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CIVIL-MILITARY RELATIONS AND TERRITORIAL DEFENCE ISSUES

Summary:

The paper comprises the study of the governmental control over Armed Forces in Ukraine. The principal aim of the present study is to enhance the level of understanding of CMR and to commence a debate and discussion on it among the concerned actors, including civil society, military, insurgents and pro-Russian militants of the so-called Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR), ATO soldiers and ordinary citizens of Ukraine. It explores state-of-the-art notions found in the literature and thoughts of prominent philosophers of CMR. Moreover, the authors intend to disclose the concept of CMR that bridge the gap and strengthen dialogue between the civil society institution(s)/individual(s) and military or armed forces institution(s); specify and delineate the powers and relationships between government, parliament, the defence and internal ministries and the armed forces. It reflects the existing civilian control measures of Armed Forces of Ukraine (UAF) and the legitimacy of the pro-Russian militants of the Donbas, guaranteed by the peace accord, agreements, and understandings including the Constitution 1996 and Minsk Protocol.

Keywords:

Civil-military relations (CMR), Armed Forces, civil society, military, Democratic Civilian Control, Ukraine, military effectiveness

The most ominous blunder committed by us was the neglect of the army... We never tried to democratize the army... nor had we thought about any alternative option. Due to this mistake all our efforts and successes have been rendered useless at the moment.

Bishweshwar Prasad Koirala

Introduction

Ukraine undergoes the simultaneous transition of both its economic and political systems, aspiring to become a full-fledged member of the European community. Under the difficult conditions of transition from totalitarian state to democracy in Ukraine, the implementation of civilian control over military has been accompanied by a shortage of resources, insufficient civilian expertise, and the post-Soviet legacy in the military sphere. Taking into account the fact that the Ukrainian forces are still formidable, well-trained, engaged over the last decade in international peacekeeping missions and established close contacts with western counterparts, current situation must be spent efficiently for achieving a broad consensus on the following issues: what Ukraine needs the Armed Forces for; how much would be enough to satisfy these requirements; what ought to be done in order to face modern-day challenge.

In every modern state the issue of the proper balance between the armed forces and the civilian political leadership is a key feature of politics. In the most extreme cases, the military itself takes power. In established democracies civil-military relations do not take this extreme form, but there are still important debates about the proper degree of military influence over defence and foreign policy, and the degree to which military policy should be responsive to broader social and cultural values.

The principal aim of the presented study is to enhance the level of understanding of CMR and the concerned actors, including civil society, military, insurgents and pro-Russian militants of the Donetsk People's Republic (DPR) and Luhansk (LPR), ATO soldiers and ordinary citizens of Ukraine. Consequently, we aim at exploring contemporary notions found in the literature and thoughts of prominent philosophers of CMR, as well as the issues associated with examining one of the other potentially significant ramifications of civil military relationships – their impact on military effectiveness in Ukraine. The underlying premise is that military effectiveness rivals civilian control as a legitimate central concern in the study of civil-military relations. We shall attempt to put it into perspective and raise some of the issues associated with delving into study. It intends to bridge the gap and strengthen dialogue between the civil society institution(s)/individual(s) and military or armed forces institution(s). It reflects the existing civilian control measures of Armed Forces of Ukraine (UAF) and the legitimacy of the combatants of the Donbas guaranteed

by the peace accord, agreements, and understandings including the Constitution 1996 and Minsk Protocol.

The problem of Armed Forces and Democracy

It should be noted, that modern civil-military relations theory, as it was generated in the academic discourse by Janowitz (1960) and Huntington (1985) reveals several characteristics. Alongside with its advancement and with the lapse of time and in different dimensions, the theory has disclosed a considerable impact on three particular aspects: the evaluation of case-studies in a state-level perspective, the exclusive focal point on institutional structures, and the hypothesis of a gap between a civilian and a military field.

According to Samuel P. Huntington, the leading theorist of civil-military relations, recently the globe has seen a momentous political revolution in which transitions from authoritarianism to democracy have occurred in roughly 40 countries. The previous authoritarian regimes varied considerably. The transitions to democracy also differed greatly. In some cases, including many military regimes, reformers came to power within the authoritarian regime and took the initiative in bringing about the transition. In other cases, the transition came as a result of negotiations between the government and opposition groups. Virtually, all of these authoritarian regimes, whatever their type, had one thing in common. Their civil-military relations left much to be desired. Almost all notably lacked the kind of civil-military relations characteristic of the world's industrial democracies, which were once termed by him as 'objective civilian control.' In his work "Reforming Civil-Military Relations" the researcher regards as the imperative: *a high level of military professionalism and recognition by military officers of the limits of their professional competence; the effective subordination of the military to the civilian political leaders who make the basic decisions on foreign and military policy; the recognition and acceptance by that leadership of an area of professional competence and autonomy for the military; and the minimization of military intervention in politics and of political intervention in the military.*

Noteworthy, civil-military relations in the authoritarian regimes are stated to differ from above-mentioned model to varying degrees. It is stated that in the military regimes, no civilian control existed at all and military leaders and military organizations often performed a wide variety of functions only distantly related to normal military missions. In the personal dictatorships, the ruler is said to do everything he could to ensure that the military was permeated by and controlled by his cronies and agents, that it was divided against itself, and that it served his purpose of keeping a tight grip on power. In the one-party states, civil-military relations were not in quite the same disarray, but the military was viewed as the instrument of the party, military officers had to be party mem-

bers, political commissars and party cells paralleled the normal military chain of command, and ultimate loyalty was to the party rather than the state.

Accordingly, the new democracies have encountered a formidable challenge to drastically reform their civil-military relations. They also have had to establish their general authority with the public, draft new constitutions, establish competitive party systems and other democratic institutions, liberalize, privatize, and marketize command economies or economies heavily dominated by the state, promote economic growth while curbing inflation and unemployment, reduce fiscal deficits, limit crime and corruption, and curb tensions and violence among ethnic and religious groups¹.

Speaking of Ukraine case-study, we should mention that in order to prevent the creation of humanitarian disaster preconditions in the area of antiterrorist operation, the emergence of social tension in the rest of Ukraine and aim to form positive public opinion on the Armed Forces of Ukraine during the special period, legal regime of martial law or a state of emergency, in peacekeeping operations and security emergencies, senior military leadership had decided to implement the system of Civil-Military Cooperation in the Armed Forces of Ukraine.

Civil-Military Relations

Civil Military Relations have long been an imperative topic for political science scholars. In spite of its long tradition, however, the field has been frequently criticized as being too detached from the greater domain of political science and being too conservative in its conceptual, theoretical and methodological foundations. Lately, however, a new generation of civil-military research has emerged which has considerably promoted the development of the field beyond the classical dogma.

It is important to start by acknowledging that the two classic works of American civil-military relations, Samuel Huntington's *The Soldier and the State* (1957)² and Morris Janowitz's *The Professional Soldier* (1960)³ address both military effectiveness and civilian control. Huntington discusses civil-military relations as an explanatory variable, and argues that their nature has an important impact on military effectiveness. However, the manner in which he formulates this relationship is problematic. M. Janowitz also discusses military effectiveness but it is not clear in his discussion that civil-military relations

¹ S. Huntington, *Reforming Civil-Military Relations*, "Journal of Democracy" No. 6/4 (1995) pp. 9-17,

<https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_democracy/v006/6.4huntington.html> (11.03.2016).

² Vide: Idem, *Soldier and the State – the Theory and Politics of Civil-Military Relations*, Cambridge 1957.

³ M. Janowitz, *The Professional Soldier*, New York-London 1960.

serve as an explanatory variable for his assessment of what would constitute an effective military. Instead, he bases his argument for a constabulary force on his assessment of the military needs of the United States in the Cold War, and then argues that acceptance of such a role by the military would also have a beneficial impact on the character of civil-military relations and civilian control.

The slogan of “civilian control” over the military was the invention of democratic parliamentarians as a way of increasing their power *vis-à-vis* the British Crown during the 17th and 18th centuries⁴. CMR is one aspect of national security policy, the aim of which is to enhance the safety of nation’s social, cultural, and political institutions against threats arising from other independent states.⁵ The categorization of democratic civilian control is useful to assess the individual national models of CMR – in particular, should CMR reflect the role and mission of the armed services in a democratic society⁶.

In recent years, a lot of scholarly literature illustrates the civilian control⁷. CMR establishes the basis for maintaining civilian control over the military. Not only it involves a diverse range of studies, such as democratic civilian control of the military, democratization of military professionalism, military institution(s) and operations or war; it also draws upon various fields of political science, law, philosophy, psychology, sociology, anthropology, economics, history of diplomatic missions, and military science, among others. CMR encompasses the entire range of relationships between the military and society at every level⁸; it had started with Sun Tzu and Carl von Clausewitz (1780-1931). Samuel P. Huntington and Morris Janowitz have effectively initiated CMR in scholarly debates in modern democratic society. CMR broadens the focus beyond democratic control to include other dimensions and levels of analysis.

Civil Military Relations constitute the relationship between the state and civil society on the one hand and the military organization(s) on the other. They correlate the civilian and military authorities in a given society. Democratic Civilian Control (DCC) is the conception of military/armed forces controlled by the elected representatives of a given state or nation.

Key features of an effective system of Democratic Civilian Control

The general principle of DCC encompasses transparency and accountability. Civilian or parliamentary supremacy is the basis for the democratic control

⁴ S. Huntington, *The Soldier and the State...*, p. 1.

⁵ *Ibidem*.

⁶ A. Lambert, *Categorization of Democratic Civilian Control (DCC)*, DCAF Working paper, Geneva, June 2005, No. 164.

⁷ A. Cottey, et al., *The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations*. [in:] *Armed Forces and Society*, Vol. 29, No. 1, Fall 2002.

⁸ P. D. Feaver, *Civil-Military Relations*. “Annual Reviews Political Science” 1999, Vol. 2(211), p. 7.

which promotes (re)integration of the armed forces or ex-combatants into society. The principles of democratic requirements focus on political parties, culture, and government in pursuit of integrated defence ministry, independence judiciary and media. Besides, it acts as a check and balance between the constitutional authorities, free and adult franchise, civic rights and freedoms, rule of law, civic education, dialogue, and mature civil society.

The actors of DCC include both civil and military authorities, such as head of the state and the government, heads of the parliament and judiciary, heads of ministries and bureaucracies, defence and security committees and commissions, formal and informal public leaders, heads of NGOs, chairpersons of courts, think tanks and academic institutions, etc. The objective of control (“who” actor of “which” concerned institution) is for the officials of mainstream political parties, CMR in all levels, military forces (paramilitary, police, intelligence, etc.) recruitment and size, chain of command, regulations and so forth. The subjective control complements the objective control for such (“what”) issue/activity as war, peace, security, policy, information, command control, operation, and armament.

The means (purpose or intention) of control would focus on (“which”) instruments or tools and exercises for the protection of constitutional court, judicial and its legal system, referendum, elections, treaty, management, budget, staff, etc. The timing (“when”) of control would be the subject of civilian control. It would follow reactive control (control ex-post), proactive control (ex-ante control), and simultaneous control: The ex-post is a control mechanism that comes into effect after the work is done, such as auditing the Defence Ministry’s expenses after the end of the fiscal year. Ex-ante is a preliminary control mechanism that anticipates the future document of defence white papers. The simultaneous control continues accurately at the same time when actions take place⁹. The timing of control intends to synchronize with civilian control at the time of military operation, following the transparency and accountability mechanism.

Along with the end of the Cold War, new challenges were met in the areas of the DCC. The new challenges focused on restructuring the armed and military forces, enforcement of regulations, restructuring the defence management, asymmetric power relations, etc. The post-cold war encompasses budget cuts and downsizing the strength of the soldiers¹⁰.

For all such control measures of the DCC, there should be an appropriate check and balance mechanism pursuing effectiveness, efficiency and legitimacy. The concept of DCC reflects mostly the classical meaning of democratic

⁹ H. Born, et al., *Models of democratic control of the Armed Forces*. A paper presented at ERGOMAS Interim meeting of Working Group ‘Democratic Control of Armed Forces’, 4th ISF conference, Geneva: DECAF, November 2000.

¹⁰ A. Lambert, *op. cit.*, p. 21.

control of armed forces in addition to the traditional focus on military security and defence policy¹¹.

The ways of control refer to how control is exercised, as developed by Huntington, in the theory of civil-military relations. It belongs to objective and subjective controls. The objective control is the appropriate way to exercise control in a democracy and subjective control is the way of control for non-democratic systems of CMR¹²

However, like the founding works of Huntington and Janowitz, Feaver's formulation helpfully puts both effectiveness and control at the centre of the civil-military relations research agenda. To this point, the problem of civilian control has drawn more attention. The impact of civil-military relations on military effectiveness deserves a closer look at the Ukraine case study.

Alongside the popular debate described above, there have been new and more explicitly theoretical attempts to examine current civil-military relations in Ukraine. This focus on civilian control has two noteworthy aspects. First, it is a bit surprising given that those writing about civil-military relations in Ukraine generally are not concerned about overt disobedience of orders namely, a military separatist takeover in Lugansk and Donetsk.

Ukraine's progress towards a fully functioning democratic, civilian model has been weak. Due to the weakness of the military as a political force in Ukraine, this lack of progress itself does not threaten Ukraine's domestic stability. Instead, of greater concern and potential impact are the absence of significant military restructuring and implementation of Ukraine's military and strategic doctrine as well as the absence of any measure of civil-military control over the internal security forces of Ukraine. Moreover, the arrest of military restructuring impacts fundamentally on regional security as it affects Ukraine's ability and capacity to forestall any military aggression as well as Ukraine's contribution to multinational peacekeeping operations, under either NATO or UN auspices. Ultimately, the lack of progress in democratic civil-military reforms in Ukraine is of greater significance at the regional level than at the national one¹³.

Military officials often advocate maintaining complete control over operations once the political decision to deploy troops or use force has been made. However, many operational decisions have political ramifications, and it is therefore important for the civil leadership to exercise close scrutiny over actions in the field in order to ensure that operations are consistent with the country's political objectives. The challenge is to devise systems of accountability

¹¹ *Ibidem*.

¹² P. D. Feaver, *op. cit.*

¹³ N. Michajlyszyn, *Civil-Military Relations in Post-Soviet Ukraine: Implications for Domestic and Regional Stability*, <<http://afs.sagepub.com/content/28/3/455.abstract>> (12.04.2016).

and oversight that incorporate the legitimate concerns of both the military and civilian leadership¹⁴.

In terms of ATO, the situation on the security of Luhansk region and Donetsk is uneasy, but it is possible to control it, especially because the leadership of anti-terrorist operation provides support to the troops. Hostilities in eastern Ukraine had reignited; artillery fire was exchanged between the Government and separatists. Failure to secure the Russian-Ukrainian border continued to impede the path to peace, while the humanitarian situation deteriorated and the numbers of displaced persons was expected to rise as winter approached.

Among other worrying developments, noted Mr. Toyberg-Frandzen, were the 2 November alternative elections held by rebels in Donetsk and Luhansk, had been condemned as unconstitutional by Ukraine and deplored by many in the international community, including the Secretary-General. In response, Ukrainian President Petro Poroshenko had proposed revoking the law allowing greater autonomy to rebel-controlled areas.

On the other hand, he said, the recent parliamentary elections held throughout the country, except for Crimea and parts of Donbas under rebel control, along with the prospect of a new, reform-oriented ruling coalition, could move the country closer to a path of peace and stability and provide the avenue for all *to support Ukraine out of this debilitating conflict*.

The solution was renewed commitment by all concerned parties to the Minsk agreements of September, which called for a ceasefire and reform measures¹⁵.

The challenge mentioned above is that of carefully defining the term *civil-military relations*. As Paul Bracken has suggested, in order to assess the full impact of civil-military relations it might be helpful to move down a level of analysis and disaggregate civil-military relations into its various dimensions¹⁶. Another major challenge is that the effectiveness of a military organization, at whatever level being discussed, is likely to stem from a number of factors. How much do civil-military relationships matter? In many cases, there will be internal organizational factors that impact on effectiveness as well as changes in the security challenges a particular country faces¹⁷. Since the relative importance of internal organizational developments and civil-military dynamics will vary

¹⁴ *Democratic Control Armed Forces Backgrounder*, <<http://www.dcaf.ch/content/download/35599/526415/file/DemocraticControlArmedForces-backgrounder.pdf>> (07.09.2016).

¹⁵ *Security Council Briefed on Fast-Breaking Developments in Ukraine, as Political Official Warns Failure to Secure Russian-Ukrainian Border Obstructing Peace*, <<http://www.un.org/press/en/2014/sc11645.doc.htm>> (02.06.2016).

¹⁶ P. Bracken, *Reconsidering Civil-Military Relations*, [in:] *U.S. Civil-Military Relations: In Crisis or Transition?*, (Ed.) D.M. Snider, M.A. Carlton-Carew, Washington 1995.

¹⁷ E. O. Goldman, *The U.S. Military in Uncertain Times: Organizations, Ambiguity and Strategic Adjustment*, "The Journal of Strategic Studies", 20(2), 1997, p. 43.

depending on the particular research problem being investigated, this will remain an issue for empirical research in each case.

Conclusion

It is worthwhile to note that the problem of civil-military relations seems to imply a tension between the two concerns – control and effectiveness – that at least theoretically do not have to exist. A nation's armed forces could become more effective without any loss of civilian control. In fact, when thinking about trying to develop a coherent relationship between military means and political ends, civilian control becomes essential to military effectiveness.

Regardless of some changes in recent years, civil-military relations in Ukraine are still far from being optimal. Obviously, facing the whole spectrum of other urgent and complex problems, the civilian leadership of the country is not disposed to fully accept democratic civilian control over its military. According to the author it is of great importance for Ukraine to develop a methodology (whenever possible up to the checklist level) for the reforming of its Armed Forces and to establish of reliable democratic civilian control over the military sphere.

Today's Ukraine civil-military relations since 21st November, 2013 has raised a number of issues, concerning civilian leaders' awareness of committing the military instrument, ability of the prevailing pattern of civil-military relations to integrate divergent and even contradictory views, ensuring a practical military strategy that properly serves the ends of national policy.

Since the Revolution of Dignity and undeclared hybrid war Ukrainian civil-military relations also point to the issue of *trust and confidence*: the mutual respect and understanding between civilian and military leaders and the exchange of candid views and perspectives between the two parties as part of the decision-making process.

To be more precise, Ukraine, under current conditions is in the process of developing its institutional mechanisms for self-governing control of the armed forces, involving such areas as the role of the executive and the role of parliament. Importantly, the issue of monitoring the military budget as well as check and balances system between the Ministry of Defence and the General Headquarters reveals about how the public and elites currently view the military – and what that means for national security policy.

Establishing trust and confidence requires that both parties to the civil-military bargain re-examine their mutual relationship. On the one hand, the military must recover its voice in strategy-making while realizing that politics permeates the conduct of war and that civilians have the final say, not only concerning the goals of the war but also how it is conducted. On the other hand, civilians must understand that to implement effective policy and strategy requires the proper military instrument and therefore must insist that soldiers present their

views frankly and forcefully throughout the strategy-making and implementation process. This is ultimately the key to healthy civil-military relations.

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