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A Military in Charge of Itself:

Civilian Control is a Russian Myth

by Alexander A. Belkin and James H. Brusstar

Conclusions

- The Russian military is presently freer from civilian control than at any time since 1918. Executive and legislative oversight is extremely limited, existing at a level that is far less pervasive than that of the former Communist Party of the Soviet Union.
- The failure of the Russian legislature (both the Supreme Soviet that existed before October 1993, and the present Federal Assembly) to gain and exercise significant oversight authority is attributable to President Yeltsin's strong resistance to the idea--which is based on his belief that legislative oversight interferes with his authority.
- President Yeltsin has exercised little actual control over the conduct of the military's administrative and operational affairs, relying heavily on the uniformed military leadership in these matters. Yeltsin's hesitancy to get involved in military matters (such as the "reform" issue) undoubtedly stems from the fact that he recognizes the Defense Ministry's potential role as a "kingmaker" in Russian politics and wants to maintain good relations with it.

Birth of Russian Military Autonomy

Within five months of Russia's gaining independence from the Soviet Union, President Boris Yeltsin had to form the country's first Ministry of Defense. He faced the choice of founding it on his own State Committee for Defense Issues, which strongly advocated reforms that, among other things, would have undercut the militarized economy inherited from the Soviet era; or, on the former Soviet Defense Ministry that had for years thrived within the same Soviet bureaucracy that Yeltsin had campaigned against. Even though the State Committee had also supported Yeltsin in his arduous and highly dangerous struggle against the former Soviet central government, Yeltsin turned his back on it and chose the Soviet Defense Ministry as the basis of Russia's "new" defense establishment. He also, to the dismay of his reformist supporters, chose an active duty military officer as the first Minister of Defense instead of a civilian.

Now, President Yeltsin's decisions and subsequent actions have resulted in the Russian Ministry of Defense being, for all practical purposes, free of civilian oversight. The legislature and prime minister

have been stripped of oversight power and the president, himself, does not appear to exercise any.

The End Of The Communist Party's Control

The demise of the Soviet Union--and the prospects of having the large Russian military accountable to a democratically elected civilian leadership--was a cause for celebration and relief in the West. However, the military leadership had a different view. Prior to August 1991, the Communist Party had exercised strict political control over the armed forces for more than 70 years. The Soviet military surely viewed itself as having broken free of its long-time political watchdog when President Yeltsin decreed the Communist Party to be illegal and the Soviet state was subsequently abolished. It is highly unlikely that the military leadership welcomed a return to a position of subservience--even if the new watchdog achieved its position of oversight through democratic means. After seven decades of suffering under the aegis of the Communist Party, why would it want to suffer under anything else?

Executive Control

The Russian Constitution made the Minister of Defense subordinate to the Prime Minister and accountable to the collective membership of the Council of Ministers. This arrangement, however, was short-lived. President Yeltsin decreed that the Minister of Defense was directly subordinate to the President and did not have to report to either acting Prime Minister Gaidar or, later, Prime Minister Chernomyrdin. The issue of oversight by the Prime Minister was, therefore, resolved almost before it was raised.

The military also wanted to be free from control by the chief executive. From its point of view, however, President Yeltsin's reluctance to challenge the military by either appointing a civilian minister or establishing a ministry based on reformers, must have sent a clear--and welcomed--signal that the President would not be a major obstacle to the military becoming free of political oversight from any quarter.

Legislative Oversight

The legislature presented the biggest threat to the military's freedom. In this matter, President Yeltsin proved to be an ally. Although he espoused the advantages of democracy, he had spent his political life in a bureaucratic system that did not understand--much less allow--alternative sources of political power. Yeltsin may not have been willing to make the military entirely accountable to himself, but he was not willing to let it be accountable to a legislature--which, now that the Soviet political system was a thing of the past, was actually independently responsible to the Russian people.

From January 1992 to October 1993, the first Russian legislature and chief executive continuously bickered over to whom the military would be held accountable. Numerous bills and declarations were passed by the parliament in an attempt to gain some legislative control over the military. The legislature's effort, however, was to little avail. President Yeltsin was determined not to give (or share) control of the potential "kingmaker" to another branch of government--particularly one that he viewed as an enemy.

The Legislature's Efforts At Oversight

Initially, the inexperienced legislature paid little attention to the issue of civilian control (and legislative oversight) of the military. In April 1992, as the President was forming his military by presidential decree,

the legislature published a declaration and resolution entitled "On the Priorities of the Russian Federation's Military Policies." However, these did not contain a single reference to the creation of a comprehensive system of democratic civilian oversight. Only the last paragraph of the declaration addressed some aspects of "strengthening parliamentary oversight over the handling of military issues" (a traditional cliché of communist party resolutions: exhibiting a readiness to strengthen something that did not really exist).

The legislature, moreover, abdicated all responsibility for designing the new Defense Ministry. It made no effort to interfere with the Minister of Defense as he designed an entire armed forces organization that included less than 20 civilian officials--all of whom were relegated to one "corner" of the ministry staff--leaving uniformed officers in charge of all other aspects of the organization. The military, itself, of course, could not have been more happy.

The "Law On Defense" (1992)

The center piece of the legislature's efforts was the "Law on Defense." President Yeltsin, however, objected to its original contents and rejected the bill until the sections on legislative oversight were severely reduced. The final version of the Law (coupled with the Constitution existing at the time) gave the following legal authority to the legislature:

- Approval of:
 - Legislation on Defense Issues
 - Military Policy and Doctrine
 - The Military Oath and Regulations
 - The Defense Budget and the Structure and Manning of the Armed Forces
 - The Number of General Officers Posts

- Oversight of the Implementation of all Defense Laws
- Ratification and Abrogation of International Treaties on Joint Defense, Collective Security, and Military Cooperation
- Decisions to use the Armed Forces Outside of Russia
- Declaration of War, Peace, and Martial Law
- Definition of the President's Authority to Conduct Nuclear Tests and to Employ Nuclear Weapons.

The major authority sought by the legislature, but given up in a compromise with the President, was confirmation of the Defense Minister and all of his deputies--including the deputies to the Chief of the General Staff. It was agreed that until the Constitution itself was changed, the legislature would only confirm the Prime Minister, who had been stripped of any authority regarding the Ministry of Defense. (Interestingly, the Constitution put forward by President Yeltsin in the December 1993 referendum did not expand legislative confirmation rights, but actually added a presidential right to disband the legislature if they did not confirm his choice for Prime Minister.)

The Infamous Autumn Of 1993

By late summer 1993, however, the legislature had achieved little actual authority over the military. In September the situation worsened with the President's dissolution of parliament. Then, after October 4, 1993--when the military joined the domestic political power struggle on the side of the President--most

of legislative provisions for civilian oversight of the military were unilaterally aborted by the President.

Moreover, the Constitution put forward by Yeltsin and passed in the referendum of December 12, 1993 further diluted what legislative authority had been achieved. Finally, what legislative authority had been introduced by the 1992 "Law On Defense" was canceled by a presidential decree on December 21, 1993.

The New Draft "Law On Defense" (1995)

Presently, the December 21, 1993 Presidential Decree constitutes the existing legal authority in Russia on oversight of defense matters. It has, moreover, been turned into a new draft "Law on Defense" that is currently being considered by the State Duma--instead of another draft previously prepared by the Duma's Defense Committee itself.

According to Duma members familiar with the President's "Law on Defense," it would cancel most of the oversight rights of the legislature. The President has proposed that his submission be considered as simply an "amendment" to the existing (1992) law and that no further amendments to his submission be allowed. Most importantly, the President's so-called amendment seeks "to exclude" lines in the 1992 law addressing:

- The very notion of civilian control as an integral part of the national defense system;
- The possible appointment of a civilian minister of defense, deputy ministers, and higher defense officials;
- Parliamentary control over structure and strength of the armed forces;
- Parliamentary oversight of military doctrine;
- Parliamentary power over military appointments;
- Parliamentary approval for employing forces beyond the borders of Russia;
- Parliamentary authority over nuclear and other specific arms tests; and
- Parliamentary controls over foreign military aid and technical cooperation.

The only legislative authority on defense matters that will be left by President Yeltsin's "amendment" is the legislature's right to participate in writing new laws. However, even here there is a catch. The President's draft "amendment" to the "Law On Defense" provides that all laws on defense be based on the tenets of Russia's military doctrine--which are to be developed by the Ministry of Defense and approved by the President. Consequently, this provision requires the parliament to comply with the wishes of the President and Ministry of Defense when drafting laws on defense.

In all, the present Russian legislature is less willing to fight the President (and the military) over the legislature's oversight rights than the previous legislature. The pre-October 1993 legislature backed down on the issue of legislative confirmation (possibly taking Yeltsin at his word that it would be added into the new constitution), but the present legislature has settled for far less. It has accepted the Presidential decree of December 21, 1993--which effectively destroys the idea of legislative oversight.

On Its Own: The Military's Behavior

Ironically, despite the lack of serious civilian control, the Russian military has not fulfilled some of the dire Western predictions. It has not installed a military leadership in Moscow and it has not forced the President or the legislature to give it all of the funding it wants.

In fact, except for its limited use of troops in October 1993, the military has avoided employing its forces

in favor of any political side. Moreover, while it has actively lobbied for larger military budgets, it accepted far less than it sought in 1995 (but may not have to do so in 1996; see Duma Elections box.)

However, the independence of the military may have also contributed to the ill-considered decision to send military forces into Chechnya. While it is still unclear who made the final decision to employ the military, it is clear that the dominant faction within the military's leadership either wholeheartedly wanted to employ military force or supported the decision to some degree. The point is, the decision was made without legislative consultation or approval--and maybe without participation of the chief executive.

The 1995 Duma Elections: Capturing the Legislature

The Russian Minister of Defense, General Grachev, has gotten the MOD deeply involved in the 1995 Duma elections in order to obtain a military faction in the new Duma that will lobby for the MOD.

Besides the highly publicized cases of active duty and retired general officers (such as Lebed and Gromov) who have joined various electoral blocks, General Grachev has reportedly directed one of the Deputies to the Chief of the General Staff (probably General Bagadanov) to organize a federation-wide campaign in which military officers will compete in 123 electoral district as individual candidates (not as members of the party lists.)

Recommendations

Regardless of how "politically correct" the military has been during Russia's political battles over the last three years, there are three reasons to be leery of the present state of political affairs in Moscow:

- The lack of military oversight vested in the legislature and the prime minister.
- The MOD's attempt to elect active duty officers to the next Duma; and
- The apparent fact that the military itself has the authority to unilaterally commit forces to combat.

The degree to which the Russian military is free from executive and legislative control threatens Russian democracy and relations with the West. Accordingly, the United States and other Western democracies should place the highest priority on getting Russia's lawmakers and executive leadership to regain political control of their military, turning the myth into reality.

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