenegro]," (Podgorica: Government of Montenegro, 2006).

[71] Ibid., 3. My translation. Original text: "U tom kontekstu, strateški cilj Crne Gore je da, u najkraćem mogućem roku, postane punopravni član NATO-a i EU. Imajući u vidu taj cilj, Crna Gora želi da se uključi u Program NATO-a 'Partnerstvo za mir'."

[72] Ibid., Art. 4. My translation. Original text: "Sistem nacionalne bezbjednosti je pod demokratskim i civilnim nadzorom."

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the military.[73] With these provisions, the Strategy laid the foundation for subsequent

legislative framework that would establish democratic civil-military relations. It was

clearly an acceptable starting point, given that only three months after gaining

independence the government requested membership in the Partnership for Peace in a

letter to NATO Secretary General Jaap de Hoop Sheffer, and the request was reciprocated

at the summit in Riga in November of the same year when Montenegro was invited to

join the program. The following month, Montenegro officially became a member of the

PfP. In addition to defense reforms, the country's overall commitment to democratic

development was recognized the following year by the European Union, demonstrated in

the signing of the Stabilization and Association Agreement in October of 2007.

While the main provisions of and commitment to democratic civilian control over

the military were indicated in the Strategy immediately after gaining independence,

adoption of the first round of necessary defense legislation took one year to complete.

The main impediment to passing defense-related legislation was the fact that the state

needed to start from scratch on most legislation, beginning with the constitution, since it

was still functioning under the 1992 constitution. The process of passing legislation was

stalled by ambiguities regarding the procedures and rules for their adoption; the very

decision on how to adopt a new constitution produced significant rifts, with the necessary

quorum being the main issue of disputes. The progress was made by an agreement on a

Law on Procedures for Adoption of a New Constitution[74] which set a formula for

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[73] Ibid., Art. 4.2

[74] "Zakon O Postupku Za Donošenje I Proglašenje Novog Ustava Crne Gore," [Law on the Procedure for Adoption of the New Constitution of Montenegro.] *Službeni List Republike Crne Gore [Official Gazette of the Republic of Montenegro]* 66/2006 (2006).

adopting the constitution. The Law specified that the constitution needed to be approved

by a two-thirds majority in the parliament, and if that was not possible to achieve, a

referendum on the text of the constitution would be held that would require a simple

majority of the popular vote to pass.[75] In addition, the Law established a Special

Constitutional Committee that would discuss and debate the text of the constitution and

its provisions before presenting it to the parliament.[76] Although the Law and the forming

of the committee accelerated the process, it still took until October 2007 to agree on

issues such as the national flag and national anthem, official state language,[77] the

structure of the judicial branch, and similar, which at the same time slowed down the

process of adopting legislation in the area of defense.

While some issues such as the question of official state language, state symbols,

human rights, protection of the rights of minorities, and similar produced protracted

debates, the terms of the defense-related legislation were subject to less disputes and were

passed with relative ease compared to these other issues.[78] According to some officials,

this was due to the fact that all parties in the debates were committed to the establishment

of democratic civil-military relations and thus there was no need to question

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[75] Ibid., Art. 14
[76] Ibid., Art. 2-6
[77] The designation of the state's official language was a contentious issue due to the similarities of the languages spoken in most former Yugoslav republics and the desire to differentiate their identities after independence. In the SFRJ the official language was called Serbo-Croatian, and although there were different dialects in different regions, the languages spoken in BiH, Croatia, Montenegro, and Serbia were considered one language. After the breakup of the country the states abandoned the Serbo-Croatian label and named their official languages Bosnian, Croatian, and Serbian. After Montenegro's independence, the DPS and other previously pro-independence parties demanded the official language be Montenegrin, while other parties demanded Serbian and Bosnian to also be designated official languages.
[78] Personal interviews with members of parliament (July-August 2013)

recommendations that would establish such control.[79] In the end, the Constitution,[80] the

Law on Defense,[81] and the Law on the Armed Forces[82] specified the chain of command

and the powers and responsibilities of different governmental institutions in the area of

defense that largely satisfied the conditions of democratic control over the military.

According to these documents, the President is the Commander-in-Chief of the armed

forces who commands in accordance with decisions of the SOB, and executes this

authority through the Ministry of Defense. The Ministry, headed by a civilian Minister, is

in charge of recommending defense plans, determining organizational structure of the

military and military preparedness including equipping and training, executing defense-

related policies of the president, and organizing and implementing military intelligence

and counterintelligence tasks. The General Staff, directly subordinate to the Minister of

Defense, is in charge of operational and logistical tasks.

While this organization clearly delineates the roles and responsibilities within the

chain of command and separates the commander-in-chief from direct contact with the

military, the lack of experience among policy-makers in defense-related issues was

reflected in these first legislative provisions. Namely, the president is supposed to

command the armed forces *in accordance with* the decisions of the Defense and Security

Council, which consists of the President as chair, the Prime Minister and the Speaker of

the Parliament. However, just as the rules of agreement in the VSO were not clear, the

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[79] Ibid.

[80] "Ustav Crne Gore," [Constitution of Montenegro.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 1/2007 (2007).

[81] "Zakon O Odbrani Crne Gore," [Law on Defense.] *Službeni List Republike Crne Gore [Official Gazette of the Republic of Montenegro]* 47/2007 (2007).

[82] "Zakon O Vojsci Crne Gore," [Law on the Armed Forces of Montenegro.] *Službeni List Republike Crne Gore [Official Gazette of the Republic of Montenegro]* 47/2007 (2007).

same is true for the SOB. While the constitution and the laws on defense and armed forces all repeat the Council's responsibilities to make decisions based on which the president commands the armed forces, it is not clear whether such decisions must be unanimous, of if two votes are enough. According to a member of the Parliamentary Committee for Defense and Security, the SOB exists only on paper and in reality does not function, since all decisions are made by the president; this, however, would likely change in the case of a real security threat, in which case the Council would likely have to take charge of its duties.[83] This sentiment that the Council does not function in reality is shared by many officials, who recognize that the decision to empower the Council, as opposed to giving all authority to the president alone, was made in order to inhibit potential abuse of power by one person but has caused other potential problems.[84] While the goal was to ensure democratic civil-military relations since the empowering of three officials would be less likely to lead to abuse of power and would consequently lead to more democratic civil-military relations, such a decision at the same time has delayed the decision-making process. For example, the Council must approve all promotions of senior officers; the promotion process, however, from the time of recommendation to the time of its approval has taken more than six months in many cases, due to the infrequency of the Council's meetings.[85] This is likely to have serious effects if the decisions to be made required immediate action.

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[83] Personal interview with Zoran Miljanić, member of the Parliamentary Committee for Defense and Security (Podgorica, July 2013)
[84] Personal interviews with government officials (July-August 2013)
[85] Personal interviews with military officers (July-August 2013)

One issue in the process of establishing democratic civil-military relations that has proceeded with least difficulties was the establishment of parliamentary oversight, which was not the case with BiH and Croatia. Parliamentary oversight was envisioned from the very beginning in the National Security Strategy as well as in the Constitution and Laws on Defense and Armed Forces, all of which specify that the parliament has the power and responsibility to conduct oversight of the defense sector. In addition to overseeing all defense institutions, the parliament is in charge of declaring war and state of emergency, authorizing military deployment in international missions, adopting security and defense strategies, and indirectly controlling the defense sector through budgetary decisions. In line with these powers, a Parliamentary Committee for Security and Defense was established immediately, in charge of conducting oversight of the entire security sector. However, although a strong role of the parliament in the oversight of the defense sector was established immediately, two issues presented challenges: the lack of skills and expertise among the parliamentarians necessary to fully utilize the new powers, as well as the lack of resources which were necessary for training, staffing, research personnel, and even satisfactory office space. After a 2007 visit to Montenegro, members of the NATO Parliamentary Assembly praised the initial steps at the process of establishing democratic civilian control but at the same time outlined some difficulties facing the country in the process:

> Possibly the greatest challenge will be the capacity of Montenegro to build sustainable and efficient institutions, starting with the core state institutions. Strengthening the parliament's capacities and *providing it with adequate resources* are pre-requisites for ensuring proper democratic oversight of the reform effort. During its visit to Montenegro, the Committee learned that new means of parliamentary control are being

developed; the parliament has also gained in transparency and established links with civil society organisations. As a result, its popularity has grown significantly. Nevertheless, *lack of resources and personnel in particular remain a challenge*.[86]

In spite of these challenges, the strength of the parliament overall and the Security and Defense Committee in particular has been enhanced both in terms of expertise and in terms of legislative reforms that have outlined the powers of these bodies and given them additional authority and capability to conduct oversight in the defense sector. Parliamentary representatives, as well as the officials within the Ministry of Defense have been receiving extensive training at home and abroad and have been visiting developed democracies to learn their practices in the area of defense.[87] Just as was the case with BiH and Croatia, the international community has provided defense officials numerous seminars, courses, and conferences, with many of them attending courses on civil-military relations, parliamentary oversight, defense-reform and regional and global stability at the Marshall Center in Garmisch, Germany as well as in other countries in the region. Similar studies have been organized in Montenegro; since 2006, for example, the governments of Norway and Denmark in cooperation with NATO have organized annual schools of international security in Montenegro. The schools were attended by the officials from the various ministries, including defense, police, foreign relations and European integrations, education, and economic development. Each session focuses on different issue of security reform and simulations of development of different strategic documents.

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[86] Canas, "Independent Montenegro: Early Assessment and Prospects for Euro-Atlantic Integration.", Para. 36, emphasis added
[87] Personal interviews with government officials (July-August 2013)

The increased knowledge and expertise was reflected in a new round of legislative reforms and strategic documents. In 2008, the parliament adopted a new National Security Strategy.[88] The first Strategy was adopted by the government in 2006; however, as the subsequent defense legislation specified that the parliament would be in charge of adopting security and defense strategies, it was necessary to adopt the strategic documents through the proper channels. Although the new Strategy largely maintained the commitment of the original document to international integration and democratic defense relations, it also broadened the view of the possible security threats to Montenegro to include not only immediate regional concern but broader global sources of instability which can have transnational effects through the reduction of strategic resources, demographic changes, and similar.[89] The document also specified four missions of the national security system which were more vaguely delineated in the original document: defense of sovereignty and territorial integrity of the state, internal security with a special emphasis on border protection, management of states of emergency, and participation in international peace and humanitarian missions with the United Nations, NATO, or European Union.[90] These missions were further outlined and specified in the Defense Strategy,[91] adopted the same year.

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[88] "Strategija Nacionalne Bezbjednosti Crne Gore," [National Security Strategy of Montenegro.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 75/2008 (2008).
[89] Ibid., Para. 2
[90] Ibid., Para. 4.2
[91] "Strategija Odbrane Crne Gore," [Defense Strategy of Montenegro.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 79/2008 (2008).

Continuing Defense Reforms

Although by the end of 2008 the country had completed the necessary first generation reforms of the defense sector by establishing a legislative framework for democratic civil-military relations and was simultaneously developing the capacity for their implementation, the reforms of the defense sector continued. The initial reforms, however, were sufficient for the country to take further steps toward international integration. In November of 2008 the Prime Minister submitted to the NATO Secretary General an official request for MAP membership[92] which was acknowledged the following year in the Strasbourg Summit Declaration which emphasized the accomplishments of Montenegro in its defense reforms, as well as the contributions the country was making in regional and global security.[93] In December of 2009, Montenegro became a member of the MAP. These developments of relations with NATO paralleled those with the European Union: the government applied for the European Union membership in December of 2008, which was followed by the EU Commission's questionnaire, answered by the government of Montenegro in stages between December 2009 and April 2010.[94] After it received positive evaluation of its EU membership prospects,[95] Montenegro was granted a status of a EU candidate country in December of 2010.

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[92] Ministry of Foreign Affairs, "Odnosi Crne Gore I Nato [Montenegro's Relations with Nato]," (Podgorica: Ministry of Foreign Affairs and European Integration, 2014).

[93] NATO, "Strasbourg / Kehl Summit Declaration," news release, April 4, 2009., Para. 24

[94] Ministry of Foreign Affairs, "Hronologija Odnosa Crne Gore I Eu [Chronology of Relations between Montenegro and the Eu]," (Podgorica: Ministry of Foreign Affairs and European Integration, 2014).

[95] European Commission, "Commission Staff Working Document Analytical Report," in *Commission Opinion on Montenegro's Application for Membership of the European Union* (Brussels: European Commission, 2010).

Although such steps toward integration into the Euro-Atlantic structures indicated significant accomplishments in the process of democratic consolidation, the reforms of the defense sector continued with revisions of existing and adoption of new documents that would strengthen the quality of democratic civil-military relations. Following the adoption of the National Security and Defense strategies, the parliament also revised other defense legislation. The need to reform the Defense and Security Council was recognized immediately after its creation and to that effect the parliament has taken some steps, but with little success. While the revisions of the Law on Defense[96] and Law on the Armed Forces[97] demarcated the responsibilities of the President and the Council more clearly, the laws still maintain that the Council makes decisions about the command of the armed forces and the president's orders about the measures of readiness and mobilization of the military need be pursuant to the Council's decisions, as such role of the Council was envisioned in the constitution. Although there is a general sentiment that the Council is not an efficient way to command armed forces, the abolition of it would require a change of the country's constitution, which is difficult to accomplish and will likely take some time.[98]

Although the position of the Council and its necessity remains questioned and is one issue that has proven to be very difficult to correct, other reforms that do not require the change of the constitution have been easier to fix. In particular, special focus has been placed on strengthening parliamentary oversight over the defense sector. For example,

[96] "Zakon O Izmjenama I Dopunama Zakona O Odbrani," [Law on the Changes and Amendments to the Law on Defense.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 88/2009 (2009).
[97] "Zakon O Vojsci Crne Gore," [Law on Armed Forces of Montenegro.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 88/2009 (2009).
[98] Personal interviews with government officials (July-August 2013)

some of the early work of the Security and Defense Committee was hindered by the lack

of access to classified information. Before 2009, the Law on Confidentiality of

Information[99] specified that the members of the Security and Defense Council, as well as

ministers of defense, internal , and foreign affairs, the chief justice of the supreme court,

and the attorney general have access to all levels of confidential information.[100] The

omission of the Committee members meant that they had to petition to the National

Security Authority each time they needed to access classified information, which delayed

the work of the committee and hindered its ability to function. Upon a proposal by

opposition parties in November 2009, the parliament adopted Amendments to the Law on

Confidentiality of Information,[101] which corrected the shortcomings of the previous law

by specifying that the members of the Security and Defense Committee have *full access

to all levels* of classified information.[102] This furthered the Committee's ability to

exercise its duties.

In 2010, the European Commission praised the country's advancements in

defense reforms and particularly in the process of establishing parliamentary oversight of

security and defense, but it also recommended the strengthening of its oversight by

passing a law that would clearly outline the responsibilities and powers of the parliament

and the relevant committee:

> Enquiries and hearings held on specific cases demonstrated the
> commitment of the committee members across the political spectrum to

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[99] "Zakon O Tajnosti Podataka," [Law on Confidentiality of Information.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 14/2008 (2008).
[100] Ibid., Art. 26
[101] "Zakon O Dopunama Zakona O Tajnosti Podataka," [Law on Amendments to the Law on Confidentiality of Information.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 76/2009 (2009).
[102] Ibid., Art. 1

exercise their duties in an independent and professional manner. Amendments made to the Law on confidentiality of data to give parliament wider access to relevant data improved the conditions for oversight. Overall, the existing framework guarantees the basic principles for ensuring the civilian control of security forces. The role of the parliament has been strengthened. Yet there is room for further strengthening oversight of security and defence structures, notably by adopting a dedicated law on parliamentary oversight over the defence sector and the security forces and by strengthening the capacity of the committee.[103]

Although suggestions for such a law had existed for some time, the EU's recommendations gave the parliament a final impetus for its adoption. In December of 2010 the parliament adopted a Law on Parliamentary Oversight in the Area of Security and Defense,[104] which somewhat unusually passed in the parliament with a unanimous vote. The Law expanded on the previous powers of the parliament and removed any ambiguities regarding the roles and authorities of the committee.

According to the Law, the parliament conducts oversight of all security institutions, including the Ministry of Defense, the Armed Forces, the National Security Agency, the Police Directorate, Ministry of Internal Affairs, and all other state bodies and institution within the security sector.[105] In addition to reviewing annual reports from security institutions and deliberating legislative proposals and strategic documents, the Committee was empowered to conduct hearings, initiate parliamentary investigations into security-related matters, oversee the management of finances of security sector institutions, and ensure that all security sector institutions are politically and ideologically

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[103] European Commission, "Commission Staff Working Document Analytical Report," 23.
[104] "Zakon O Parlamentarnom Nadzoru U Oblasti Bezbjednosti I Odbrane," [Law on Parliamentary Oversight in the Area of Security and Defense.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 80/2010 (2010).
[105] Ibid., Art. 1

neutral in the conduct of their activities.[106] In addition, the Committee members have the

authority to make visits to the Ministry of Defense, offices of the National Security

Agency, military bases, and other places of work and properties of security sector

institutions for the purpose of reviewing documents or simply asking questions.[107]

Furthermore, and perhaps unusually for the region, the Committee was given the

authority to participate in the budget deliberations with the Budgetary Committee.[108] The

parliamentary oversight is, therefore, grounded in a comprehensive legal framework and

the Committee for Security and Defense is given significant powers in order to

accomplish such oversight. Not only is the Committee empowered to demand reports,

hold hearings, review documents, and so on, it is somewhat obligated to performs these

duties by the requirement to submit annual action plans to the parliament, outlining steps

to be taken in the process of control and oversight.

While the legislative provisions for the role of the parliament have been

significantly increased, so has the commitment of the Committee members, as has been

evident in the increased number of meetings, the length of the sessions, and the number

and range of issues discussed.[109] For example, in the 2006-2008 period, the committee

met only 12 times, ten of which were meetings held in 2007 as the defense-related

legislation was being discussed and adopted. In the period of 2009-2012, however, the

number of sessions was 55, averaging to nearly 14 sessions per year. This trend has

continued since, with 13 sessions in 2013 and 12 sessions in the first seven months of

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[106] Ibid., Art. 7
[107] Ibid., Art. 15.2
[108] Ibid., Art. 7.12
[109] Parliament of Montengro, "Meetings of the Working Bodies,"
http://www.skupstina.me/index.php/en/sjednice/sjednice-radnih-tijela.

2014. In addition to regular meetings, the committee has held a number of joint meetings with other parliamentary committees, such the Committee on Foreign Relations and European Integration, the Anti-Corruption Committee and similar. Not only did the number of sessions increase, but also the length of the meetings, the number of items of the agenda, and the range of actions taken by the committee. The officials from the Ministry of Defense as well as other security institutions have appeared numerous times before the Committee to answer questions, and as Radević and Kalač note, the officials have been "rather prompt in appearing before the committee to answer the questions of members of parliament."[110] While the early work by the committee mostly consisted of deliberations of defense-related legislation, its later work focused also on reviews of reports, holding of hearings, debating the army's participation in international military missions, and visits to the Ministry of Defense, National Security Agency, Police Directorate, as well as the military bases. The parliament's both efficiency and transparency have been significantly improving, contributing to the enhancement of its overall performance, leading some to consider the parliamentary oversight the most significant achievement in the process of establishing democratic control over armed forces in Montenegro.[111] Even opposition members, who have generally negative views of the ruling coalition and its policies, have described the country's parliamentary oversight of the defense sector as especially effective and "the best in the region."[112]

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[110] Rajko Radević and Emir Kalač, "Montenegro," in *Almanac on Security Sector Oversight in the Western Balkans*, ed. Franziska Klopfer, et al. (Belgrade: Belgrade Centre for Security Policy and Geneva Centre for the Democratic Control of Armed Forces, 2012), 167.
[111] Ibid., 166.
[112] Personal interview with Zoran Miljanić, member of the Parliamentary Committee for Defense and Security (Podgorica, July 2013)

However, in spite of these accomplishments, the country struggles with the lack of resources, which affects the ability of officials to perform their duties. As the European Union Commission emphasizes, the problem is not with the political will but the lack of resources at parliament's disposal.[113] According to the Commission, there is an overall lack of administrative capacity that hinders the work of the parliament: "There is a lack of office space and other facilities, including for MPs. Staff and expert support for committees are rudimentary, often comprising just one staff member as committee secretary."[114] Nevertheless, the report recognized the Speaker's and the Secretary-General's commitments to increasing the capacity of the parliament and the upgrades of the parliament's research center which was in the process of being advanced and had already begun offering research and analysis services to the members of parliament. Such upgrades have continued since, and although the levels are still not satisfactory, the Parliamentary Service has seen an increase in the number of personnel as well as their level of training to provide administrative assistance for parliamentarians.[115]

The shortage of resources notwithstanding, as of 2010 Montenegro's civil-military relations have been classified as democratic.[116] NATO has continuously emphasized the positive developments in the country's progression of civil-military relations, defense reforms in general, as well as its contribution to regional security[117]

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[113] European Commission, "Commission Staff Working Document Analytical Report."
[114] Ibid., 11.
[115] Personal interviews with members of parliament (July-August 2013)
[116] Personal interviews with government officials (July-August 2013)
[117] NATO, "Lisbon Summit Declaration," news release, November 20, 2010., Para. 16; "Chicago Summit Declaration," news release, May 20, 2012, http://www.nato.int/cps/en/natolive/official_texts_87593.htm#montenegro., Para. 27; "Nato Secretary General Visits Montenegro and Calls for Euro-Atlantic Integration of the Western Balkans," news release,

with main recommendations to further reforms focusing not on civil-military relations but on fight against organized crime and corruption.[118] The last NATO requirement after 2010 was the establishment of military-intelligence, which was considered a necessary condition for NATO membership.[119] This was accomplished in February of 2012, when a military-intelligence division was created within the Ministry of Defense.[120] After that, the country was considered to have satisfied both military and political conditions for NATO membership. [121] NATO's Chicago Summit Declaration[122] was considered particularly important for Montenegro and its leadership because for the first time the accomplishments were praised unconditionally, without qualifications regarding the next steps that need to be taken.[123] However, similarly to the situation in Croatia in the period of 2005-2008, Montenegro's main impediment to NATO membership has been low level of public support, very contrary to the attitudes toward the European Union membership. While two-thirds of the population has consistently supported the country's EU membership, in 2010 such support for NATO was at 35.4 percent, as opposed to 40.9

June 29, 2011, http://www.nato.int/cps/en/SID-192E4003-8A75B185/natolive/news_75568.htm?selectedLocale=en.

[118] "Nato Secretary General Visits Montenegro and Calls for Euro-Atlantic Integration of the Western Balkans."

[119] Personal interview with a high ranking official (Podgorica, August 2013)

[120] "Zakon O Izmjenama I Dopunama Zakona O Odbrani," [Law on the Changes and Amendments to the Law on Defense.] *Službeni List Crne Gore [Official Gazette of Montenegro]* 14/2012 (2012).

[121] Maja Đurđić, "Ministar Odbrane Slovenije Roman Jakič: Crna Gora Ispunjava Osnovne Uslove Za Poziv U Nato," *Pobjeda*, June 9 2014; "Nato's Top Commander Says Montenegro Militarily Ready to Join Alliance," Atlantic Council, http://www.atlanticcouncil.org/blogs/natosource/nato-s-top-commander-says-montenegro-militarily-ready-to-join-alliance; Atlantic Council, "Nato & Montenegro," in *ATA Brief on Relations between NATO and Montenegro* (Brussels: Atlantic Council of Montenegro, 2013).

[122] NATO, "Chicago Summit Declaration."

[123] Srđan Kusovac, "Nacrt Završne Deklaracije 25. Samita Nato-a Izuzetno Povoljan Po Crnu Goru," *Pobjeda*, May 21 2012.

percent of the population who were against the country's alliance membership.[124] In 2011, the level of support was even lower, with only 30.9 percent of the population saying they would vote for membership were the question to be brought up for a referendum.[125]

While the government has embarked on a campaign to increase support for NATO membership, the main reason for such aversion toward the alliance is the fear of being dragged into international conflicts. Those fears were confirmed as early as 2009 when the parliament approved deployment of troops in support of international missions in Liberia, Afghanistan, and the Somali coast. While Milan Roćen, the minister of foreign affairs, attempted to assuage the fears of the population by explaining that the decision to send soldiers to Afghanistan was made voluntarily by Montenegro because the state wants to contribute to international security, not because it was forced by NATO,[126] it was not enough to shift the attitudes of the population. As early as 2007 the government adopted a Communication Strategy on Euro-Atlantic Integration[127] which envisaged informing citizens of major developments in the process of Euro-Atlantic integrations, raising awareness regarding the benefits and consequences and encouraging interest in learning about the integration processes, and accomplishing high levels of public support for the country's accession into the European Union and NATO. As such, the Strategy formed a Coordination Team for the Implementation of the Communication Strategy on

[124] CEDEM, "Political Public Opinion in Montenegro," (Podgorica: Centre for Democracy and Human Rights Empirical Research Department, 2010).

[125] "Public Opinion in Montenegro," in *Annual Report No. 7* (Podgorica: Centre for Democracy and Human Rights Empirical Research Department, 2012).

[126] Milan Roćen, "Rusija Nam Ne Stoji Na Putu," *Bezbjednost* 2009.

[127] "Komunikaciona Strategija O Evroatlantskim Integracijama Crne Gore," (Podgorica: Government of Montenegro, 2007).

Euro-Atlantic integration which, due to the already high levels of support for EU

membership, has focused much of its attention on NATO membership. To that end, the

team, in cooperation with NATO member and partner states, as well as non-governmental

organizations has organized numerous seminars, round-table discussions, conferences,

summer schools and courses in order to increase awareness of and support for

Montenegro's accession into NATO. In addition, television programs, publications in

major newspapers, periodic publications, as well as the Info Center for Euro-Atlantic

Integration established in the capital city have all been geared toward increasing the level

of education about NATO and Montenegro's future as part of it.

The campaign has had modest effects. By the end of 2013, public support for

NATO membership had increased significantly to 38 percent,[128] but is still not enough

for Montenegro to be admitted into the Alliance. This was emphasized by the North

Atlantic Council according to which "In the forthcoming period Montenegro needs to

increase public support for NATO membership. *Though the country has satisfied much of

the criteria for NATO membership, public opinion disapproves of the accession path.*"[129]

As a result, the government's hopes that Montenegro would receive an official

membership invitation at the NATO summit in September of 2014[130] were disappointed

at the June meeting of NATO foreign ministers at which it was declared that the

"Alliance will open intensified and focused talks and assess at the latest by the end of

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[128] CEDEM, "Attitudes on Nato Integration in Montenegro," (Podgorica: Centre for Democracy and Human Rights, 2013).
[129] Atlantic Council, "Nato & Montenegro.", emphasis added
[130] "Prime Minister: Montenegro Expects Invitation to Join Nato in September," news release, April 8, 2014, http://www.atlanticcouncil.org/events/past-events/prime-minister-montenegro-expects-invitation-to-join-nato-in-september.

2015 whether to invite Montenegro to join the Alliance."[131] Although that was not what

the government had hoped for, the meeting was followed by a number of reassurances,

among which was the recent statement by Italian Minister of Foreign Affairs that despite

the disappointing outcome of the June meeting, Montenegro would be the next country to

join the Alliance.[132]

Conclusion

Civil-military relations in both SRJ and SCG were non-democratic, characterized

by a lack of clarity of legislative provisions for democratic control, chains of command

that did not satisfy the basic conditions for democratic defense relations, politicized

armed forces, and militarized civilian institutions in the chain of command. While such

arrangements were not surprising prior to democratic changes of 2000, as Slobodan

Milošević ruled with little regard for democratic processes, the same cannot be said for

the period between 2000 and 2006. With the victory of democratic forces in 2000, many

aspects of the political system were democratized and the leadership focused on

international integration as one of its priorities. Civil-military relations, however,

continued on their non-democratic path due to the challenges to SRJ and later SCG posed

by Montenegro's and Kosovo's bids for independence.

Beginning in 1997, the Montenegrin political scene was overwhelmed with the

question of the state's future. Pro-independence and pro-union with Serbia blocks

dominated all elections between 1997 and 2006, creating a highly divided society and

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[131] NATO, "Nato Foreign Ministers Agree Alliance's Door to New Members Remains Open," news release, June 24-25, 2014, http://www.nato.int/cps/en/natolive/news_111257.htm?selectedLocale=en.
[132] "Mogerini: Crna Gora Naredna Članica Nato-A," *Pobjeda*, July 29 2014.

posing challenges in the process of democratic transition and consolidation. Just as the JNA's role of preserving the Yugoslav federation and the socialist order was embedded in the SFRJ constitution, leading to deep tensions when the states started displaying secessionist intentions, a similar situation continued in the SRJ when Montenegro's bid for independence was being threatened by the SRJ constitution that committed the military to defending the territorial integrity of country. While the pro-union block had the federal army to rely on for security, the government of Montenegro focused on strengthening its police forces, training them to be a counter-force to the federal military and significantly increasing their numbers. While the number of uniformed officers, investigators, and members of the special police force totaled to more than 14,000, some estimate that the government had at its disposal as many as 30,000 loyalists that could be mobilized into the police force if necessary.[133] This militarized force served the same function as the military does in most cases: its role was to defend the territorial integrity of the state and to protect the state's international borders. Since independence this role of the police has changed and its numbers have been significantly reduced; the state is nevertheless left with the highest numbers of police services per capita in the region,[134] double the size of its military.

The referendum on independence removed the issue of state legitimacy from the political agenda of the country, allowing the newly established sovereign country to move forward with its defense reforms. While the first round of legislative provisions needed to be reformed, the changes reflected a learning process and capacity building

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[133] Gajić, "Police Reform in the Republic of Montenegro."
[134] European Commission, "Commission Staff Working Document Analytical Report."

efforts that occurred simultaneously with the first generation issues. One of the major accomplishments in the second round of defense reforms was the strengthening of the role of the parliament and enhancement of legislative provisions for its oversight. While the removal of obstacles for Committee for Defense and Security member's access to classified information was one step in that direction, the law that regulates parliamentary oversight in the area of security in defense was considered one of the major accomplishments that went beyond other countries in the region. As a result, the country managed to establish democratic civil-military relations by 2010, only four years after independence. Such surprising pace of reforms was the result of the leadership's commitment to democratic consolidation, reinforced by the vast amounts of help from the international community. Once the question of the future of the state was removed from the political agenda, the political elites and the population were in a consensus that the country's long-term goals can best be served by becoming a member of the larger international community. This commitment to the establishment of democratic institutions and the related desire toward international integration led the leadership to accept vast help from the European Union, NATO, the OSCE, as well as individual countries, all of which provided not only financial help but more importantly advice and training to officials, leading to significantly accelerated defense reforms and successes in the process of establishing democratic defense relations. While the same help has been available to other countries in the region, the countries seem willing to accept such help only after they have resolved domestic divisions and are in agreement on the future of the country.

Montenegro's accomplishments have been recognized in its international integration efforts, which have been identified as the country's main objectives. With Montenegro's Partnership for Peace membership in 2006, Membership Action Plan in 2009, and parallel development of relations with the European Union, the international community has acknowledged the pace at which the country has established and consolidated its democratic institutions, further witnessed by the start of accession negotiations with the European Union in June of 2012. And although its civil-military relations have been evaluated as democratic since 2010, and the last obstacle to NATO membership removed in 2012 with the establishment of intelligence services, negotiations with NATO have stalled due to the low levels of public support for membership in the alliance. While an aggressive government campaign has produced a slight increase in the support, membership approval rates are still below 40 percent. If Croatia is a model on which to judge NATO's actions, Montenegro will need to reach an approval rate of over 50 percent before it can become a member of the alliance.

Although all conditions for NATO have been met, the state still needs to focus on two issues: correcting the convoluted provisions of the Security and Defense Council's role, and ensuring that officials have access to necessary resources to perform their functions. The Security and Defense Council, although created with the purpose of ensuring democratic command of the armed forces, has a potential to pose obstacles to efficient decision-making process, particularly in a case of a serious security threat to the country. While many recognize the weakness of such an arrangement, no official proposals for its change have been presented. The second issue on the agenda should be

to continue the process of enhancing the administrative capacity of defense institutions.

While significant resources have been invested in strengthening the Parliamentary

Service, the Committee on Security and Defense has only one expert, one secretary, two

advisers, and two officers, who, as Kalač points out, have been attending numerous

trainings often in English, although some of them do not speak English.[135] It is necessary

therefore that officials, particularly parliamentarians, have access to satisfactory

administrative and research staff, as well as to proper office space and research facilities

in order to fulfill their roles and continue the process of enhancing the quality of

democratic civil-military relations.

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[135] Emir Kalač, "Parliamentary Control and Oversight," in *Security Sector Reform in Montenegro 2009-2012*, ed. Nenad Koprivica, Civil Society Capacity Building to Map and Monitor Security Sector Reform in the Western Balkans (Podgorica: Centre for Democracy and Human Rights, 2013).

CHAPTER 6

CONCLUSION

Establishment of democratic civil-military relations is an essential element of the process of democratic transition and consolidation. However, it is not always the military organization than upsets the dynamics of democratic defense relations; in some cases civilians may choose to establish or maintain non-democratic control over the armed forces. While such behavior of civilian political elites may be expected in non-democratic societies, this research sought to explain why even countries that are in the process of democratic transition and consolidation may fail to establish democratic control over their armed forces.

The importance of an institutional framework within the area of defense cannot be overestimated. A ministry of defense with broad executive powers to convey defense policies of the country and a legislative branch with comprehensive oversight responsibilities represent the foundation of the framework. However, their existence alone is not sufficient. These government bodies need to be staffed with civilians knowledgeable in defense policy and it is essential they be able to carry out the responsibilities granted to them. Otherwise, their existence is only a formality. We saw this in Croatia during the 1990s and to a certain extent we still see it in BiH. Although in Croatia the defense ministry had broad executive powers on paper, in reality it did not play a role in the process of defense-policy making and executing. The dual chain of command, from the president to the ministry of defense and from the president to the general staff, made the ministry of defense an unnecessary link in the chain, since the

president could directly convey orders to the highest military command. In addition, the few powers the ministry of defense possessed did not contribute to the quality of democratic civilian control over the armed forces, since the ministry was staffed mostly with military personnel. Furthermore, because of the lack of expertise among the few civilians in the ministry, even they preferred to delegate their responsibilities to the military personnel. While BiH authorities have expended significant efforts to develop an educated base of defense officials, the ministry of defense still suffers from an inability to carry out its tasks due to the continuing opposition from the entities' governments. The situation was different in Montenegro. The early efforts toward developing a comprehensive legislative framework for democratic civilian control led to the granting of genuine powers to the civilian-staffed ministry of defense and the parliament and the establishment of democratic civil-military relations within four years of the country's independence.

While Montenegro took four years to establish democratic civilian control over its armed forces, Croatia took fourteen years, and two decades since the war in BiH ended, the country's civil-military relations still cannot be classified as democratic. The reason for such varied outcomes is due to different levels of acceptance of each state by the political elites and the population in general. When the state in its current form is challenged by some segments of the society, the elites resist the establishment of democratic control over the military in fear of such control being used to upset the state's existence. The process of democratic transition and consolidation exacerbates these fears, for it creates the condition of double uncertainty. As Przeworski has argued, in a

democratic political system the political elites can never be certain of electoral outcomes, since with each new election those in power may face a loss.[1] While this is a crucial aspect of any democratic system, it presents an obstacle to democratic consolidation when some segments of the society challenge the state's legitimacy given that the loss in an election may lead to a transfer of authority to those who wish to dissolve the state. As a result, in such circumstances the political elites may reject democratic control over the armed forces and instead establish control that would guarantee that a transfer of power would not lead to a transfer of military allegiances. Challenges to state legitimacy thus present obstacles to the establishment of democratic civil-military relations.

This was evident in the cases of former SFRJ states. Montenegro reached independence in a referendum in which over 55 percent of the population wished to leave the union with Serbia. Although nearly 45 percent of the population resisted independence, the finality of the referendum removed the issue of state's future relations with Serbia from the political agenda, as evidenced by the shift of electoral campaigns: while elections of the previous decade had been overwhelmed with the question of pro-Serbia or pro-independence, the first post-referendum elections focused on issues of economic development, unemployment, crime, corruption, and similar. As a result of such break with the only issue that challenged the state's borders, the leadership moved to establish democratic civilian control over its armed forces in line with NATO and European Union standards. Croatia, on the other hand, delayed its defense reforms for nearly ten years, due to multiple challenges to the state. One challenge came from the

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[1] Przeworski, "Some Problems in the Study of the Transition to Democracy."

minority ethnic Serbs, who declared an independent Serbian Krajina and refused to accept the Croatian state. In addition, the country faced external threats from Serbia led by Slobodan Milošević, who publicly displayed his ambitions toward annexing parts of Croatia inhibited by Serbs. Finally, the Croat leadership itself aspired to appropriate parts of BiH territory where ethnic Croats represented a majority. In spite of the country's early declaration of intent to join the Euro-Atlantic structures, these multiple challenges to state legitimacy created conditions under which the ruling HDZ sought to maintain party control over the OSRH by politicizing the military, militarizing civilian institutions for their control, and transforming civil-military relations into a relationship between the president and the top military officers. Only after these issues disappeared from the political agenda in the early 2000s, did the country move toward democratic defense relations. BiH, however, still has not completely resolved its issues of state legitimacy. All three constituent peoples are dissatisfied with the current arrangement. While the Bosniaks wish for a more centralized system and proportional representation of each ethnic group, the Serbs and the Croats have at times displayed their dissatisfaction with being a part of BiH. This dissatisfaction has not been constant, however, which has at times allowed for significant reforms of the defense sector. In the early 2000s, when non-nationalist parties came to power for the first time since independence, the country managed to start the process of defense reforms. Even after some nationalist parties returned to power in 2003, they chose to abandon their nationalist agendas and advocate democratic reforms. The period between 2003 and 2007 was atypically lacking nationalist rhetoric and demands for independent Serbian and Croatian regions. This

same period was the period when most important defense reforms were accomplished and the country established not only the necessary legislative framework for democratic civil-military relations but also unified its armed forces and abolished separate entities' defense institutions. While the reforms were significant, the powers granted to the central defense institutions on paper were not carried out in reality because the nationalist rhetoric reemerged in 2007, stalling once again the progress in the process of establishing democratic defense relations.

The quality and speed of defense reforms has therefore varied with variations in the type of issues dominating the political agenda of each country in different time periods. Even with democratic transition in progress and vital international incentives present, each country could only make progress in the process of establishing democratic civilian control once the issue of challenged state legitimacy lost its potency. While Montenegro, BiH, and Croatia were chosen for this project because they display a wide variation on dependent and independent variables within and across cases, a brief overview of other former SFRJ states demonstrates that their reforms of civil-military relations have followed a similar trend.

Slovenia

Slovenia's departure from the SFRJ led to a significantly different development than other former Yugoslav republics. During the 1990s, while BiH, Croatia, Macedonia, and the SRJ were still plagued by issues of unresolved state status, Slovenia was consolidating its democratic system and achieving its goal of Euro-Atlantic integration. As such, it is considered a "success story" among former Yugoslav states. It was a charter

member of the Partnership for Peace program in 1994, it was the first former SFRJ state to become a member of NATO and European Union in 2004, and is still the only member of the Eurozone.

Slovenia's independence from the SFRJ was the result of a December 1990 referendum in which, with a turnout of over 93 percent, nearly 90 percent of the population voted for departure from the Federation. Although the declaration of independence in June 1991 led to an armed conflict between the Slovenian Territorial Defense Forces and the JNA, the conflict lasted only ten days. With the population consisting of mostly ethnic Slovenes and two largest minority groups, Serbs and Croats, each accounting to only 2.5 percent of the population,[2] the central government from Belgrade was not as interested in preventing Slovenia's independence as it was that of Croatia and BiH. With the vast majority of the population in support of Slovenia's newly gained independence, and a lack of internal or external actors that would challenge its statehood, Slovenia could focus on restructuring its political system, transforming and consolidating its democratic institutions, and establishing democratic civil-military relations.

Since the country was not facing internal or external threats, the leadership decided to significantly downsize its armed forces, reducing them to half the size that existed during the SFRJ. At the same time efforts were made to depoliticize the military ranks, by banning political activity of officers and their membership in political parties. Parallel with the focus on restructuring the military, the government took necessary steps

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[2] Statistični Urad RS, "Statistični Letopis 1992," (Ljubljana: Statistični Urad Republike Slovenije, 1992).

to institutionalize democratic civilian control, creating "an elaborate system of civilian oversight over the small military establishment."[3] The Constitution[4] and the Law on Defense[5] specified the powers and responsibilities of different government bodies and relations among them, largely in line with western standards. While the non-executive president[6] is a Commander-in-Chief of the armed forces, the Ministry of Defense, headed by a civilian minister is the core body within the defense establishment, directly superior to the General Staff and accountable to the parliament. While the parliament is responsible for adopting laws, declaring the state of war, preparing plans for long-term development of Slovenia's armed forces, and overseeing the entire defense sector, the parliamentary Defense Committee has extensive powers to oversee defense institutions, request reports, hold hearings, and conduct any other activities deemed necessary for proper oversight. Unlike in other countries in the region, the Defense Committee is chaired by a member of the opposition party, giving the opposition even further role in conducting oversight of the defense sector. It seems that the Slovenian leadership's rejection of the Yugoslav model of civil-military relations led to a situation in which "the professional military was placed under firm and several layers of overwhelming civilian control."[7]

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[3] Anton Bebler, "Democratic Control of Armed Forces in Slovenia," in *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, ed. Andrew Cottey, Timothy Edmunds, and Anthony Forster (Basingstoke and New York: Palgrave, 2002), 167.

[4] "Ustavo Republike Slovenije," [Constitution of the Republic of Slovenia.] *Uradni List Republike Slovenije [Official Gazette of the Republic of Slovenia]* 33/1991 (1991).

[5] "Zakon O Obrambi," [Law on Defense of the Republic of Slovenia.] *Uradni List Republike Slovenije [Official Gazette of the Republic of Slovenia]* 82/1994 (1994).

[6] Slovenia is a parliamentary democracy and the Prime Minister holds the executive powers. However, the President, elected in direct elections serves as the head of state and acts as the Commander-in-Chief.

[7] Marjan Malešić and Ljubica Jelušić, "Towards Civilian Supremacy: Civil-Military Relations in Slovenia," in *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and*

In spite of the early commitment to the establishment of democratic civilian control, as Vankovska and Wiberg point out, "during the first three years after independence defence activities were more improvised than organized."[8] Two issues combined to exacerbate the situation. First, since Slovenians had high levels of distrust of the JNA, most Slovenian officers who had served in the JNA were not commissioned into the Slovenian Army, leaving civilians to fill the vacuum and leading to an overwhelming presence of civilians at all levels of the defense establishment to the point that "in many areas of defence policy, the civil-military interface has been supplanted by de facto 'civil-civil' relations."[9] In addition, the country suffered from a lack of civilian experts in defense matters which allowed a few individuals to 'hijack' the circumstances to advance their political goals. For example, a crisis in the country's defense relations occurred when the country's first Minister of Defense used the office to pursue his goal of becoming the prime minister. While this was rectified by the Minister of Defense's dismissal from office in March 1994, the process of developing expertise and finding a proper balance between civilian and military duties took several years to complete.

By 1998, however, Slovenia had established democratic civil-military relations, which according to Arnejcic and Vah was "the most transparent among the countries of [sic] transition from totalitarianism to democracy."[10] As a result of the country's success

Adapting to the Needs of Fighting Terrorism, ed. Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev (Heidelberg: Physica-Verlag, 2005), 219. See also Bebler, "Democratic Control of Armed Forces in Slovenia."

[8] Vankovska and Wiberg, *Between Past and Future: Civil-Military Relations in the Post-Communist Balkans*, 179.

[9] Bebler, "Democratic Control of Armed Forces in Slovenia," 168.

[10] Beno Arnejcic and Igor Vah, "Civil Military Relations in Slovenia: Aspects, Factors, Problems," in *Civil-Military Relations in South East Europe: A Survey of National Perspectives and of the Adaptation Process*

in the process of democratic reforms, in 1998 the President of the North Atlantic

Assembly urged the alliance to invite Slovenia into the alliance, pointing out that the

country had already satisfied all conditions for membership:

> Slovenia is well qualified today to be invited to join the Alliance, and is
> ready to make a net contribution to NATO's security and stability. Judged
> against the guidelines in the 1995 Study on NATO Enlargement, Slovenia
> is as qualified for NATO membership as are the Czech Republic, Hungary
> and Poland.[11]

The Czech Republic, Hungary, and Poland, however, had received invitations the

previous year and after that enlargement some members of the alliance decided that the

enlargement process should "pause after the Washington Summit,"[12] leaving Slovenia to

wait until the next round of enlargement that occurred with the 2002 invitation of seven

countries. In 2004, Slovenia joined both the alliance and the European Union.

Macedonia[13]

As the only state that seceded from the SFRJ in the early 1990s without violence,

Macedonia has often been considered an exemption to most developments that occurred

in other former Yugoslav states. However, the evolution of Macedonia's civil-military

relations has proceeded within a similar path to that of other states in the region. While its

political scene was dominated by the issue of state legitimacy, Macedonia maintained

non-democratic civil-military relations. Only after the Ohrid Agreement in 2001, when

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to the Partnership for Peace Standards, ed. Plamen Pantev (Sofia: Institute for Security and International
Studies (ISIS), 2001), 201.

[11] William V. Jr. Roth, "Nato in the 21st Century," (Brussels: NATO Parliamentary Assembly, 1998).,
Para. 128

[12] Ibid.

[13] The name Macedonia has been contested by Greece and has been a subject of severe tensions between
the two countries and within international organizations. The country's official name is Republic of
Macedonia; however, due to the disputed name issue it has been admitted into the United Nations and other
international organizations as the Former Yugoslav Republic of Macedonia (FYROM). I use the name
Macedonia for simplicity.

ethnic grievances were addressed and conditions for their rectification established, did the country start taking steps toward establishing truly democratic control over its armed forces.

Although it seceded from the SFRJ without violence, Macedonia's first decade of independence was preoccupied with the tension between ethnic Macedonians and ethnic Albanians, which culminated in violence in 2001 leading nearly to a civil war. Ethnic Albanians, who at the time of independence constituted nearly 23 percent of Macedonia's population,[14] hoped that with the breakup of the SFRJ they would either be granted independence or be able to join the neighboring Albania. As a result, they boycotted the referendum on independence held in September 1991 and later that year the Albanian parties refused to participate in the process of drafting and adopting the constitution. With ethnic Albanians refusing to participate in the process that would secure Macedonia's independence and adopt the basic legislation for democratic functioning of the country, the Macedonian government took an approach that isolated ethnic Albanians and pointed to their unequal status in the new country. The preamble to the 1991 Constitution defined Macedonia as "a national state of the Macedonian people, which guarantees equality and permanent coexistence of the Macedonian people with the Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia."[15] This designation of the state as that of Macedonian people led to the furthering of tensions between ethnic

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[14] State Statistical Office RM, "Statistical Yearbook of the Republic of Macedonia: Population," (Skopje: State Statistical Office of the Republic of Macedonia, 2010).

[15] *Ustavot Na Republika Makedonija [Constitution of the Republic of Macedonia]*. My translation. Original text: "Makedonija e konstituirana kako nacionalna država na makedonskiot narod vo koja se obezbeduva celosna graganska ramnopravnost i trajno sožitelstvo na makedonskiot narod so Albancite, Turcite, Vlasite, Romite i drugite nacionalnosti koi živeat vo Republika Makedonija."

Albanians and Macedonians, leading to a decade-long instability. This source of tensions was recognized immediately by the government, which asked for the international peacekeeping force to be established in the country in order to ameliorate the instability and prevent violent conflict. The international forces in different formations continued their presence in Macedonia until December 2005.[16]

Although the liberalization of the political system in 1991 led to an emergence of multiple new political parties, the political scene was overwhelmed with issues of ethnic politics. As Fink-Hafner and Hafner-Fink point out, "New political parties were more or less defined by the interests of various ethnic groups, and did not achieve a sufficient consensus on the basis of the new system to overcome a polarisation into two main blocs: Macedonian and Albanian."[17] Although Albanian parties were represented in each government since 1991, the parties continued to use their position in government to challenge the system and further the goals of Albanian independence. In 1992, Albanians held their own referendum on independence, with over 90 percent of the Albanian population voting to secede from Macedonia. In 1994, they declared an independent

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[16] In December 1992, the United Nations Protection Force (UNPROFOR) which had been established in BiH and Croatia was extended to Macedonia upon the request from the government of Macedonia "to monitor and report any developments in its border areas which could undermine confidence and stability in that Republic and threaten its territory." In March of 1995, the UNPROFOR in Macedonia was replaced by the United Nations Preventive Deployment Force (UNPREDEP) which lasted until 1999, when China vetoed a UN Security Council Resolution that would extend the mission's mandate. In 2001, the president of Macedonia requested assistance from NATO in disarming ethnic Albanian rebels and NATO forces stayed in the country under various mission names until 2004 when the peacekeeping mission in Macedonia was passed on to the European Union which continued the EU Police Mission (EUPOL PROXIMA) until December 14 2005. See United Nations, "United Nations Protection Force: Profile," (United Nations Department of Public Information, 1996).; "United Nations Preventive Deployment Force: Mission Profile," (United Nations Department of Public Information, 1999).; NATO, "Nato's Role in the Former Yugoslav Republic of Macedonia," (North Atlantic Treaty Organization, 2004).
[17] Danica Fink-Hafner and Mitja Hafner-Fink, "The Determinants of the Success of Transitions to Democracy," *Europe-Asia Studies* 61, no. 9 (2009): 1613.

Republic Illirida in the north-western part of the country. The tensions continued throughout the 1990s and culminated in February 2001 with an outbreak of violence between the Albanian rebel forces and the Macedonian military. The hostilities lasted for six months and ended with an August 2001 ceasefire brokered with the help of the international community.

This period was also characterized by a lack of democratic control over armed forces. Although the first Law on Defense[18] attempted to replicate the western standards of civilian control of the military by designating the president as the commander-in-chief, the parliament as the body in charge of oversight of the defense sector and declaring the state of war, and the ministry of defense as the institution in charge of executing defense policies, both the legislative provisions and the practice within the defense establishment exhibited many shortcomings that maintained non-democratic civil-military relations. First, the Law on Defense created a convoluted structure with many overlapping responsibilities between the president, the government, the ministry of defense, and the general staff. In fact, most of the functions and roles seem to be repeated directly or reworded for all four bodies. In addition, while the parliament was given the power on paper to conduct oversight of the defense sector, it was largely left out of the process for over a decade.[19] According to Georgieva, instead of playing the key role in the oversight of the defense sector, the parliament was "simply a voting instrument for decisions taken

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[18] "Zakon Za Odbrana Na Republika Makedonija," [Law on Defense of the Republic of Macedonia.] *Služben Vesnik na Republika Makedonija [Official Gazette of the Republic of Macedonia]* 8/1992 (1992).
[19] Petar Atanasov, "Macedonian Reform Perspectives," in *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ed. Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev (Heidelberg: Physica-Verlag, 2005).

in the executive."[20] Similar situation existed in the parliamentary Commission on Internal

Policy and Defense, which was in charge of reviewing the legislative proposals but even

with such a relatively insignificant role, "instead of filtering and critically viewing

proposals under discussion, the work of the Commission has often been guided to support

received proposals."[21] Finally, most military-related issues were not even brought up

under consideration by civilian authorities; instead, the military was given significant

autonomy on many issues, even those generally falling under the civilian purview. For

example, as Isakovic and Danopoulos point out, while the first Chief of Staff, General

Arsovski, had control over many issues including supplies procurement and promotion

even of civilian personnel, he at the same time often publicly displayed his political

preferences, his opinions regarding the preferred civil-military legislative framework, and

his disapproval of the provision that the minister of defense need be a civilian.[22]

Although General Arsovski was replaced as the Chief of Staff in 1993, a similar lack of

civilian control and oversight continued until 2001.

Ironically, it was the conflict between the Albanian National Liberation Army and

the Macedonian military that created conditions for the first step in the process of

establishing democratic control over Macedonia's armed forces. According to Siegel,

"Securing a working democracy in FYROM clearly starts with settling and ameliorating

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[20] Lidija Georgieva, "Security Sector Expert Formation: Achievements and Needs in Macedonia," in *Security Sector Expert Formation*, ed. Philipp H. Fluri and David M. Law (Vienna: National Defence Academy, 2003), 181.
[21] Ibid., 182.
[22] Zlatko Isakovic and Constantine P. Danopoulos, "In Search of Identity: Civil-Military Relations and Nationhood in the Former Yugoslav Republic of Macedonia (Fyrom)," in *Civil-Military Relations in the Soviet and Yugoslav Successor States*, ed. Constantine P. Danopoulos and Daniel Zirker (Boulder: Westview Press, 1996).

ethnic tensions between the Slavic and Albanian communities."[23] The conditions for

settling these tensions were created by the international community-brokered Ohrid

Agreement.[24] The agreement created a power-sharing system by requiring a double

majority for policies of special importance, thus giving the Albanian minority the right to

veto legislation in "laws that directly affect culture, use of language, education, personal

documentation, and use of symbols."[25] In addition, Albanian was recognized as an

official language which led to a guarantee of university education in Albanian language,

ethnic minorities were guaranteed proportional representation in the civil service by

specifying that "laws regulating employment in public administration will include

measures to assure equitable representation of communities in all central and local public

bodies and at all levels of employment"[26] and state power was significantly

decentralized, giving local authorities significant autonomy.

    The agreement provided necessary conditions for the Albanian minority to accept

the Macedonian state. In fact, the first post-Ohrid elections led to a coalition government

of three parties, one of which was the largest Albanian party, the Democratic Union for

Integration. Similar situation existed after the 2006 elections, when the second largest

Albanian party, the Democratic Party of Albanians was included in the coalition

government. The same shift occurred with the general population's priorities in the

political arena. Unlike during the 1990s, in early 2003 ethnic politics trailed as an issue of

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[23] Scott N. Siegel, "Weighing Macedonia's Entry into Nato," *Mediterranean Quarterly* 21, no. 1 (2010): 53.
[24] "Framework Agreement," (Government of the Republic of Macedonia Secretariat for Implementation of Ohrid Agreement, 2001).
[25] Ibid., Art. 5.2
[26] Ibid., Art. 4.2

concern after unemployment, poverty, corruption, crime, and high prices.[27] At the same time, ethnic Albanians, over 90 percent of whom voted for independence in the early 1990s and declared the independent Republic of Ilirida, displayed different attitudes toward their future in Macedonia after the Ohrid Agreement. By 2003, less than 24 percent of ethnic Albanians considered independence "an ideal situation."[28] By 2005 these numbers were even more encouraging,[29] thus allowing for more focus on democratic consolidation.

The changed political climate as a result of the agreement led to the decision of ethnic Albanian parties to shift their focus to working within the system, which in turn led to a number of defense reforms. The Law on Defense was amended in 2003 to include a much more clear delineation of responsibilities within the chain of command, National Security and Defense Concept was adopted by the parliament the same year, the Ministry of Defense with assistance from NATO representatives started drafting a Strategic Defense Review, and in 2005 the parliament adopted a Strategy for Transformation of Defense. By 2006, NATO representatives evaluated the country as achieving "great progress" in the area of defense reform, with a particular emphasis on the strengthened role of the parliamentary Committee on Defense and Security which had become more active in requiring budget reports, holding hearings with the Ministry of Defense officials, as well as working with the Marshall Center and the Geneva Centre for the Democratic Control of the Armed Forces on strengthening its capacity and

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[27] UNDP, "Early Warning Report: Fyr Macedonia," (Skopje: United Nations Development Programmme Kapital - Center for Development Research, 2003).
[28] Ibid.
[29] "Early Warning Report: Fyr Macedonia," (Skopje: United Nations Development Programmme, 2005).

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expertise.[30] The report concluded that Macedonia's goal of NATO membership by 2008 was very likely to be achieved. However, although by 2008 all political and military conditions for NATO membership were met,[31] Macedonia's membership was blocked by Greece over the disputed name issue. As a result, Croatia and Albania received invitations, while Macedonia was assured that it would be invited "as soon as a mutually acceptable solution to the name issue has been reached."[32]

Serbia

Serbia is not an appropriate case for comparison with other former SFRJ states because of the lack of the same set of controls. While the military emerged out of the same tradition of communist legacy, the Serbian army and the institutions for its control were the only ones that did not need to be created from scratch after independence. During the dissolution of the SFRJ, the withdrawal of Montenegro from SCG and Kosovo from Serbia, the armed forces were continuously kept under the control of Belgrade. In addition, the institutions for their control were inherited by Serbia, since the administrative center of the SFRY and SCG were in Belgrade. Serbia therefore inherited both the armed forces and institutions for their control, making it the only former Yugoslav state that did not have to start anew in the process of creating its defense establishment. In addition, unlike other states of the region, Serbia has not declared an interest in joining NATO. Although it became a member of the Partnership for Peace, the leadership and the population have no interest in a full-fledged NATO membership,

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[30] NATO PA, "The Three Adriatic Aspirants: Capabilities and Preparations," in *2007 Annual Session Committee Reports* (Brussles: NATO Parliamentary Assembly, 2007).

[31] NATO, "Bucharest Summit Declaration," news release, April 4, 2008; CRS, "Nato Enlargement: Albania, Croatia, and Possible Future Candidates."

[32] NATO, "Bucharest Summit Declaration.", Para. 20

removing therefore the incentive that exists in other states. The government has, however, been actively working to achieve membership in the European Union. Keeping in mind these methodological shortcomings of Serbia as an appropriate case for comparison, it is nevertheless informative to briefly look at Serbia's process of establishing democratic defense relations.

Although Montenegro's independence in 2006 resolved the main issue that had plagued the defense sector of the Union, Serbia's progress in establishing democratic defense relations did not proceed as smoothly as Montenegro's. Namely, Serbia was still facing a challenge to its state by the declared intent of the majority-Albanian southern province Kosovo and Metohija to seek independence. Although the province had been under the United Nations administration since the 1999 NATO bombing of SRJ, the preamble to the 2006 constitution clearly signified the intent of the government to maintain Kosovo as part of the Serbian state:

> Bearing in mind that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has significant levels of autonomy within the sovereign state of Serbia, and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations.[33]

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[33] "Ustav Republike Srbije," [Constitution of the Republic of Serbia.] *Službeni Glasnik Republike Srbije [Official Gazette of the Republic of Serbia]* 98/2006 (2006). My translation. Original text: "polazeći i od toga da je Pokrajina Kosovo i Metohija sastavni deo teritorije Srbije, da ima položaj suštinske autonomije u okviru suverene države Srbije i da iz takvog položaja Pokrajine Kosovo i Metohija slede ustavne obaveze svih državnih organa da zastupaju i štite državne interese Srbije na Kosovu i Metohiji u svim unutrašnjim i spoljnim političkim odnosima."

This was followed in 2007 with a number of parliamentary resolutions emphasizing the

same commitment toward Kosovo. The Kosovo Resolution[34] and the Resolution on the

Protection of Sovereignty, Territorial Integrity and Constitutional Order[35] for example,

both point out that Kosovo is an integral part of Serbia, that the country's territorial

integrity is guaranteed not only by its constitution but also by international treaties and

conventions and that any intent to violate such integrity would constitute the basis for

"appropriate measures" to be taken by Serbia. This commitment to preserve Kosovo as

part of the country was not only prevalent among the leadership, but among the

population at the time. While eleven parties won seats in the 2007 parliamentary

elections, the most votes went to the ultra-nationalist Serbian Radical Party[36] (*Srpska*

Radikalna Stranka, SRS) whose main item on the agenda has continuously been not only

the preservation of Kosovo as part of Serbia, but also the unification of all ethnic Serbs

into a homogenous 'Greater Serbia.' With over 32 percent of the seats in the parliament,

the SRS was the party with most support among the population (the next largest party, the

Democratic Party, received 25 percent of the seats). Ultimately, the SRS was excluded

from the government as three other parties formed a coalition government but its

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[34] "Rezolucija Narodne Skupštine Republike Srbije O Neophodnosti Pravednog Rešavanja Pitanja Autonomne Pokrajine Kosovo I Metohija Zasnovanog Na Medjunarodnom Pravu [Resolution of the National Assembly of the Republic of Serbia on the Necessity of Just Resolution of the Issue of the Autonomous Province of Kosovo and Metohija Based on the International Law]," (Belgrade: National Assembly of the Republic of Serbia, 2007).
[35] "Rezolucija Narodne Skupštine O Zaštiti Suvereniteta, Teritorijalnog Integriteta I Ustavnog Poretka Republike Srbije [Resolution on the Protection of Sovereignty, Territorial Integrity and Constitutional Order of the Republic of Serbia]," (Belgrade: National Assembly of the Republic of Serbia, 2007).
[36] The party's leader Vojislav Šešelj was indicted by the ICTY in 2003 for war crimes and crimes against humanity for actions in BiH and Croatia during the 1990s wars. Although the proceedings ended in 2012, due to a replacement of one of the ICTY judges in the trial the judgment has not been issued yet. See *Prosecutor of the Tribunal Agains Vojislav Šešelj*,(2003).

popularity among the population nevertheless reminded once again all parties of the importance of the issue of Kosovo among the Serbian voters.

In spite of the contentious issue of Kosovo, Serbian authorities made modest steps toward reforming the defense sector. The government conducted a Strategic Defense Review in 2006, and in 2007 the laws on defense and armed forces were adopted. Although the laws established the basic legislative framework for democratic defense relations, it was not until 2009 that the government adopted the National Security Strategy and Defense Strategy, moved to civilianize the defense institutions, and build the necessary capacity for their functioning. The dysfunction of the defense sector was evident as early as 2006 when President Tadić and Prime Minister Koštunica worked separately on developing the National Security Strategy.[37] The result was two different drafts of the strategy, leading to the postponement of its adoption. Although the Law on Defense empowered the Ministry of Defense to draft the National Security and Defense Strategies and the parliament to adopt them, such clarification of responsibilities still did not lead to the adoption of the strategies until 2009. As Bjeloš points out, changing political circumstances such as general and local elections, parliamentary resolutions regarding the status of Kosovo, and the province's declaration of independence all "dictated tempo of creation of strategic documents and induced the need for occasional modification of certain stances in these documents to be in line with the current political situation."[38] Some argue that even the Strategic Defense Review, drafted by the Ministry

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[37] Maja Bjeloš, "Serbia," in *Security Policies in the Western Balkans.* , ed. Miroslav Hadžić, Milorad Timotić, and Predrag Petrović (Belgrade: Centre for Civil-Military Relations, 2010).
[38] Ibid., 143.

of Defense and the General Staff, was only an attempt to lessen the country's international isolation, since the leadership did not exhibit any commitment toward its implementation.[39] In 2008, the European Commission emphasized that although significant steps were being taken to reform the defense, the fact that the legislative framework had not been completed and the Parliamentary Committee for Security and Defense had not started its work, meant that the reforms were still insufficient for democratic defense relations.[40] The same year Seroka evaluated Serbia's defense sector and concluded that due to significant unsettled policy issues the government still lacked the capacity to reach an agreement on a unified set of policy directions.[41] Since the political elites continued to be divided on defense and security policies, as there was "no consensus over the future direction of the nation,"[42] the civilian control over the military was not "exercised or managed in a clearly democratic way."[43]

The same year, however, Kosovo declared independence and effected changes in the political climate of the country. The declaration was backed by the international community, and was followed by an immediate recognition of Kosovo's independence by a number of countries, including many European Union countries.[44] Due to the Serbian leadership's inability to respond to Kosovo's declaration of independence, the government was dissolved and new elections showed a slight change in people's

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[39] Jim Seroka, "Assessment of the Transformation of Civil-Military Relations in Serbia and Croatia since 2000," *Politička Misao* 45, no. 5 (2008).
[40] European Commission, "Commission Staff Working Document," in *Serbia 2008 Progress Report* (Brussels: European Commission, 2008).
[41] Seroka, "Assessment of the Transformation of Civil-Military Relations in Serbia and Croatia since 2000."
[42] Ibid., 138.
[43] Ibid., 142.
[44] Although Kosovo is still not a member of the United Nations and its status is being contested, by the end of 2008 60 countries had recognized Kosovo's independence.

priorities. The elections kept the support for the Serbian Radical Party at nearly 30

percent, but this time the SRS did not receive the most votes. Instead, a coalition of pro-

European parties, For European Serbia (*Za Evropsku Srbiju*, ZES), received over 40

percent of the vote. Interestingly, just six months after the elections, the support for the

SRS dropped to less than 7 percent of the population, mainly due to the fact that by then

only 4 percent of the population believed that the issue of Kosovo should be the priority

on the country's political agenda.[45] Instead, the same poll showed the priorities of the

population to be economic development, improving the standard of living, crime,

corruption, and unemployment. This stands in contrast to the 2007 attitudes when

"Kosovo was identified as the primary imminent security problem."[46] In fact, it seems

that the declaration of independence and the subsequent recognition of Kosovo by a

number of countries brought a sense of finality on that issue among the population.

Despite the fact that for years the SRS enjoyed high levels of support among the voters,

in both elections since 2008 the party failed to win any representation in parliament.

Therefore, although the government continued to declare that it would never recognize

Kosovo's independence, the population shifted its focus to other issues with more effects

on their daily lives. Even the government has turned away from military solutions in

regard to Kosovo (perhaps because of the heavy international military presence in the

province) and has instead attempted to challenge the province's status through legal

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[45] "Zes Zadržao Poverenje Birača ['for European Serbia' Maintains Voter Confidence]," *Politika*, November 15 2008.
[46] Ferenc Gazdag et al., "Assessment of the Security of the Western Balkans and a Comparative Analysis of the Threat Perception in the Countries of the Region," in *Study on the Assessment of Regional Security Threats and Challenges in the Western Balkans*, ed. István Gyarmati and Darko Stančić (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2007), 45.

channels, by requesting an advisory opinion on the issue from the International Court of Justice. The relations seem to have normalized by 2013 when the governments of Serbia and Kosovo, with significant levels of international involvement, signed an agreement which, without recognizing Kosovo's independence essentially did just that.[47] The agreement guarantees protections of Serb minority in Kosovo by establishing their right to form an "Association/Community of Serb majority municipalities"[48] which "will have full overview of the areas of economic development, education, heath, urban and rural planning."[49] In addition to the guaranteed representation of Serbs in the central government institutions, the agreement establishes protection of Serbs in the northern parts of Kosovo through a post of the Regional Police Commander who must be a Kosovo Serb.

The finality of Kosovo's independence, the shift of the population's priorities, and the decision to actively seek membership in the European Union produced significant (albeit slow) changes to the country's defense system. By October 2009 the parliament completed the legislative defense framework by adopting the national security strategy, the defense strategy, a new law on the armed forces, and a number of laws regulating military intelligence, military security agencies, and the use of the army in multinational operations. Although the European Commission pointed to some continuing problems such as the parliament's lack of will and initiative in carrying out its oversight responsibilities in addition to the lack of capacity for such oversight it recognized that the

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[47] "First Agreement on Principles Governing the Normalization of Relations," (Republic of Kosovo Assembly, 2013).
[48] Ibid., Art. 1
[49] Ibid., Art. 4

completion of the legislative framework represented a significant improvement of the country's defense establishment.[50] As a result, the European Council announced it would offer Serbia a candidate status.

The year 2008, therefore, seems to be a breaking point in Serbia's civil-military relations. Gow and Zveržhanovski have argued that "tackling the war crimes legacy was a crucial aspect of the transformation of civil-military relations in Serbia."[51] According to the authors, the 2008 shift in the government's attitude toward defense reforms was due to the decision to deal with the war crimes legacy and cooperate with the ICTY which culminated with the arrest of Radovan Karadžić in July of 2008. This, however, does not explain why the decision was made in this particular moment to cooperate with the court and arrest one of the most wanted war criminals. The fact that Karadžić was arrested at the same time as the population's interest for the issue of Kosovo plummeted and with it the support for the SRS, might help explain the timing of both decisions to pursue democratic reforms of the defense sector and cooperate with the international community in arresting war criminals.

Concluding Thoughts

This dissertation has hopefully demonstrated that the resolution of challenges to state legitimacy is a necessary condition for the creation of an institutional framework that fosters democratic civil-military relations. While this project has focused on the

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[50] European Commission, "Commission Staff Working Document," in *Serbia 2010 Progress Report* (Brussels: European Commission, 2010). Such lack of interest in defense oversight was further hindered by a number of scandals, one of which led to the dismissal of the chair of the parliamentary Defense and Security Committee on the charges of abuse of office in 2010.

[51] Gow and Zveržhanovski, *Security, Democracy and War Crimes: Security Sector Transformation in Serbia*, 176.

countries that emerged from the former SFRJ, similar challenges are likely to produce similar effects in other countries as well. However, while challenged statehood has had significant effects on the countries under review here, it is important to note that these countries have had an advantage of not only extensive international assistance in developing the legislative framework and building up of expertise in security issues, but also international incentives to resolve the problems that negatively impacted civil-military relations and other aspects of democratic consolidation in order to achieve their goals of integration into the Euro-Atlantic structures. As Pantev points out, "maturity on issues of civil-military relations in the individual countries is achieved very much by the inducement stemming from the opportunity and promise of future NATO and EU membership."[52] While the desire to join these organizations has certainly had enormous effects on these countries' reform efforts, it is also true that even with such inducements the countries failed to accomplish the necessary reforms until they have resolved the issues of state legitimacy. In other words, in spite of the incentives to accelerate the process of democratic consolidation, the former SFRJ countries' progress was stalled until the issue of the future of the state was settled. Thus if the challenges to state's future are present, the effects of double uncertainty are likely to impede the process of establishing democratic defense relations in other countries undergoing democratic transition and consolidation as well; their effects, however, may be more severe in countries with no similar international assistance and incentives. Further research should

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[52] Plamen I. Pantev, "Analysis and Conclusions," in *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ed. Philipp H. Fluri, Gustav E. Gustenau, and Plamen I. Pantev (Heidelberg: Physica-Verlag, 2005), 259.

focus on transitioning societies in other regions and explore the obstacles these countries

face in their defense reforms. Policy-makers, on the other hand, should focus on resolving

the issues of states' challenged legitimacy before moving to significantly reform defense

establishments.

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