

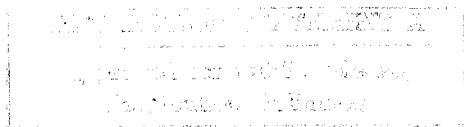
**INSTITUTE FOR NATIONAL
STRATEGIC STUDIES**

**CENTRAL EUROPEAN
CIVIL-MILITARY
RELATIONS
and
NATO EXPANSION**

JEFFREY SIMON

NATIONAL DEFENSE UNIVERSITY

McNair Paper 39



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*A popular Government,
without popular information or the means of
acquiring it,
is but a Prologue to a Farce or a Tragedy; or
perhaps both.
Knowledge will forever govern ignorance;
And a people who mean to be their own
Governors,
must arm themselves with the power which
knowledge gives.*

JAMES MADISON to W. T. BARRY
August 4, 1822

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"Countries with oppressive political systems, countries with designs on their neighbors, countries with militaries unchecked by civilian control, or with closed economic systems...need not apply."

President Bill Clinton

CENTRAL EUROPEAN CIVIL-MILITARY RELATIONS AND NATO EXPANSION

JEFFREY SIMON

NATO EXPANSION

The Central European revolutions of 1989 (*annus mirabilis*) have been truly of historic proportions. They not only captured the attention and imagination of the world, but they have tested and challenged five states in the extreme—Germany, Poland, Hungary, and Czechoslovakia (now the Czech Republic and Slovakia).

In historical terms, the continuing transformations are much more encompassing and complex than the mere disintegration of communism. The aftershocks of World War I, which saw the disintegration of the Ottoman, Austro-Hungarian, and Russian empires, continue to haunt Central European successor states. Not only do the 1989-90 Central European revolutions have to deal with historical unfinished business,¹ they also test prevailing assumptions about civil-military relations in contemporary liberal democratic polities. And most important, the revolutions are likely to provide serious future challenges to U.S. and European security. History has been in fast-forward over the past five years. Already four distinct periods are evident since the Central European revolutions of 1989-90. The present period is the one that may prove to be the most critical for Central Europe's future.

The first geo-strategic shift, which occurred during 1989-90, was marked by Central European euphoria resulting from the revolutions themselves, optimism about a "Return to Europe" by joining NATO and the European Community (EC), now European Union (EU). The period witnessed NATO's July 1990

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London Declaration extending a "hand of friendship" to the East. The period concluded with the successful Four-plus-Two (plus-One) negotiations culminating not only in Germany's 3 October 1990 unification, but also in NATO's expansion to the Polish border to now incorporate the former German Democratic Republic in its security guarantee.

The second period, which occurred from German unification through the end of 1991, witnessed the disintegration of the Warsaw Pact, withdrawal of Soviet Groups of Forces from Hungary and Czechoslovakia, and a failed coup in the Soviet Union. During 1991 NATO convened ministerial meetings in Copenhagen (June), which sanctioned developing military ties to the east, and in Rome (November), which resulted in a new strategic concept (to replace NATO's Flexible Response) and the creation of the North Atlantic Cooperation Council (NACC) to engage the East. Central Europe's initial euphoria about Western Europe's embrace of their "return" turned to more cautious (or realistic) optimism.

State disintegration marked the third period which opened in January 1992 and continued through 1993. The year 1992 witnessed the disintegration of the Soviet Union, Yugoslavia, and Czechoslovakia marking the emergence of more than twenty states. It also witnessed the continued withdrawal of Soviet (now Russian) troops from Germany and Poland in Central Europe.

NATO demonstrated willingness to engage in peacekeeping operations under either CSCE (May) or United Nations (December) auspices; and in June 1993 in Athens, the NACC expressed its willingness to support the Alliance in UN and/or CSCE-mandated peacekeeping operations. The same period also witnessed Boris Yeltsin's initial support for, and change of mind about NATO's expansion to Central Europe. NATO and EU hesitancy toward Central Europe coupled with Russia's pursuit of a Near Abroad policy and another failed coup in 1993 contributed to increasing Central European pessimism about Russia's prospects for democratic political development, security to the East, and skepticism about support from the West.

The fourth period opened with NATO's January 1994 Brussels Summit, which adopted the Combined Joint Task Force (CJTF), Partnership For Peace (PFP), and committed the Alliance

to future expansion. During this period, the last of the Russian troops were withdrawn from Germany and Poland.

Central (and East) Europeans, who were initially skeptical, if not cynical about Western intentions because they perceived the Alliance as bending to Russian opposition to their entry in 1993, have decided to test NATO in order to determine whether PFP and CJTF offer a real step toward NATO membership. In this regard, and with little doubt, the January 1994 Summit marked a watershed for NATO, but only time will tell whether the future Alliance will prove to be "hollow" or remain relevant to Europe's eastern security problems.

What NATO Has Done

NATO's responses to developments in the East—first, to the former Warsaw Pact members of Central and Eastern Europe and second, to the new states emerging from the disintegrated Soviet Union—have been both extraordinary and insufficient. NATO's institutional responses have been extraordinary in that so many new initiatives have been taken in such a short period of time. Yet they have been insufficient in that events have moved at such a fast pace that NATO's responses have not kept up with expectations in the region.

London Declaration, July 1990. Only months after the revolutions of November-December 1989, NATO extended its first "hand of friendship" at the London Summit on 5-6 July 1990. NATO invited the six (now former) Warsaw Pact members (Poland, Czechoslovakia, Hungary, Bulgaria, Romania and the Soviet Union) to visit Brussels to address the North Atlantic Council (NAC) and invited these governments to establish regular diplomatic liaison with NATO to share thinking and deliberations and to intensify military contacts during the period of historic change.² During the summer, new liaison ambassadors from the Warsaw Pact participated in briefings at NATO headquarters.

East German Absorption. East Germany's transformation from a key Warsaw Pact member in November 1989 to a full member of NATO on 3 October 1990 was unexpected and rapid. The Soviet position underwent unforeseen and mercurial twists

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on the security framework for a united Germany. Mikhail Gorbachev initially refused to accept the Germany-in-NATO framework when he met with George Bush on 3 June 1990. Though Gorbachev wanted a neutral unified Germany, his concession to Helmut Kohl in July indicated that he really had little choice in the matter. In reality, the Soviets ceded control when the former German Democratic Republic (GDR) failed to stabilize the domestic situation as a reform communist state in November 1989; *de facto* unification had occurred on 1 July 1990 with economic and monetary union of the two German states. The Soviets also decoupled political unification from the security issue when they conceded that all-German elections could occur irrespective of the Four-plus-Two agreement, which was signed on 12 September 1990.³

When formal unification occurred on 3 October 1990, Germany's five new eastern Laender (states created from the former GDR) assumed the protection of NATO's Article 5—"an armed attack against one...shall be considered an attack against them all." NATO's eastward expansion occurred without the need to sign a new protocol of association as employed upon the accessions of Greece and Turkey in 1951, Germany in 1955, and Spain in 1982.

Copenhagen NAC, June 1991. On 6-7 June NATO took the next step at the Copenhagen NAC session by agreeing to implement a broad set of further initiatives "to intensify...[NATO's] program of military contacts at various levels"⁴ with Central and East European (CEE) states. CEE military contacts would be intensified with NATO headquarters, SHAPE, and other major NATO commands, and NATO would invite CEE military officers to NATO training facilities for special programs concerning civilian oversight of defense. Meetings of experts would be held to discuss security policy issues, military strategy and doctrine, arms control, and military industrial conversion to civilian purposes. NATO invited CEE experts to participate in NATO's "Third Dimension" scientific and environmental programs and to exchange views on subjects such as airspace management. Also NATO information programs expanded to the CEE region.

NAC Ministerial, 21 August 1991. Until August, NATO

treated all former Warsaw Pact countries alike. During the August 1991 coup attempt in the then Soviet Union, the 21 August NAC ministerial statement differentiated the Soviet Union from the other Warsaw Pact countries, when it suspended liaison "pending a clarification in that country." The statement also noted:

We expect the Soviet Union to respect the integrity and security of all states in Europe. As a token of solidarity with the new democracies of Central and Eastern Europe, we will develop ways of further strengthening our contribution toward the political and economic reform process within these countries. Our diplomatic liaison arrangements with the Central and Eastern European democracies now take on added significance.⁵

Rome Summit, November 1991: Genesis of NATO's Political and Military Transformation. At the 7-8 November 1991 Rome NAC summit, NATO approved the Rome Declaration which broadened NATO's activities with the Soviet Union and Central and East Europe to include annual meetings with the NAC at ministerial level in what would be called the North Atlantic Cooperation Council (NACC); periodic meetings with the NAC at ambassadorial level; additional meetings as circumstances warrant; and regular meetings with NATO subordinate committees, including the Political and Economic Committees; and the Military Committee and other NATO military authorities.⁶ In addition to creating the NACC, the November 1991 Rome summit initiated another major change when it adopted a New Strategic Concept to replace its 1967 strategy of "Flexible Response." The new strategy moved NATO's military emphasis away from massive mobilization toward enhanced crisis management capabilities and peacekeeping operations. It also established the groundwork for NATO's military transformation.

North Atlantic Cooperation Council (NACC).⁷ On 20 December 1991 the foreign ministers of all the "former adversaries" (including the newly independent Latvia, Lithuania, and Estonia) met at the inaugural NACC to adopt a "Statement

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on Dialogue, Partnership, and Cooperation" that endorsed annual meetings of the NACC at ministerial level; bimonthly meetings of the NAC with liaison ambassadors beginning February 1992; additional NACC meetings as circumstances warrant; and regular meetings of the Political, Economic, and Military Committees with liaison partners. The purposes of the consultations and cooperation would be security and related issues.

On 26 February, the NACC met at the ambassadorial level to discuss and adopt a "Work Plan for Dialogue, Partnership, and Cooperation." The 10 March 1992 Extraordinary NACC meeting, which convened to broaden membership to 35 (to include the former Soviet republics except Georgia), endorsed the Work Plan which covered a wide set of activities including defense planning issues, defense conversion, economic issues, science, challenges of modern society, dissemination of information, policy planning consultations, and air traffic management.⁸

While the NACC had laudable goals and its activities have mushroomed, its limitations immediately became apparent. First, the disintegration of the Soviet Union at the end of 1991 and the decision to include all its successor states as new NACC members meant that rather than the originally conceived five non-Soviet Warsaw Pact members and the USSR, the NACC would include more than twenty new members. The immense diversity among NACC partners (e.g., between Poland and Uzbekistan) led to Central European demands for differentiation and increasing demands for membership in the Alliance. In sum, despite well-intended goals, the cooperation partner's demands on the NACC made it quite apparent how ill-prepared and limited the organization really was. NATO's recognition of its inadequacy came in January 1994 when in lieu of extending membership, the North Atlantic Council adopted the Partnership For Peace (PFP) program.

NATO and NACC as "Out-Of-Area" Peacekeeper

Oslo NAC/NACC, June 1992. On 4 June 1992 the North Atlantic Council (NAC) Foreign Ministers session in Oslo agreed "to support on a case-by-case basis in accordance with their own

procedures, peacekeeping activities under the responsibility of [the Council on Security and Cooperation in Europe] CSCE."⁹ Immediately afterward, NATO moved "out-of-area" and with the Western European Union (WEU) dispatched naval units to the Adriatic to enforce the UN embargo. Many NACC members evidently saw this as an opportunity to broaden their cooperation with NATO and on 5 June the NACC foreign ministers attached "particular importance to enhancing the CSCE's operational and institutional capacity to contribute to conflict prevention, crisis management, and the peaceful settlement of disputes [and expressed willingness] to contribute."¹⁰

In December 1992 the NATO NAC Ministerial extended a parallel offer to the United Nations; it noted the Alliance's readiness "to support peacekeeping operations under the authority of the UN Security Council."¹¹ The NACC then followed by agreeing that NATO and cooperation partners would share experience with one another and with other CSCE states in the planning and preparation of peacekeeping missions and would consider possible joint peacekeeping training and exercises. The same NACC also approved a 1993 Work Plan with specific provisions on peacekeeping and created a NACC Ad Hoc Group on Cooperation in Peacekeeping, to discuss general political and conceptual principles and practical measures for cooperation.

Closer cooperation and confidence among NACC partners became evident in February 1993 when the Military Committee met for the first time in cooperation session. When NACC defense ministers met at the end of March 1993, they recognized the importance "of the ability to act in a cooperative framework" in peacekeeping tasks and "ensure(d) that a high priority be given this work."¹²

On 12 April 1993, under authority of UN Resolution 816, NATO started the no-fly zone enforcement-operation over Bosnia-Herzegovina. In late April, the Military Committee again met in cooperation with Chiefs of Defense Staff to discuss the possibility of NATO intervention in Bosnia should a peaceful solution fail.

Athens NAC/NACC, June 1993. The 10 June 1993 NAC ministerial communique noted the development of a "common understanding on conceptual approaches to peacekeeping [and]

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enhancing of cooperation in this field"¹³ with Cooperation Partners. The 11 June 1993 Athens NACC adopted the Ad Hoc Group's detailed Report on Cooperation in Peacekeeping¹⁴ and agreed to accelerate the Ad Hoc Group's practical cooperation to implement the program, including the sharing of experience in peacekeeping planning, training and exercises, and logistics.¹⁵ As a result of the Athens NACC session, Prague hosted a high-level NACC seminar on peacekeeping from 30 June to 2 July to discuss conceptual and doctrinal issues of peacekeeping.¹⁶

In sum, it is evident that NATO has been quite responsive in a very short period of time. But has it been enough? The CEE countries clearly believe that more than meetings alone is necessary, if NATO is to serve an essential role in the protection of European peace and stability. Particularly as the NACC has broadened its membership so rapidly, it suffers the danger of becoming "neutralized" as a credible security institution. In concrete terms what will be NATO's and NACC's role in the event of a real crisis? These are the questions that are coming to the forefront particularly from the so-called Visegrad states—Poland, Hungary, Czech Republic, and Slovakia. All have expressed the desire for a differentiated role within NATO/NACC. They want criteria and time-lines to become full members of NATO and have agreed to accept responsibilities for NATO's security concerns.

NATO's January 1994 Brussels Summit: A Watershed. Although it took NATO twenty-four years to adopt a new Strategic Concept in November 1991 to replace its Flexible Response strategy, one might argue that with Yugoslavia's and the Soviet Union's disintegration, Russia's recent efforts to reassert influence over the Commonwealth of Independent States (CIS), and resulting insecurities in Central Europe, that NATO now needs a "new" Strategic Concept.

Whether the January 1994 NATO Brussels Summit actually will prove to be a such a watershed remains to be seen. The Summit did attempt to fuse together the more flexible force structure packages for peacekeeping requirements (the so-called Combined Joint Task Force (CJTF)) with NATO's new need to stabilize the East by adopting the Partnership For Peace (PFP) plan.

In support of the development of a European Security and Defense Identity (ESDI) and the strengthening of the European pillar of the Alliance through the WEU, the Summit agreed that in future contingencies "NATO and the WEU will consult...through joint Council meetings [and]...stand ready to make collective assets of the Alliance available...for WEU operations."¹⁷ As a result, the Summit endorsed the CJTF as a means to facilitate contingency operations, including peacekeeping operations with participating nations outside the Alliance.

Though the Summit did not accede to Central Europe's desire for immediate membership, the Partnership for Peace (PFP) proposal did establish NATO's long-term commitment to expand, leaving vague both the criteria and time-lines for expansion.¹⁸ Operating under the authority of the NAC, active participation in PFP is seen as a necessary (though not sufficient) condition to joining NATO. Partner states will participate in political and military bodies at NATO headquarters and in a separate Partnership Coordination Cell (PCC) at Mons that will:

. . .work in concrete ways towards transparency in defense budgeting, promoting democratic control of defense ministries, joint planning, joint military exercises, and creating an ability to operate with NATO forces in such fields as peacekeeping, search and rescue and humanitarian operations...¹⁹

While the goals of NATO's CJTF and PFP are explicit and can be seen as a hedging against possible future problems in the East, their implementation might have some more immediate, unwitting, and unwanted regional implications. If we are not careful, PFP could undermine: (1) Central East Europe's sub-regional cooperation by turning local actors into competitors; (2) domestic support for the region's democratic reformers; (3) the region's fragile civil-military relations; and (4) sub-regional security by attracting scarce defense resources from Central Europe's real defense requirements.

What Central Europe Has Done

Immediately after the 10-11 January 1994 NATO summit initiated PFP and CJTF, and announced that NATO was open to future expansion, President Clinton visited Prague (on 12 January) to meet with the presidents of the four Central European (Visegrad) states to explain the program. In advance, the Central European defense ministers (except the Czech Republic which sent First Deputy Secretary Jiri Pospisil) met in Warsaw to prepare for the forthcoming meeting with President Clinton. After the session, the defense ministers declared they expected the PFP program to open the way to permanent contacts with NATO and lead to full membership in the Alliance.²⁰

Poland. Following a 10 January 1994 cabinet session, Polish Foreign Minister Andrzej Olechowski appraised PFP as "too small a step in the right direction" and President Walesa noted that NATO is committing a "serious error" in bowing to Russian objections. Walesa also harshly criticized the Czechs for failing to support a coordinated Visegrad strategy toward NATO.²¹ Although Polish Defense Minister Kolodziejczyk added that he understood the West's difficulty to put forward a precise date for integration, he noted "we expect NATO to come up with clear criteria in the short term for NATO membership."²²

After the NATO summit, Walesa went to Prague for talks with the other Visegrad presidents and President Clinton (on 12 January). Because the Czech Republic wanted the talks conducted on a bilateral basis, Walesa expressed anger with the Czech's course of action: "They are making a mistake that will cost us all something."²³ After the session with President Clinton, Foreign Minister Olechowski noted: "[W]e have many promises, political declarations, but we lack specific prospects."²⁴

Though Poland had initially exhibited reserve, it responded rapidly. One of the immediate requirements of the Partnership for Peace program was the need to find funding. Kolodziejczyk estimated that the Army would need an additional 500 billion zlotys (\$23 million) to participate. (The overall 1994 Polish defense budget was only 47.8 trillion zlotys (\$4.2 billion) or 2.2 percent of GDP).²⁵ On 2 February 1994 Prime Minister Pawlak was the third to sign documents in Brussels stating that Poland

intended to participate in PFP. However, unlike his Romanian and Lithuanian predecessors, Pawlak stated that Poland was not really happy with PFP, but "[W]e can accept it if we are certain that Poland will ultimately be able to become a full member."²⁶

Despite its initial reservation, Poland's foreign and defense ministries in conjunction with Sejm committees on defense and foreign affairs worked out a response.²⁷ On 25 April 1994 Poland became the first partner to hand over a presentation document to NATO outlining the spheres of its intended cooperation with the Alliance. At the 25 May 1994 NATO and PFP defense ministers meeting in Brussels, Kolodziejczyk continued to voice concern that "something is lacking" that the program fails to define clearly how to move from partnership to membership.²⁸

Then on 5 July Poland became the first partner to sign an Individual Partnership Program (IPP). In addition to peacekeeping missions and joint exercises, Poland incorporated additional amendments to its IPP to include air defense, convergence of command, control, and communications systems, and democratic control of the armed forces.²⁹ The 32 page document contained 60 specific measures covering training, exercises, and information exchanges which would cost Poland 250 billion zlotys for 1994.³⁰

When President Clinton visited Warsaw and addressed the Polish Sejm on 7 July 1994, he noted that NATO expansion is "no longer a question of whether, but when and how."³¹ Of the \$100 million he pledged in U.S. support of the overall PFP program, Clinton committed \$25 million to Poland.

Polish contacts with NATO began to mushroom. In mid-May 1994 a 96-soldier company from the British army began a small bilateral peacekeeping exercise with Polish troops at Kielce (Poland), that was billed as being "in the spirit of NATO's PFP plan."³² The first real PFP ground forces exercise, "Cooperative Bridge-94" took place 12-16 September at Biedrusko near Poznan, Poland. Some 920 soldiers (of which 280 were Polish) from 13 countries were divided into five multi-national companies under Polish-American command.³³

Polish military contacts with Germany also began to flourish, particularly after 1 September 1994 when the last Russian troops

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had departed Germany and Poland. The Bundeswehr sponsored special ties with Polish units and exercises in the Polish border region.³⁴ On 1 September General Naumann and Polish Chief of Staff Wilecki signed a partnership agreement for individual units of the two forces.³⁵ Also during 1994, the Polish, German, and French (so-called Weimar triangle) defense ministers often met to discuss how to expand cooperation,³⁶ and German General Henning von Ondarza began to act as an adviser to the Polish defense minister.³⁷ Culminating the 1994 training year (16-23 September), Polish ground forces, a Danish mechanized platoon, and German air-landing company held a peacekeeping operation, "Tatra-94" in the Krakow Military District.³⁸

Hungary. Though Partnership for Peace had only become an official NATO policy on 10 January 1994, Csaba Kiss of the Hungarian defense ministry noted (on 13 January) that defense officials had been working on Hungary's plan since October 1993. Kiss noted that PFP would require Hungarian defense planning and spending to be more open and in line with NATO standards, and under more civilian control. He added that Hungarian soldiers would participate in future peacekeeping operations, that Hungary's air defense and airspace management needed to be converted to NATO formats (with IFF and ground radars overhauled to communicate with NATO aircraft), and that two military planners would go to Brussels.³⁹

On 8 February Foreign Minister Geza Jeszenszky signed Hungary's PFP presentation document, making it the fifth state to join; and on 15 November 1994 Hungary submitted its Individual Partnership Program in Brussels.⁴⁰

The Hungarian Parliament authorized holding a joint British-Hungarian PFP military exercise "Hungarian Venture" from 1-25 September 1994 on Hungarian soil. The exercise involved 140 British troops and 228 Hungarian soldiers, including its peacekeeping company.⁴¹ One lesson Hungary learned from the exercise was that differences in staff-level work and linguistic problems rather than incompatibility of weapons hampered cooperation.⁴² Because of the shortage of funds, this was the only exercise Hungary held during 1994; Hungary did not participate in the first large-scale PFP exercise "Cooperative Bridge-94" in Poland.⁴³

Hungary's fiscal constraints limited its participation. Defense Minister Keleti, regretting Hungary's inability to participate in PFP exercises in Poland and the Netherlands, noted the defense ministry would need 493 million forints for the individual tasks undertaken in PFP.⁴⁴ On 16 November the National Assembly Defense Committee approved the 1995 defense budget which would increase to 77.1 billion forints (up 8 billion from 1994).

Czech Republic. With NATO's introduction of Partnership For Peace (PFP) Defense Minister Antonin Baudys noted that all exercises undertaken by the Czech Army would be subject to the consent of parliament. On 29 April 1994, the Parliament approved the government proposal to permit short-term military training and exercises on Czech soil (5,000 foreign troops for up to 21 days) and for Czech units to participate abroad (700 troops for up to 30 days).⁴⁵

On 10 March 1994 when Vaclav Klaus signed the PFP general agreement making the Czech Republic the 11th country to join the project, Defense Minister Baudys noted that the program "is the maximum possible and the minimum desired."⁴⁶ The Czech's first joint exercise under PFP on Czech soil took place 15-25 March 1994, when 32 Dutch marines participated with 120 troops of the Czech Rapid Deployment Battalion. Then during 29 May-10 June, 130 French troops participated in exercises in the Czech Republic with 120 members of a company of the 23rd Czech Mechanized Battalion. Again during 9-19 September, a platoon of 40 soldiers of the Czech 4th Mechanized Regiment participated in "Cooperative Bridge-94."⁴⁷ Finally, the training year concluded with the first joint Czech-German military exercise of 400 troops, which took place during 7-11 November on both sides of the common border.⁴⁸

The new Czech Defense Minister Wilem Holan noted, in reference to NATO membership, that: "it is possible to anticipate that the conditions for NATO membership will be clearly defined in the near future—that is, certain standards will be drawn up...[adding the warning that] the 'cheap' phase of our decisions is coming to an end, and the phase that will cost us something is beginning."⁴⁹

Slovakia. The fundamental orientation of Slovakia is to obtain full NATO membership. The starting point for this

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objective is participating in NATO's NACC and Partnership For Peace (PFP). It signed its Presentation Document on 25 May 1994.⁵⁰ The ongoing process of building its defense ministry and armed forces from scratch and fiscal constraints have limited Slovakia's participation. The internal political struggle, causing government instability, also contributed to a slower start. Slovakia's first defense minister, Imrich Andrejcek, criticized his successor's (Pavol Kanis) changes to the PFP presentation document as too expensive; Andrejcek argued that the defense ministry would be required to spend 4.5 percent of its budget on PFP, rather than the one percent originally envisaged.⁵¹

NATO Brussels Summit, 1 December 1994

When the NAC met in Brussels on 1 December 1994, 23 countries had so far joined the Partnership (Belarus and Austria became the 24th and 25th in early 1995 and 10 IPP's had been signed), the Partnership Coordination Cell at Mons had become fully operational (11 Partners had already appointed liaison officers to the Cell), and three PFP exercises had been held in the Autumn of 1994.

The Brussels Summit communique reaffirmed that the Alliance:

remains open to membership...[and] expects and would welcome NATO enlargement that would reach to democratic states to our east. [Accordingly, they made a decision to begin an extensive study] to determine how NATO will enlarge, the principles to guide this process and the implications of membership.⁵²

The study to determine the principles for NATO expansion is to be discussed at the May 1995 NATO meeting in the Netherlands and will then be presented to the Partners prior to the next NAC meeting in Brussels in the Fall of 1995.

On 2 December 1994 the NACC foreign ministers convened (along with those members who had joined PFP but were not in NACC) and were informed about the NAC decision to initiate the study to determine the modalities for NATO expansion.⁵³ When

informed at the session, Hungarian Foreign Minister Kovacs responded that NATO expansion should be gradual, predictable, and transparent.⁵⁴

Criteria for expansion. While we do not know precisely what the Alliance will approve as necessary criteria for expansion, it is likely that they will include: active participation in NACC and the Partnership program, the successful performance of democratic political institutions, a free market economy, and respect for human rights. It is also likely that effective civilian control of the military as well as some minimal degree of military capability and NATO interoperability will be necessary conditions.

NATO's challenge, though, will be how to define and determine what constitutes "effective" civilian control of the military recognizing that each state has its own history, culture, and unique set of institutions.

The purpose of this study is to assess the current state of civil-military relations among those Central European (Visegrad) states frequently referred to as the most likely to first join NATO. The study posits the following four conditions as being necessary for "effective" civilian oversight of the military:

(1) It is necessary either through Constitution and/or Amendments to establish a clearly-defined division of authority between the president and government (prime minister and defense minister). The law must be clear for peacetime authority (e.g., command and control of the military, promotions of senior military officers, and appointment of civilian defense officials); and for crisis (e.g., emergency powers), to include transition to war.

(2) It is necessary that Parliament exert oversight of the military by exercising effective control of the defense budget; and also its role in deploying armed forces must be clear in emergency and war.

(3) Government control of the military (General Staff and military commanders) must be exercised through its civilian defense ministry to include effective peacetime oversight of the defense budget, intelligence, strategic planning, force structure and deployments, arms acquisitions, and military promotions.

(4) Military prestige must be restored in order for the armed

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forces to be an effective institution. Having come from the communist period when the military was often used as an instrument of external or internal oppression, society must perceive the military as being under effective national control. Also military training levels and equipment must be sufficient to protect the state.

If NATO adopts these four conditions as necessary for effective civilian control of the military, then most of the Visegrad states would *not* currently qualify. Though Central Europe has already made enormous progress in civil-military relations since the 1989 revolutions, it is clear that much work still remains to be done!

Notes

1. This is a point made by Shlomo Avineri, "The Return To History: The Breakup of the Soviet Union," *The Brookings Review* (Spring 1992), pp. 30-33.

2. *London Declaration On a Transformed North Atlantic Alliance* (Brussels: NATO Information Service, 5-6 July 1990), Articles 7 and 8.

3. See Stephen F. Szabo, "Federal Republic of Germany: The Bundeswehr," in Jeffrey Simon (ed.), *European Security Policy After the Revolutions of 1989* (Washington, DC: National Defense University Press, 1991), pp. 189-206.

4. Statement Issued By the North Atlantic Council Meeting in Ministerial Session, Copenhagen, 6-7 June 1991 in *NATO Communiques 1991* (Brussels: NATO Office of Information and Press, 1992), pp. 22-23.

5. North Atlantic Council Statement, 21 August 1991 in *NATO Communiques 1991*, pp. 24-25.

6. *Rome Declaration on Peace and Cooperation*, NATO Press Communique S-1(91)86, 8 November 1991, Article 11, pp. 4-5.

7. For a thorough overview, see Stephen J. Flanagan, "NATO and Central and Eastern Europe: From Liaison to Security Partnership," *The Washington Quarterly* (Spring 1992).

8. "Work Plan for Dialogue, Partnership and Cooperation," NATO Press Communique M-NACC-1 (92)21, 10 March 1992.

9. "Final Communique issued by the North Atlantic Council in Ministerial Session," NATO Press Communique M-NAC-1 (92) 51, 4 June 1992, p. 4.

10. "Statement Issued At the North Atlantic Cooperation Council in Oslo, Norway," NATO Press Communique M-NACC-1 (92)54, 5 June 1992, p. 2.

11. "Final Communique issued by the North Atlantic Council in Ministerial Session," NATO Press Communique M-NAC-2(92)106, 17 December 1992, p. 2.

12. "Statement issued by the Meeting of Defense Ministers," NATO Press Communique M-DMCP-1(93)28, 29 March 1993, p. 3.

13. "Final Communique issued by the North Atlantic Council in Ministerial Session," NATO Press Communique M-NAC-1(93)38, 10 June 1993, pp. 2-3.

14. "Report to Ministers by the NACC Ad Hoc Group on Cooperation in Peacekeeping," NATO Press Release M-NACC-1(93)40, 11 June 1993, pp. 8-11.

15. "Statement Issued by the North Atlantic Cooperation Council in Ministerial Session," NATO Press Communique M-NACC-1(93)39, 11 June 1993, p. 1.

16. "NACC High Level Seminar on Peacekeeping," NATO Press Release (93)45, 25 June 1993.

17. "Declaration of the Heads of State and Government issued by the North Atlantic Council in Brussels, Belgium," NATO Press Communique M-1(94)3, 11 January 1994, pp. 2-3. The declaration stressed the development of separable but not separate capabilities.

18. NATO's 11 January 1994 Declaration noted: "We expect and welcome NATO expansion that would reach democratic states to our East, as part of an evolutionary process, taking into account political and security developments in the whole of Europe." *Ibid.*, p. 4.

19. *Ibid.*, p. 5.

20. Warsaw PAP, 7 January 1994. *FBIS-EEU-94-006* (10 January 1994), p. 1.

21. *RFE/RL Daily Report*, No. 6 (11 January 1994), p. 3.

22. Defense minister Piotr Kolodziejczyk interview, Paris *Le Quotidien de Paris*, 10 January 1994, p. 14. *FBIS-EEU-94-007* (11 January 1994), p. 25.

23. Lech Walesa interview, Prague *Lidove Noviny*, 10 January 1994, pp. 1,5. *FBIS-EEU-94-008* (12 January 1994), p. 23.

24. Prague CTK, 12 January 1994. *FBIS-EEU-94-010* (14 January 1994), p. 1.

25. Warsaw *Rzeczpospolita*, 19 January 1994, p. 2. *FBIS-EEU-94-012* (19 January 1994), p. 20. The Polish Army comprised roughly 225,000 soldiers; 87,000 professionals, 138,000 conscripts, and 89,000 civilians. Warsaw *Rzeczpospolita*, 26 January 1994, p. 2.

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26. Antwerp *Gazet Van Antwerpen*, 3 February 1994, p. 5. *FBIS-EEU-94-024* (4 February 1994), p. 17.
27. Warsaw Radio Warszawa Network, 15 February 1994. *FBIS-EEU-94-032* (16 February 1994), p. 25.
28. Warsaw PAP, 26 May 1994. *FBIS-EEU-94-102* (26 May 1994), p. 15.
29. Warsaw TV Polonia Network, 5 July 1994. *FBIS-EEU-94-128* (5 July 1994), p. 22.
30. Warsaw *Gazeta Wyborcza*, 6 July 1994, p. 8. *FBIS-EEU-94-130* (7 July 1994), pp. 17-19.
31. *RFE/RL Daily Report*, No. 128 (8 July 1994), p. 3.
32. London *Financial Times*, 16 May 1994, p. 3.
33. *RFE/RL Daily Report*, No. 173 (12 September 1994), p. 4.
34. Hamburg DPA, 28 July 1994. *FBIS-WEU-94-150* (4 August 1994), p. 15.
35. Berlin DDP/ADN, 1 September 1994. *FBIS-WEU-94-170* (1 September 1994), p. 16.
36. They met in Warsaw in July, and for the fourth time in Bamberg in September.
37. General Henning von Ondarza interview. Warsaw *Gazeta Wyborcza*, 9 August 1994, p. 3. *FBIS-EEU-94-153* (9 August 1994), pp. 20-21.
38. Warsaw *Polska Zbrojna*, 12 September 1994, pp. 1-2. *FBIS-EEU-94-177* (13 September 1994), p. 19.
39. Budapest MTI, 13 January 1994. *FBIS-EEU-94-010* (14 January 1994), pp. 9-10.
40. On 5 December the Hungarian Parliament accepted the IPP by a vote of 236 for, and one abstention.
41. Budapest MTI, 1 September 1994. *FBIS-EEU-94-171* (2 September 1994), p. 10.
42. Defense Minister Gyorgy Keleti interview, *Magyar Nemzet*, 15 October 1994, p. 7. *FBIS-EEU-94-201* (18 October 1994), pp. 23-24.
43. Instead, Hungary sent two observers.
44. Gyorgy Keleti interview, Budapest Duna TV, 20 November 1994. *FBIS-EEU-94-225* (22 November 1994), p. 18. Hungary committed 400 million forints (\$3.5 million) for the PFP program for 1995. *OMRI Daily Digest*, 4 January 1995, pp. 4-5.
45. *FBIS-EEU-94-117* (17 June 1994), p. 13.
46. Prague CTK, 7 March 1994. *FBIS-EEU-94-049* (14 March 1994), p. 8.
47. Prague CTK, 3 August 1994.

48. Prague CTK, 12 October 1994. *FBIS-EEU-94-199* (14 October 1994), p. 5.

49. Vilem Holan, Prague *Lidove Noviny*, 19 November 1994, p. 5. *FBIS-EEU-94-226* (23 November 1994), p. 2.

50. Pavol Kanis 24 May 1994 interview, Bratislava Rozhlasova Stanica. *FBIS-EEU-94-101* (25 May 1994), p. 6; and Defense Doctrine of the Slovak Republic text, Bratislava *Slovenska Republika*, 11 October 1994, p. 10. *FBIS-EEU-94-200* (17 October 1994), p. 8.

51. Prague CTK, 1 June 1994. *FBIS-EEU-94-106* (2 June 1994), p. 14.

52. Final Communiqué, North Atlantic Council, 1 December 1994. Press Communiqué M-NAC-2(94)116, p. 3.

53. Chairman's Summary of North Atlantic Cooperation Council, 2 December 1994. Pres Communiqué M-NACC-2(94)117 (2 December 1994), p. 1.

54. Budapest MTI, 2 December 1994. *FBIS-EEU-94-233* (5 December 1994), p. 11.

PAST AS PROLOGUE

History has forced Central Europe to become accustomed to politics of the extreme. Central Europe historically has been a region where states have rarely conformed with the nations living within their territorial boundaries; states in the region have merged, disintegrated, disappeared, and even been moved to different locations. Perhaps because of these historic experiences, Central European nations have become accustomed to the extreme; they have demonstrated remarkable resilience and capacity to reassert national will.

During the eighteenth century, Germany comprised more than 350 independent duchies and principalities. By the end of the Napoleonic era, Germany comprised roughly forty states; only to be finally unified by Otto von Bismarck after the Franco-Prussian war in 1871. Defeat in World War I and the Treaty of Versailles mandated Germany's loss of the Alsace-Lorraine to France, Poznan West Prussia to Poland, the Hultchin district to Czechoslovakia, and Memel to Lithuania. Danzig became a free city.

Hitler's attempt to resurrect the Third Reich led to World War II and Germany's defeat again, which resulted in the four power occupation of Germany's capital Berlin, the loss of much of its eastern territory, and the division of the remainder of Germany into two states; the Federal Republic of Germany (FRG) and German Democratic Republic (GDR).

The German Democratic Republic's brief history has been one of dramatic changes. After Germany was physically moved 125 miles westward to make room for the "new" Poland, the GDR emerged under communist rule. Because of the communist Socialist Unity Party's (SED) complete loss of control and legitimacy in the Fall of 1989, the GDR was "unified" (in reality absorbed) on October 3, 1990 to become five "eastern" *laender* in a united Germany and NATO. The GDR simply disappeared. In Orwellian fashion, the former cornerstone of the Warsaw Pact now finds itself in NATO; an organization that had been for 40

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years the GDR's "enemy" object and formed its *raison d'être*. Germany's unification exemplifies Central Europe's return to historical patterns and NATO's ability to expand east.

Poland, Hungary, and Czechoslovakia have also experienced historic transformations; each has thrown off the yoke of 45-years of communist party domination and regained national sovereignty; each is attempting to erect liberal democratic political institutions, establish market economies, guarantee civil/human rights, acquire civil control of its military, and join the European Union and NATO. At the same time, they successfully negotiated the withdrawal of Soviet (now Russian) forces from their soil, contributed to the collapse of the Warsaw Pact and the Council for Mutual Economic Assistance (CEMA)—structures that provided some semblance of economic and political-military order to the region—and observed Germany's unification to the west and the Soviet Union's disintegration to the east.

Poland's history has also been a study in politics of the extreme. After experiencing three partitions during the 18th century which ended in Poland's total absorption by Prussia, Russia, and the Hapsburg Empire, the Polish state disappeared from the European stage in 1795. Statehood was finally resurrected for the Polish nation only at the end of World War I by the Treaty of Versailles when the Russian part of Poland aligned itself with Polish areas under German and Austrian rule to establish the independent Polish Republic.

Poland's experience with democratic rule was brief; in May 1926 it ended with Marshall Pilsudski's coup and military dictatorship. This was followed by the Molotov-Ribbentrop pact, resulting in the German and Soviet attack on Poland on September 1, 1939. With Germany's impending collapse, Soviet military forces entered Poland in 1944 and "temporarily" occupied the country with its Northern Group of Forces. Communist rule followed. Despite popular challenges to communist rule in 1956, 1970, 1976, and 1980-81, Polish democratization did not begin until 1988-89.

Hungary remained an isolated linguistic and cultural island within the Hapsburg empire and managed to gain a semblance of autonomy from Hapsburg rule after the 1867 *ausgleich*, which

created the Austro-Hungarian Dual Monarchy. As a successor to the Danubian Monarchy after World War I, Hungary was considered one of the powers responsible for the war. As a result, the Treaty of Trianon greatly reduced Hungary in size by ceding Slovakia and Carpatho-Ukraine to Czechoslovakia, Croatia-Slavonia to Yugoslavia, Banat to Yugoslavia and Romania, and Transylvania to Romania. Hungary's efforts to develop democratic institutions in the interwar period also met a similar fate as the rest of Central Europe, ending in Admiral Horthy's dictatorship.

During World War II, Hungary participated on the side of the Axis powers; hence, its Trianon-mandated borders remained unchanged. After the war Communist takeover and rule terminated Hungary's newly acquired independence. Hungary's effort to revolt in 1956 was thwarted by Soviet invasion and resulted in "temporary" occupation by the Soviet Southern Group of Forces. With its revolution in 1989, Hungary, too, embarked upon a liberal democratic experiment for the third time this century.

Czechs lost their statehood after the Battle of White Mountain in 1620, when they were absorbed under Hapsburg rule. After the 1867 *ausgleich*, the Czechs remained under Austrian influence and Slovakia under Greater Hungary. Czechoslovakia, also recreated after World War I by the Treaty of Versailles, was the only Central European state during the inter-war period to maintain democratic rule under Thomas G. Masaryk and Edvard Benes. Hitler's demands for the Sudeten lands at Munich in September 1938 interrupted Czechoslovakia's brief twenty-year democratic interlude. In March 1939 the Third Reich totally absorbed Czechoslovakia; though they permitted an independent fascist state to exist in Slovakia between 1938 and 1945.

When Czechoslovakia once again set out to establish liberal democratic political rule after World War II, a communist coup in February 1948 interrupted the experiment. Czechoslovakia's efforts to create "socialism with a human face" in 1968 were thwarted by a Soviet-led Warsaw Pact invasion and resulted in the "temporary" stationing of the Soviet Central Group of Forces in the country. The November 1989 Velvet Revolution marked

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Czechoslovakia's third twentieth century effort to establish liberal democratic institutions.

Framed against this tumultuous background, the revolutions of 1989-90 provide a number of challenges to European security. One of the immediate consequences has been the unleashing of aspirations of 80 million Central Europeans (16.3 million East Germans, 37.8 million Poles, 15.7 million Czechs and Slovaks, and 10.6 million Hungarians) to "return to Europe." Reflecting this popular will, the new Central European governments have adopted policies designed to join West European political, economic, and military institutions; the European Union and NATO. And it is in Europe's and the United States' interest that this process succeed!

Another consequence of the 1989 revolutions has been the unleashing of tribal and ethnic instincts and aspirations that had been contained for forty-five years by Soviet-imposed instruments of order and control. Likewise, it is in Europe's and the United States' interest that Central Europe's return to history does not flow in anti-democratic directions or result in intra- or inter-state conflicts.

Central Europe faced new challenges during late 1991-1992, when post-World War I state-disintegration extended to Europe's east and south. After the failed 18-19 August 1991 Soviet coup, the USSR disintegrated. At the end of 1991, Yugoslavia disintegrated. As a result, Europe witnessed the creation of many "new" independent states: from Latvia, Lithuania, and Estonia in the Baltic; to Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia in the Balkans; to Russia, Ukraine, Belarus, and Moldova in Eastern Europe. The Commonwealth of Independent States (CIS) also emerged. The future complexion of these new states' governments and alliance orientations also will have a profound impact on the security of Central and Western Europe.

European institutions are important to Central Europe because they legitimize the programs of their political leaders to society. But NATO is especially important because it anchors the United States to Europe and provides additional psychological security to these states which have been so tossed about by history. NATO, with its trans-Atlantic ties, is seen not just as an Article 5 guarantee against aggression but as a stabilizing instrument that

ensures continued statehood.

The challenge to the U.S. and Europe posed by the historic processes unleashed by *annus mirabilis* is not just to accommodate the aspirations of eighty million Central Europeans to re-establish liberal democratic rule and rediscover their historic heritage, but to ensure that the revolutions succeed. This is necessary because Central European liberal democracies represent a model—a roadmap—to the other Eastern and Southeast European nations and states such as Romania, Bulgaria, and Albania; Yugoslavia's and the USSR's successor states—who also seek a return to Europe.

Indeed, one might argue that if the liberal democratic experiments fail in Central Europe—in united Germany, Poland, Hungary, the Czech Republic, and Slovakia—that the likelihood of, and opportunities for those other Eastern or Southeast European states wanting to re-enter Europe will become quite bleak, if not impossible. If such a denouement were to result, then from the vantage point of the twenty-first century, the revolutions of 1989, rather than representing events of momentous historic proportions, will come to symbolize nothing more than a manifestation of the West's ability to seize failure from the jaws of Cold War "victory." And twenty-first century European history will be doomed to revisit the twentieth century.

GERMANY: ONE PEOPLE, ONE STATE, ONE ARMY

East Germany followed a very different path than Poland, Hungary, and Czechoslovakia because external forces predominantly defined the ultimate course of the revolution. In East Germany the communist Socialist Unity Party (SED) lost total control of the situation propelling the state onto a path leading to dissolution; and the Federal Republic of Germany (and later the USSR, the U.S., Britain, and France) created the conditions for Germany's ultimate unification within the NATO security umbrella.

Erich Honecker, as party and state leader of the German Democratic Republic (GDR) from 1971-1989, was responsible for shaping the GDR of the late 1980s. With the help of the Berlin Wall, erected in 1961, he set the GDR on a stable course of political and economic development. During the 1970s, much of the GDR's domestic policy could be seen as an attempt to raise the standard of living (consumer communism) in return for which East Germans were expected to accept stricter controls on Western contacts and make efforts to neutralize sources of opposition. The end of the GDR's self-imposed isolation commenced when Willy Brandt's *Ostpolitik* led to the opening of diplomatic relations with Bonn. Honecker's more open foreign policy transformed the GDR from an international outcast to a legitimate member of the international community.

In 1985 all of this changed when Mikhail Gorbachev's reforms in the Soviet Union and socialist community dramatically altered the environment in which the GDR had been operating. When Hungary and Poland began reforms, the East German Government became an even more staunch defender of the status quo. In the end, Honecker's unrelenting resistance to domestic reforms undermined his domestic support and regime's legitimacy.¹

In May 1989 Hungary dismantled its barbed-wire border with Austria and then announced on 10 September that its borders to

Austria would be opened. By the end of September more than 45,000 East Germans had made a frenzied exit to the West,² demonstrating that the German Democratic Republic was in desperate need of reform. When the largest protests since the failed workers' uprising in June 1953 spread in East Berlin, Dresden, Leipzig and elsewhere in early October, the legitimacy of the regime came into question.³ Several opposition groups formed—the most notable among them, New Forum—but they needed to overcome their divisions and to work openly for alternatives.

The riots kept spreading. On 16 October when 100,000 protesters rallied in Leipzig, the Socialist Unity Party ousted Erich Honecker. Two days later Egon Krenz replaced Honecker as head of state, SED General Secretary, and Chairman of the Defense Council.⁴ Despite the leadership change, the riots continued. Only after 300,000 protesters had marched in Leipzig on 23 October, did one member of the SED politburo finally meet (on 26 October) with New Forum for the first time.⁵ This only led to new protests demanding free elections, the ouster of the secret police, and the legalization of New Forum.

Though Egon Krenz attempted to associate himself with the reform by meeting with Gorbachev and Lech Walesa and promising far-reaching change, he could not stem the revolutionary tide. When thousands of East Germans packed the FRG embassy in Prague to seek asylum, Krenz announced on 3 November 1989 that they could travel to West Germany. By 8 November, 50,000 East German citizens had crossed the Czechoslovak border to the FRG (bringing the GDR's 1989 emigration to more than 200,000) and the entire 44-member Council of Ministers,⁶ led by premier Willi Stoph, and most of the SED politburo had resigned.⁷

On 9 November the GDR lifted its travel ban making the Berlin Wall superfluous.⁸ On 13 November, 477 of the 478-member People's Chamber (*Volkskammer*) elected Hans Modrow the new prime minister.⁹ The Socialist Unity Party then issued an "Action Program" outlining a number of political reforms, including round-table discussions with political parties and the call for free elections which were held on 18 March 1990.

Uncompleted Defense Reform

One of East Germany's immediate defense reform requirements was to establish civilian [executive and legislative] command and control over the defense ministry, secret police, and National People's Army (NPA). This was of essential import because during the revolutionary period—in October and again November—the military was almost employed *and* the lines of authority were unclear so the NPA was not always under lawful control. In addition, the GDR had the added complication and uncertainty resulting from the enormous (roughly seventeen-division) Soviet Western Group of Forces (WGF) troop-presence.

During the domestic unrest leading to the revolution in East Germany, Defense Minister Heinz Kessler signed Order No. 105/89 on 27 September 1989 which increased the state of combat readiness along the borders, around Berlin, and in Leipzig.¹⁰ During protest demonstrations in early October, Honecker ordered (on 7 October) that rubber truncheons and live ammunition be distributed to National People's Army soldiers, to support the People's Police and State Security Police if necessary.¹¹ Violence was averted only when Egon Krenz, then SED politburo member in charge of security, flew to Leipzig (on 9 October) and unilaterally canceled Honecker's order, thereby allowing protesters to march unmolested. Egon Krenz then replaced Erich Honecker as SED secretary on 18 October 1989.¹²

During renewed tension, the SED politburo on 7 November 1989 rejected by only one vote a proposal to put the NPA on the streets. Despite the politburo vote, a group of hard-line NPA officers allegedly put troops and tanks on maximum alert. The situation relaxed only when moderates prevailed and the GDR government announced the opening of its borders and the Berlin Wall on 9 November.¹³

Defense Minister Rainer Eppelmann has alleged that when former Defense Minister Heinz Kessler ordered the 1st Motorized Infantry Division in Potsdam to "close" the wall on 11 November 1989, the NPA General Staff withdrew the order.¹⁴ Heinz Kessler rejected Eppelmann's allegation as false.¹⁵ Admiral Theodur Hoffmann supported Kessler noting that discussions "always revolved around support for the police in the second line, but never around the deployment of the NPA against demonstra-

tors or the people."¹⁶

Despite reports that the readiness of some Soviet Western Group of Forces had been raised,¹⁷ Soviet Chief of the General Staff Moiseyev went out of his way to make it clear that the WGF remained neutral: "Our military were in no way involved. They were instructed not to intervene in any matters pertaining to domestic interrelations in the fraternal countries. Everything that is happening there is the sole concern of each individual country."¹⁸

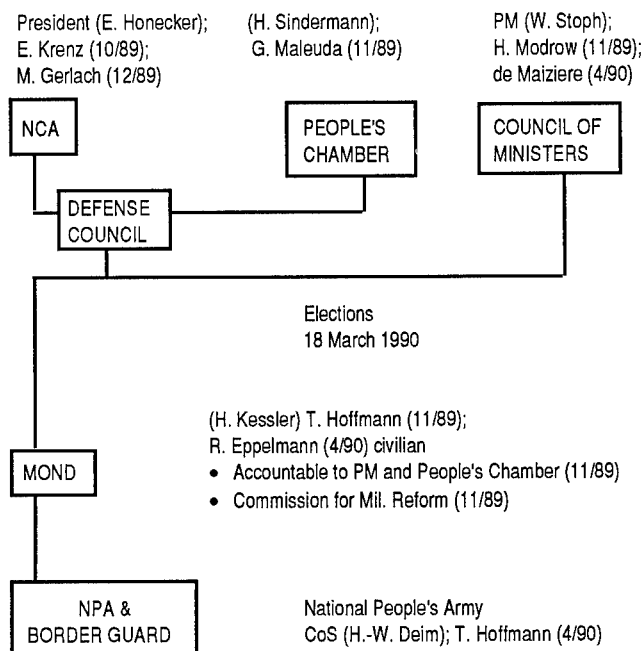
When the People's Chamber replaced Willi Stoph with Hans Modrow as prime minister on 13 November 1989, they also elected Guenter Maleuda, of the small Democratic Farmer's Party, to replace Horst Sindermann as People's Chamber president and replaced 27 members of the old Parliament. Admiral Theodor Hoffmann replaced Heinz Kessler as defense minister on 15 November and immediately made it quite clear that: "I am only accountable to my prime minister and to the People's Chamber" (see Table 1 below).¹⁹

On 18 November the People's Chamber confirmed Hans Modrow's new 28-member Cabinet which included 17 communists and 11 members from four parties closely allied to the SED. The People's Chamber also established special commissions to consider constitutional changes, work out a law for democratic elections, and investigate abuses and corruption of former communist officials. The main consideration was to change Article 1 of the Constitution which assigned the leading role to the Communist Party.²⁰ Despite these concessions, a new wave of popular anger at the abuses under Erich Honecker arose, the Communist Party was thrown into disarray, and its leadership collapsed on 3 December.

Between mid-November and early December 1989, authority over the Government, the civil service, the police, and the army officially shifted away from the Communist Party to Prime Minister Hans Modrow and his Cabinet. In early December Gregor Gysi replaced Egon Krenz as SED secretary and Manfred Gerlach, of the Liberal Democratic Party, became head of state and thus head of the Defense Council.²¹ As a result, control over the NPA now resided solely with the new Government and Defense Minister (Theodor Hoffmann). In mid-December the Cabinet

announced that it would dissolve the secret police and would name a new civilian supervisor, directly subordinate to the prime minister, to head two new intelligence agencies.²²

Table 1 East German Defense Reform, 1989-90



The issue of German unification was broached early. On the one hand, in East Germany free elections were increasingly seen as a prelude to some form of national plebiscite for reunification with the FRG. On the other hand, Chancellor Helmut Kohl presented a 10-point outline to the FRG Parliament on 28 November 1989 for creating a German federation that would eventually lead to the reunification of the two German states.²³ The Soviet Union issued a harsh critique of the plan describing it as "fraught with dangerous consequences [and] bordering on outright diktat."²⁴ When East Germany's battered Communist Party held its "first" round-table discussions with new opposition political groupings led by New Forum on 7 December, the SED agreed to adopt a new Constitution, hold free elections by 6 May 1990, and seek a formula for unifying the two German states.²⁵ When Kohl and Modrow met for the first time on 19 December,

they agreed to reopen Berlin's Brandenburg Gate, introduce free movement for all Germans by Christmas, and sign a treaty establishing future forms of cooperation.

During January 1990 it became clear that the communists had lost control. Not only had 400,000 (of 16.5 million) East Germans fled during 1989, but protests also continued to spread throughout the country. After several groups within the SED called for its dissolution claiming that the party had not reformed itself radically enough and continued to pose a threat to East Germany's stability, the SED-Party of Democratic Socialism (PDS) executive committee convened an emergency session on 21 January 1990. Though SED leader Gregor Gysi managed to prevent disbandment, he admitted that the SED had been unsuccessful in making the transition from Stalinism to democratic socialism; and the SED expelled fourteen party leaders including Krenz.²⁶

With the SED's collapse, the East German Government also experienced crisis. Prime Minister Modrow claimed that he could only maintain stability if the opposition joined the Communist-led coalition. On 29 January the opposition finally agreed to create a "grand coalition" on the condition that Modrow and all cabinet members renounced their party affiliation until after the elections (which were moved up to 18 March from 6 May), that the opposition get key cabinet posts, and that the round-table approve all legislation.²⁷

At the 17 March 1990 Warsaw Pact Foreign Ministers session in Prague, all seven members of the Warsaw Pact agreed to Germany's right to unify, but they disputed the formula for unification. Soviet Foreign Minister Eduard Shevardnadze ruled against NATO membership for a united Germany, but Hungary, Poland, and Czechoslovakia argued that a united Germany *in* NATO would benefit European stability!

The 18 March 1990 democratic elections to the 400-seat People's Chamber produced a resounding call for quick German unification and a market economy by electing a coalition of conservative parties allied with the FRG's ruling Christian Democrats. Of the 24 political parties in the People's Chamber, the conservative three-party Alliance for Germany coalition—comprising the Christian Democratic Union (CDU),

Democratic Awakening, and German Social Union—won 193 seats. The Social Democratic Party of Germany won 87 seats and the Party of Democratic Socialism (the former SED) won 65.²⁸ When the new People's Chamber convened on 5 April, it voted unanimously to delete the constitutional preamble defining East Germany as "a socialist state of workers and peasants."²⁹

CDU chairman Lothar de Maiziere became prime minister. On 11 April 1990 he created a broad coalition government to change the Constitution (which according to Article 63 required two-thirds majority in the People's Chamber)³⁰ and hasten unification. De Maiziere named Rainer Eppelmann, a civilian who headed Democratic Awakening, minister of disarmament and defense (Eppelmann accepted the position only on condition that "disarmament" be in his title),³¹ and appointed the former defense minister, Admiral Theodor Hoffmann, to be the new NPA Chief of Staff.

The drive toward German unification accelerated. On 20 March 1990 the FRG and GDR agreed in principle to have economic and monetary union plans by the end of April and to implement them on 1 July. The strategy was to sign a treaty in which East Germany would adopt the FRG's tax laws, eliminate price subsidies for consumer goods, and give Bonn's Bundesbank authority over monetary affairs.³² De Maiziere's plan for unification involved invoking Article 29 of the FRG Constitution that allowed East Germany's five separate states (*laender*) to apply directly to Bonn for admission to the FRG.³³ But this required a change in the GDR Constitution because these states, which were abolished by the Communists, had to be recreated. In July the People's Chamber recreated the *laender* state structure to facilitate unification.³⁴

Though Lothar de Maiziere supported a unified Germany in the European Community (now Union) and NATO, and agreed with the FRG position that no NATO troops should be stationed on East German territory, the Soviets still differed on the formula for a united Germany. On 12 April the People's Chamber voted to approve NATO membership for a united Germany, but only if NATO were to change its strategy.³⁵ On 3 June 1990 when Gorbachev met with President Bush in Washington, the two were still unable to agree on Germany's role in NATO. Intending to

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make Germany's membership in NATO more compatible with Soviet interests, Bush presented Gorbachev with a list of nine points—to include expanding CSCE's functions, a German pledge not to acquire nuclear or chemical weapons, accelerating arms control negotiations, and revising NATO doctrine. Gorbachev reportedly argued that these concessions were "not enough."³⁶

Although Gorbachev consistently rejected the German unification within NATO formula, his concession to Helmut Kohl in July illustrated that he really had little choice in the matter. In reality, Soviet control had been ceded in November 1989 when the GDR failed to stabilize the domestic situation as a reformed communist state; *de facto* unification occurred on 1 July with the economic and monetary union of the two German states. In addition, the Soviets had to decouple political unification from the security issue when they conceded that all-German elections could occur irrespective of the Two-Plus-Four (the two Germanies, plus the U.S., USSR, U.K., and France) agreement, which was signed on 12 September 1990.³⁷

On 20 September the GDR People's Chamber voted 299-80 and the FRG Bundestag voted 442-47 to ratify a treaty³⁸ by which the GDR would discard its Constitution and adopt nearly all the FRG's laws when official unification occurred on 3 October 1990. When the People's Chamber dissolved on unification, 144 of its 400 members joined the FRG's expanded Bundestag³⁹ until the new all-German parliamentary elections were held on 2 December 1990. Those elections returned Helmut Kohl to power; Kohl's Christian Democratic Union coalition with Hans Dietrich Genscher's Free Democrats controlled 392 of the Bundestag's 656 seats.⁴⁰

Armed Forces Reform

East German armed forces reforms never had a chance to fully develop between the initial riots in October 1989 and unification. The Warsaw Pact's May 1987 so-called defensive doctrine and Gorbachev's 7 December 1988 announcement of unilateral reductions initially drove the National People's Army restructuring and reductions during 1988-1989. During January-June 1990, the collapse of SED control, free elections in the

GDR, and the FRG's drive for unification filled the vacuum and hastened reform efforts. Little happened between monetary unification on 1 July and the Soviet Union's 12 September 1990 concession to permit a 370,000 total German force within NATO by 1994 (by the Four-plus-Two agreement). With the 3 October 1990 formal unification of Germany, the original 175,000-troop National People's Army simply disappeared from the face of the earth.⁴¹

Notes

1. Barbara Donovan and Ronald Asmus, "Erich Honecker: The Man and His Era," *RFER*, RAD Background Report/195 (19 October 1989).

2. On 29 September Hungarian foreign minister Gyula Horn said that the treaty with the GDR on returning refugees would be suspended as long as there were East Germans in Hungary who did not want to go back.

3. Serge Schmemann, "Security Forces Storm Protesters in East Germany," *The New York Times*, 9 October 1989, pp. A1,6.

4. Serge Schmemann, "East Germany Removes Honecker," *The New York Times*, 19 October 1989, pp. A1,8.

5. Henry Kamm, "300,000 Reported To March," *The New York Times*, 24 October 1989, p. A14; Serge Schmemann, "A Top East German Meets Two Leaders of the Opposition," *The New York Times*, 27 October 1989, pp. A1,11.

6. For the role of the Council of Ministers, see Chapter 3, *The Constitution of the German Democratic Republic* (Berlin: Intertext), pp. 113-114.

7. Serge Schmemann, "East Germany's Cabinet Resigns," *The New York Times*, 9 November 1989, pp. A1,12.

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REPUBLIC OF POLAND

Since 1989, reform of Poland's 1952 Constitution—gradually transforming Poland from a communist to a democratic state—has undergone five stages of development. The process began in 1988 with an understanding reached between the government and the opposition within the framework of round-table talks. The Polish United Worker's Party's (PUWP) recognized political and trade union pluralism in return for the creation of a powerful new office of president. The second stage began with the communist party's overwhelming defeat during the June 1989 general parliamentary elections, in which 35 percent of the Sejm seats were contested and which also resulted in the 24 August 1989 election of Tadeusz Mazowiecki as Poland's first non-communist prime minister. The third stage commenced with the 9 December 1990 presidential elections which brought Lech Walesa to the presidency and the appointment of Jan Bielecki as the second non-communist prime minister in January 1991. The fourth stage commenced after the full Sejm and Senate democratic elections held on 27 October 1991, which resulted in the rule of Jan Olszewski and Hanna Suchocka as Poland's third and fourth non-communist prime ministers. The fifth stage started after the fall 1993 Sejm and Senate elections, with the return of the socialists, the appointment of Waldemar Pawlak as prime minister, and constitutional crisis in Poland.

During the same period, Poland initiated an extensive domestic defense reform—to ensure civilian command and control and extensive restructuring of the military and to return the armed forces to the people. As it did so, Poland also had to grapple with a rapidly changing threat environment. Before 1989, Polish military doctrine viewed the West, specifically NATO, as the primary threat. Until the 14 November 1990 Polish-German border treaty, Poland viewed Germany as a threat. Then until the August 1991 failed coup and resulting disintegration of the USSR in December, Poland viewed the Soviet Union

as a threat. Since 1992 Poland has come full-circle; it is now attempting to develop an "all-round" defense strategy regarding primary threats arising from its unstable four eastern border states; Russia, Lithuania, Belarus, and Ukraine.

Stillborn Defense Reform

To achieve democratic civil-military relations, Poland must establish consensus and law on civilian (president, government, and Parliament) command and control of the defense ministry and military, the former Polish People's Army (PPA). Poland's reform has included amending the Constitution to formalize the round-table agreements to create a new office of the president, an office which for a long period lacked a constitutional basis. Poland still must clarify the lines of authority between the president and government (prime minister and civilian defense minister) and of the government's control of the military in peacetime and war. So far, this effort has failed.

In addition, the Polish reform had to refurbish the image of the military and return the armed forces to Polish society. Because of the extensive use of Polish armed forces in the Warsaw Pact invasion of Czechoslovakia in 1968 and in suppressing strikers on the Baltic coast in December 1970 and in planning and implementing martial law in 1980-81,¹ the military's reputation was tarnished in the population's estimation as well as in its own eyes.² To refurbish its image, the reform had to remove Polish United Worker's Party (PUWP) influence from the defense establishment and ensure that Polish military forces are sufficient to guarantee the integrity and sovereignty of Poland. In this part of reform, Poland has been somewhat more successful.

First stage of constitutional reform (1988-June 1989). Not unlike 1918, Poland's new leadership inherited empty political 'traditions.' As Andrzej Korbonski has argued, when Poland reappeared after World War I (Poland disappeared from the map of Europe in 1795), Poland's political leadership inherited empty political traditions. Having been formed from three different empires—German, Austro-Hungarian, and Russian—and having no more than 60 percent of its population as Polish, Poland was

neither a state nor a nation. As a result, the Polish military played different roles during the inter-war period; in the Constitutions of 1921 and 1935.³

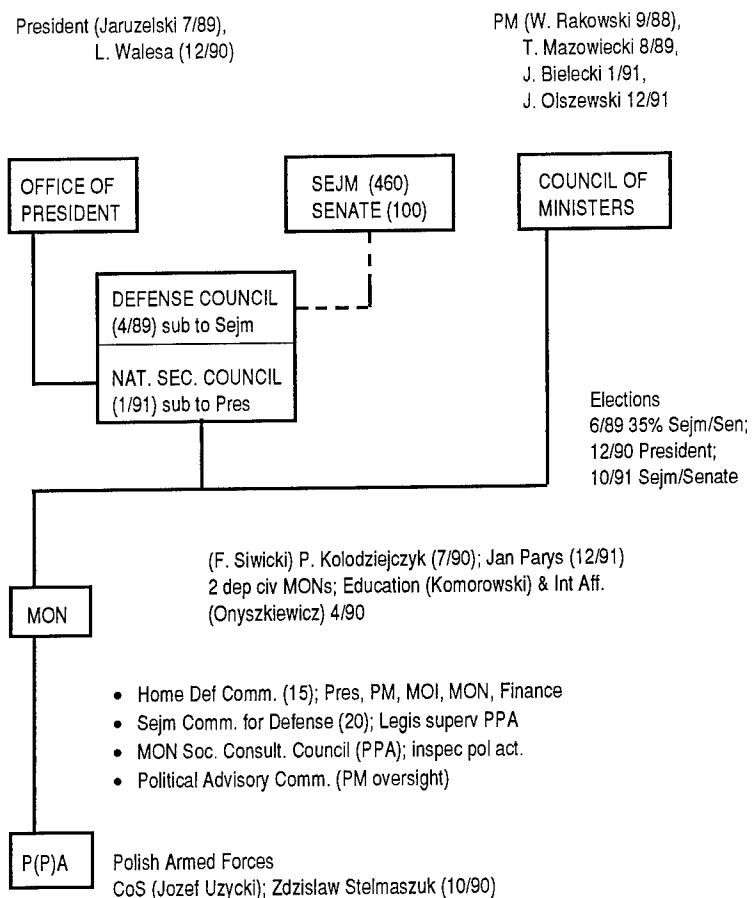
Many Poles perceived the system of government imposed by the Soviet Union and led by the Polish communist government since World War II as contrary to the interests of Poland and its citizens. Although the 1952 Constitution guaranteed democratic rights, as Norman Davies has noted: "all chance of effective democracy was nullified by the extra-constitutional 'leading role' of the Party and its National Front as the 'guardian of the state'...the People's 'Democracy' was a legal fiction. The reality lay in the Party's dictatorship over the people."⁴

When Poland began serious reform, it became immediately apparent how hopelessly outdated was its 1952 Constitution. For example, Chapter 5, entitled "Supreme Organs of State Administration," gave Parliament the power to appoint the Council of Ministers—the prime minister, vice-premiers, and ministers—but did *not* provide for a president.⁵ Only in April 1989, after two months of round-table negotiations, did the Mieczyslaw Rakowski government (which was formed in September 1988) and the Lech Walesa-led Solidarity Union agree to restore Poland's second chamber of Parliament—the Senate—which had been abolished in 1946—with 100 members chosen in open and free elections and to liberalize voting regulations for 35 percent of the 460-seat Sejm. In return, Solidarity agreed to institute an office of the president with broad powers for foreign and security policy⁶ (see Table 2 below).

According to the round-table agreement, 299 of the Sejm's 460 seats were reserved for the PUWP and subservient parties and 161 seats (35 percent) for the opposition. The newly created 100-seat Senate was to serve as a higher deliberative body with veto power over the Sejm (though a two-thirds vote of the Sejm could override the Senate's veto) and, together with the Sejm, to elect the president for a six-year term.⁷

During the communist period, the Polish Defense Council (KOK) had been responsible for shaping the general guidelines of Poland's defense capabilities but Poland had a pre-communist history with such an organ of government. After the May 1926 coup Marshal Pilsudski signed an executive order appointing a

Table 2 Polish Defense Reform, 1988-91



Committee for the Defense of the State to streamline his government. In fact, the ultimate supragovernmental agency to manage Poland's defense against Hitler's Germany was the Defense Committee of the Republic (KOK) created by Presidential decree of 12 May 1936.

Established in 1958 by a Council of Ministers' Resolution and accorded increased powers after 1967, the KOK subordinated the defense and interior ministries to the PUWP.⁸ During the Martial Law period, the KOK flexed its power as state

administrator by ordering the militarization of many enterprises and mobilization of employees after 13 December 1981.⁹

On 8 April 1989, a Constitutional amendment changed the Defense Council's role; it would no longer be a supragovernmental agency, but a collegial state organ, subordinate to the Parliament (the 460-seat Sejm and 100-seat Senate), working in the area of defense and national security and establishing general principles of national defense, including defense doctrine.¹⁰ The KOK was now chaired by the President of the Republic, with the prime minister and the ministers of defense and foreign affairs as deputies. It also includes the head of the President's Office, the minister of finance, internal affairs, chief of the general staff and minister heading the office of the Council of Ministers.¹¹

The 21 February 1990 Polish defense doctrine, now outdated because of the Warsaw Pact's demise, emphasized that the Polish president *and* Parliament control Poland's Armed Forces:

(T)he Superior of the Armed Forces is the President of the Polish Republic. The Supreme Commander of the Armed Forces...in wartime is appointed by the Sejm.

In the event of war an appropriate operational grouping remaining under national command and acting as part of the Combined Armed Forces...of the Warsaw Pact, is isolated from within the Armed Forces of the Polish Republic. The authorities of the Polish Republic...retain their influence on decisions affecting the use of that grouping in consonance with national interests.¹²

Since 8 April 1989 Poland's president, not PUWP secretary, has acted as the *de jure* National Command Authority (NCA)¹³ and chaired the Defense Council which became a collegial state organ subordinate to the parliament. Although the April 1989 arrangement initially did not change the *de facto* command situation because PUWP leader Wojciech Jaruzelski became Poland's president, the PUWP's power on the Defense Council was curtailed. (*De facto* control did change in December 1990 with Lech Walesa's election as president.) In sum, this period witnessed a number of amendments to the 1952 Constitution

resulting from round-table agreements.

Second stage of reform (June 1989-December 1990). The second stage began with the June 1989 elections which resulted in a resounding communist defeat. Solidarity won all of the 161 Sejm seats (35 percent) and 99 of the 100 Senate seats up for election. The PUWP was further humiliated on 19 July when its presidential candidate, Wojciech Jaruzelski, received the absolute minimum number of votes in the Parliament to be elected. After the appointment of Tadeusz Mazowiecki as Poland's first non-communist prime minister in August, Poland's Parliament began to exert greater political influence and authority and the communist party began to disintegrate.

During December 1989 the new Sejm and Senate created separate constitutional committees to draft new versions of the entire charter. They also adopted on 29 December 1989 a Bill of Amendments to the Polish Constitution which restored the name "Republic of Poland" to the state and replaced the descriptive phrase "socialist state" with one describing Poland as a "democratic state." Many provisions of the 1952 Constitution were deleted; among them were those calling for protecting the achievements of socialism, concerning alliances and friendship and cooperation with the USSR, and the leading role of the PUWP.¹⁴

Concerned about oversight of the military, Solidarity sympathizers also created a number of *ad hoc* oversight bodies to remove the communist party's influence and ensure government control over the defense ministry during 1989-1990. First, they created a 15-person Home Defense Committee to oversee the defense ministry. Chaired by the president, it included the prime minister, the ministers of interior, finance, and defense, and the speakers of the Sejm and Senate.¹⁵

Second, they created a Sejm Commission for Defense which supervised legislation pertinent to the military. Each of the 20 Sejm Commission members, including many non-communists, had the right to enter any military installation on demand.

Third, in September 1989 the Poles created a ministry of national defense (MON) Social Consultative Council, composed of all the political forces represented in the Sejm. The Council maintained advisory capacity and inspection authority, and

supervised the social conditions within the military and the program of civic education.¹⁶

Fourth, on 11 December 1989 the Council of Ministers adopted a resolution establishing the Political Advisory Committee comprising seven to nine members of Parliament and a representative of the president. Members were appointed by the defense minister and subject to recall by the prime minister. The Political Advisory Committee examined issues and provided opinions and consultations on questions coming within the defense ministry's power. It was an advisory body without the authority to contradict the hierarchical command of the army.¹⁷

Finally, on 3 April 1990 another significant step occurred when Bronislaw Komorowski and Janusz Onyszkiewicz—two Solidarity intellectuals—became Poland's *first* civilian deputy defense ministers, responsible for educational (formerly political) training within the armed forces and international military affairs respectively. This extremely important reform represented Poland's first attempt to provide direct civilian oversight over two sensitive areas of defense policy.¹⁸

Between December 1989 and April 1990, Mazowiecki dismantled the Main Political Administration (MPA) and created a Central Education Board, which was to depoliticize the military. Deputy Defense Minister Komorowski took over the Central Education Board (renamed Department of Education) in April 1990, and assumed responsibility to depoliticize and supervise educational activities within the Polish Armed Forces. Onyszkiewicz retained responsibility for all defense ministry ties with the Warsaw Pact, which had maintained direct access to Polish forces through the then top secret Statute. He also had responsibility for all other developing international military bilateral and multilateral ties, including those with the Soviet NGF in Poland, Visegrad neighbors Hungary and Czechoslovakia, the WEU, and NATO.

Then on 7 July 1990 Prime Minister Mazowiecki replaced Defense Minister Florian Siwicki with Vice-Admiral Piotr Kolodziejczyk, an officer rumored to be unsympathetic to the USSR. Another important change occurred in October when General Zdzislaw Stelmazuk was appointed Chief of the General Staff. Stelmazuk was the first Polish officer since World War II to

hold the post who did *not* attend a Soviet staff college.¹⁹

Claiming his "concern to prevent undesirable public sentiment [and to] promote democracy,"²⁰ President Jaruzelski, in the second year of his six-year term, notified the Sejm in September 1990, that he wanted to step down. Jaruzelski asked the Sejm to mandate presidential elections by universal vote, an act that required a change in Poland's Constitution.

The third stage (December 1990-October 1991). The third stage in Poland's reform commenced with the 9 December 1990 presidential elections which brought Solidarity leader Lech Walesa to power. Walesa immediately launched a new phase of reform to strengthen the position of the executive by transferring powers from the still predominantly communist Sejm to the president. Hence this stage was marked not just with increasing tensions between President Walesa and Jan Bielecki, who became Poland's second non-communist prime minister in January 1991, but also between both houses of Parliament. During this period conflicts between the constitutional committees of the communist-dominated Sejm and Solidarity-dominated Senate grew to the point that they broke off all contacts with each other.

First, Walesa announced he would replace the Defense Council (KOK) with a new organ, the National Security Council (NSC), which the Sejm finally accepted at the end of 1991.²¹ Strikingly similar to the KOK, the president would be the Council's chairman, the prime minister his first deputy, and the foreign affairs and defense ministers would act as deputies. In addition, the ministers of interior and finance and head of the president's chancellery and office of prime minister were members.²² To enhance Walesa's control, the President's Office now financed the NSC rather than the defense ministry.²³

The 13 February 1991 inaugural NSC session assessed the security needs of interior and defense and discussed Polish-Soviet relations, focusing on the Soviet troop withdrawal from Poland.²⁴ On 22 May 1991, then NSC director Lech Kaczynski noted that Walesa aimed to expand presidential and NSC powers by legislative means. Walesa sought the powers to appoint a commander in chief of the Armed Forces in times of war and to deploy Poland's Armed Forces not just during periods posed by a foreign threat.²⁵

Second, Walesa also created a National Security Bureau (BBN) to replace the Defense Council Secretariat. The National Security Bureau prepares analyses and forecasts of Poland's internal and external situation, as well as the new defense doctrine. In effect, the BBN, which employs between 75 and 85 people in four departments—military, defense systems, research, and legal and organizational²⁶—replaced the defense ministry's oversight of such activities and enhanced presidential authority in these areas. Also to provide expert advice, Walesa created an advisory body under the NSC Secretary that included the Polish Army Chief of Staff, the Chief of the Office for State Protection, the commander of the Border Guard, and the under secretaries from the foreign affairs and finance ministries.²⁷

Third, with the apparent intention of enhancing the president's role in state affairs, Walesa reorganized the 200 people employed in the Office of the President into four secretariats and expanded its political department.²⁸

Tensions were also increasingly evident between the Sejm and Senate. In April 1991, the (Solidarity-dominated) Senate constitution committee presented its own draft constitution outlining an essentially presidential form of government. In September the Sejm committee presented its draft, which envisaged a parliamentary system with the President acting as an arbiter rather than as a chief executive.²⁹ Increasingly frustrated with the Sejm, which the communists still controlled with 65 percent of the seats, Walesa wanted to acquire a non-communist Parliamentary mandate for change and called for Sejm elections to be held two and a half years *earlier* than originally planned!³⁰ Though Walesa's efforts initially met resistance, he prevailed and Poland finally held elections on 27 October 1991.

During the failed Soviet coup in August 1991 Poland tested its emergency machinery. Though Walesa saw no need to convene the NSC during the crisis,³¹ Jan Bielecki created a crisis cell to provide accurate information about unfolding events, increase cooperation between the government and President Walesa, and prepare responses to all possible contingencies.³² Because Poland was the only Central European country then still hosting Soviet troops within its borders, Poland issued a relatively mild censure.

In an effort to expand presidential authority in security affairs, in February 1991 Lech Walesa announced plans to appoint a civilian defense minister in the future.³³ Lech Walesa and Jan Bielecki also announced a significant defense reform. They appointed Krzysztof Zabinski to set up an inter-ministerial reform commission comprised of four teams to: (1) transform the defense ministry into a civilian body of state administration; (2) restructure the armed forces; (3) rationalize the defense industry; and (4) establish parliamentary oversight organizations.³⁴ According to Prime Minister Bielecki, the reform's aims were to improve the army's image and credibility, to put the defense ministry under civilian control, and to make the armed forces a separate, apolitical organization.³⁵

On 11 March 1991 Deputy Defense Minister Onyszkiewicz outlined the defense reform concept to the inter-ministerial commission. To make the defense ministry into a civilian organ of state administration, a civilian needed to head the ministry, three civilian deputy ministers would handle administrative matters, and the Armed Forces would concentrate on combat readiness.

The president would appoint the military General Inspector/Chief of the General Staff (CoS) who reports directly to the defense minister. One intended result of the reform was that the separate administrative and command functions should stabilize the defense ministry, because the CoS would not necessarily change with each new government as would the defense minister. Another reform intention was to reduce the 3,000 career servicemen employed in headquarters to 1,500-2,000 and redistribute the excess to military units, thereby increasing the percentage of professionals in the forces.³⁶

The 22 April 1991 session of the inter-ministerial commission for reforms agreed that the Polish CoS—General Inspector of the Armed Forces—would become the supreme commander of the armed forces in wartime. In early June CoS Stelmaszuk announced the new organization of the general staff. In peacetime, the Polish CoS would have three deputies; a first deputy CoS for Strategic and Organizational Planning, a deputy CoS of the Inspectorate for Training, and a deputy CoS of the Inspectorate of Logistics. The General Staff consisted of 1,700

people, 1,200 career military and 500 civilians.³⁷ On 5 July 1991, Walesa announced that he would name Piotr Kolodziejczyk to become the new General Inspector of the Armed Forces.³⁸

According to the defense reform, the defense ministry would have the following three civilian deputy defense ministers: (1) a deputy minister for educational affairs (formerly for social relations and education), responsible for setting educational and cultural policy within the armed forces and for organizing cooperation with the military chaplains' service; (2) a deputy for defense policy and planning, responsible for developing defense policy and a long-range concept for developing the armed forces to deal with Poland's external threats; and (3) a deputy minister for armaments and military infrastructure, responsible for the defense industry and for delivery, repair, and upgrading of weaponry and material.³⁹

The end of the third stage witnessed Walesa and the Sejm locked in a struggle over election procedures for Poland's first totally-free Parliamentary elections scheduled for October 1991. Part of the bitter dispute involved designating the party affiliation of candidates; Walesa wanted Parliamentary candidates identified by name and party while Sejm communists objected to party identification. On 21 June 1991 the communist-controlled Sejm rejected the Solidarity-dominated Senate's amendments to the electoral procedures bill. When Walesa vetoed the Sejm's version, the Sejm overturned Walesa's veto one week later. In sum, the communist-controlled Sejm dug in its heels and still exerted influence.

In reality the legislative-executive confrontation involved the balance of power between the Sejm and president. The Sejm's 46-member Extraordinary Constitutional Committee had drafted a new Polish Constitution to be considered by the newly elected Parliament. Article 49 of its draft Constitution considered the Sejm the "supreme organ [empowered] to make laws, to appoint other State organs and to control their activities."⁴⁰ The freely-elected Senate draft Constitution supported a presidential form of government. Walesa saw the communist-dominated Sejm as an impediment to his power and wanted its members removed.

The fourth reform-stage (October 1991-September 1993).
The fourth stage in Poland's reform commenced with the 27

October 1991 elections of the entire Sejm and Senate, which unfortunately resulted in an extremely fragmented government. Of the 69 political groups contesting the elections, 29 won representation in the 460-seat Sejm. The Democratic Union won 62 seats; Democratic Left Alliance (former communists), 60; Catholic Electoral Action, 49; Polish Peasant Party (former allies of communists), 48; Confederation for Independent Poland, 46; Center Alliance, 44; Liberal Democratic Congress, 37; Peasant Accord, 28; Solidarity Trade Union, 27; and Polish Friends of Beer Party, 16. Eleven parties won one seat each.⁴¹

Now fully democratically elected, the new Parliament's coalition government led by Prime Minister Jan Olszewski brought new legitimate tensions between presidential and prime ministerial authority. These tensions were exacerbated by ambiguities resulting from the absence of a valid Constitution and by the new, fully legitimate, but heavily fragmented and weak coalition government seeking to exercise its authority (see Table 3 below).

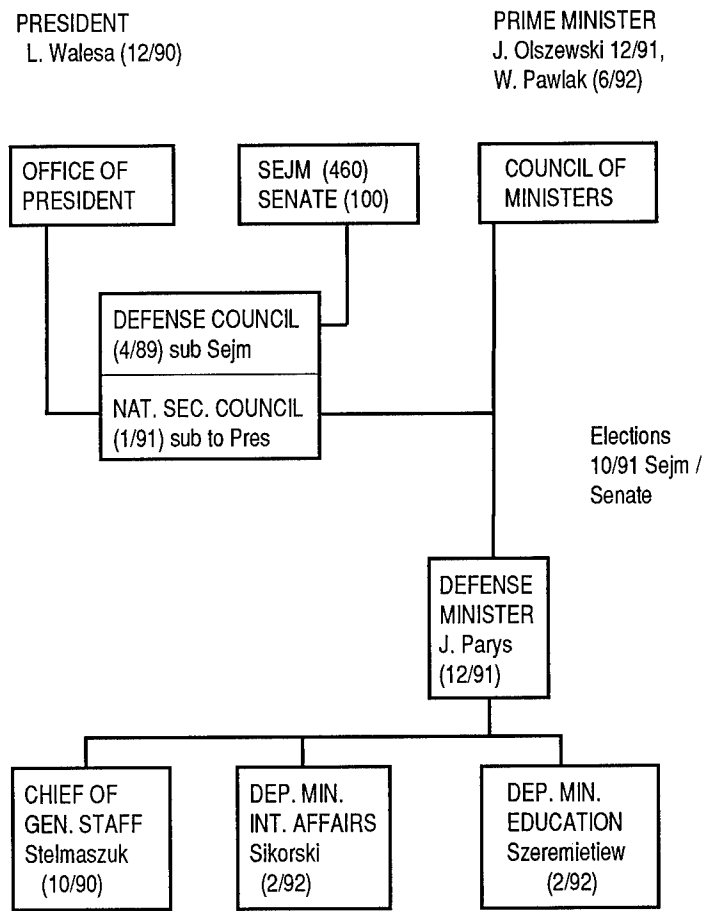
The two draft constitutions prepared by the constitutional committees of the former Sejm and Senate were set aside and the new parliament was mandated to start the drafting process all over again. The crucial factor in adopting an interim constitution was the difficulty of constructing a working majority coalition in a parliament fragmented by 29 different parties with the need for a two-thirds majority of both houses of parliament for adoption.

In the absence of a new constitution, Walesa continued to press his executive powers to the limit. On 31 December 1991 Walesa published a decree that outlined the composition and functions of the National Security Council (NSC), which became the forum for exerting presidential control over defense and security policy. Chaired by President Walesa, the NSC's first deputy chairman was Prime Minister Olszewski, and two deputy chairmen being Defense Minister Jan Parys and National Security Bureau (BBN) Chief Jerzy Milewski. Other NSC members included the Sejm and Senate speakers, the foreign, interior and finance ministers, the chief of staff, and one of the secretaries of state in the president's chancellery. While the NSC was to consider matters relating to national security including defense, public security and order, and security of citizens; the BBN was

tasked with identifying threats to national security and presenting solutions to eliminate them.⁴²

When Jan Parys became the first civilian defense minister in late December 1991, he fired the government's opening salvo challenging Walesa's authority as constitutional head of the Armed Forces. In a move apparently not coordinated with the president, on 31 December 1991 Parys announced major defense ministry house cleaning and reform adding that he would retire Piotr Kolodziejczyk rather than make him the new Inspector

Table 3 Olszewski Defense Reform, 1992



General as Walesa had earlier announced.⁴³ In early February, Parys added that he would *not* appoint an Inspector General unless "Parliament amend[ed] the Constitution."⁴⁴ Parys then dismissed Deputy Defense Minister Komorowski and named Romuald Szeremietiew to replace him.⁴⁵ On 11 February Deputy Defense Minister Onyszkiewicz resigned⁴⁶ and Jan Parys named Radoslaw Sikorski to replace him.⁴⁷

As 1992 opened, it was clear that presidential authority over defense and security affairs was running on collision course with the government. Taking the offensive in January 1992, BBN director Jerzy Milewski argued that the president's authority over defense and security matters had to be expanded because the president was constitutionally responsible for these matters. Milewski added that while the civilian defense minister should be concerned with running the army, the president needed:

greater authority at the army command level...during peacetime...[to include] the shape of the armed forces, whether they are to be divisions or corps, how they are to be deployed, and what their combat parameters should be...[and] to expand the range of general officer positions directly appointed by the president.⁴⁸

These different views rapidly came to a head. The crisis arose over different interpretations of presidential and defense ministerial authority as well as over policy and personality differences. It ended with the resignation of the new (and first) civilian defense minister, exacerbated Polish civil-military relations, and brought the collapse of the new, though weak, government coalition. Though personality and policy differences existed between the president and government, the fact that Poland lacked a valid constitution significantly contributed to the crisis. The powers of the president, prime minister, and parliament need to be clarified and until such a constitution has been adopted, Polish defense reform can not be achieved.

Between 19-24 March 1992 the Sejm deliberated on the ways and means of preparing and adopting a new constitution; they finally decided that the Parliament's Constitutional Commission would first adopt the constitution which would then be ratified by

national referendum.⁴⁹ Over a six-month period the president, the 56 parliamentary members (46 Sejm and 10 Senate) of the Constitutional Committee, or the Cabinet could submit drafts to the Parliament's Constitutional Commission.⁵⁰ The draft of the Small Constitution required a two-thirds vote of both houses of the National Parliament, followed by a national referendum.

Unfortunately before the Small Constitution's completion, the debate on relations between the Sejm and Senate, president and prime minister, and Sejm and president erupted into a political crisis when Defense Minister Parys alleged on 6 April 1992 that the president's office had been planning new martial law contingencies⁵¹ and had illegally intervened in defense ministry affairs, and that President Walesa had sought the support of Silesian Military District Commander, General Tadeusz Wilecki by offering him General Stelmazuk's position as Chief of Staff.⁵²

On 7 April Prime Minister Olszewski placed Parys on extended leave; and Romuald Szeremietiew became acting defense minister. On 25 April the Sejm established an eight-member commission to examine Jan Parys' allegations.⁵³ After the Sejm commission concluded that Parys' allegations about politicians involving the Army in party games were "unfounded and detrimental to the state's interests,"⁵⁴ Parys resigned. President Walesa then asked Parliament to replace Olszewski (on 26 May) and the Olszewski government fell.

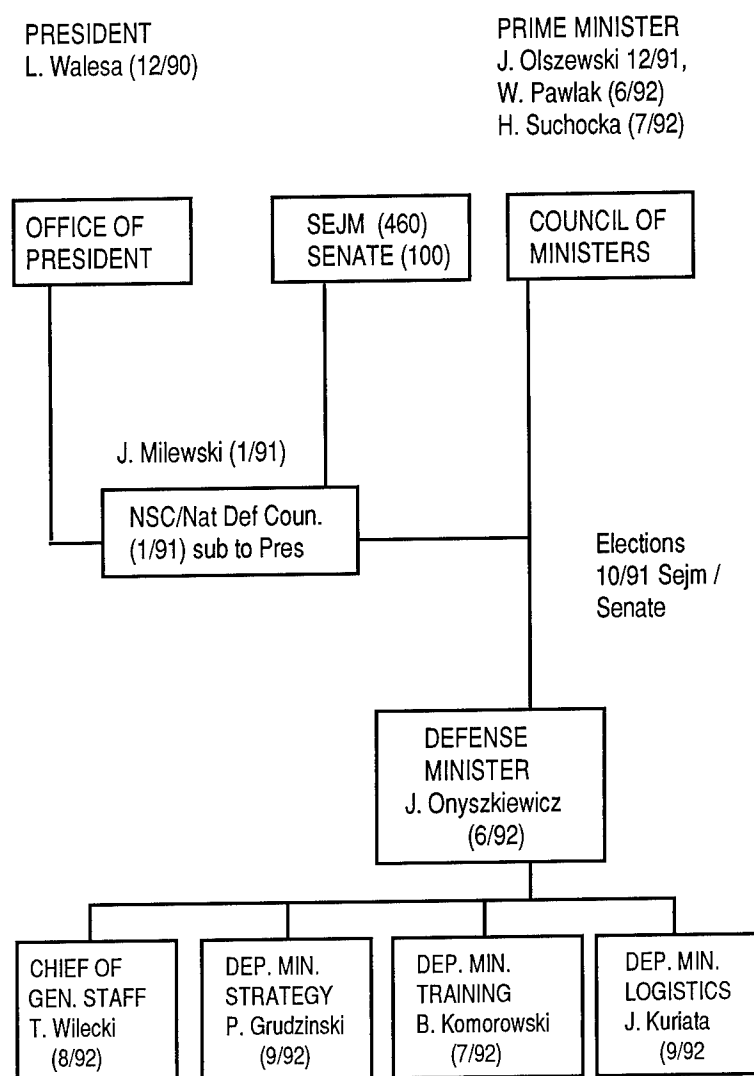
On 5 June 1992 the Sejm voted 273 to 119 for Prime Minister Olszewski's resignation and 263 to 149 for Waldemar Pawlak to form a government. When Janusz Onyszkiewicz became acting defense minister, he replaced Radek Sikorski as deputy defense minister and pledged to "restore good cooperation with the presidential office and the foreign ministry."⁵⁵ This cooperation was made evident when Onyszkiewicz and Jerzy Milewski announced on 26 June that they would implement the 1991 defense ministry reform, which included the creation of the post of General Inspector of the Armed Forces.⁵⁶

After one month of failed attempts by Pawlak to form a coalition government, Hanna Suchocka became prime minister on 10 July. Suchocka retained Onyszkiewicz as defense minister and announced that the defense reform would continue; that the military command would be separated from the civilian

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administration and the general staff would be streamlined (see Table 4 below).⁵⁷ Onyszkiewicz noted that though the civilian defense ministry would employ civilians, that in the foreseeable future "most employees [would] be military personnel, but work as civilians; that is, they [would] have no power to issue orders

Table 4 Suchocka Defense Reform, 1992



for the armed forces."⁵⁸

Better relations between the president and government were reflected on 5 August when Walesa named General Tadeusz Wilecki as the new Chief of General Staff.⁵⁹ Then Wilecki transferred military district commanders to the General Staff and appointed his trusted colleagues to key posts in all the reorganized military districts; MG Tadeusz Bazydło to the Pomeranian MD, MG Julian Lewinski to the Warsaw MD, MG Janusz Ornatowski to the Silesian MD, and MG Zenon Bryk to the new Krakow MD.⁶⁰

On 22 October 1992 Onyszkiewicz signed an order that restricted his activities to political management of the defense ministry and put the general staff in charge of strictly military matters. The defense ministry now had three departments headed by deputy ministers; training (Bronisław Komorowski), strategy (Przemysław Grudziński), and military infrastructure (Jan Kuriata). Military intelligence and military courts answered directly to the defense minister.⁶¹ Though for the moment, the new government seemed to resolve the civil-military crisis, Onyszkiewicz' predecessor Romuald Szeremetiew criticized the 22 October 1992 reform, arguing that the Polish CoS had "enormous powers...[adding the CoS] has been granted additional powers by the president, so that he can now effectively bypass the defense minister in military matters."⁶²

During this period, significant advances also occurred on the Constitutional front. On 1 August the Sejm mustered a two-thirds vote to adopt a Small Constitution that introduced a provisional presidential-parliamentary system defining relations between the legislative and executive branches of government.⁶³ On 10 September the Senate voted not to reject the Small Constitution and on 17 November 1992 Walesa signed the "Constitutional Act on Mutual Relations Between the Legislative and the Executive of the Republic of Poland."

The so-called Small Constitution voided the often-amended 1952 Stalinist Constitution. The basic law set up a framework similar in many respects to the parliamentary model of Germany, although it gave the president many more powers. Elected in general elections (Article 29.2), the president has a veto requiring a two-thirds Sejm vote for override, has the right to approve all

top military appointments and is the commander of the armed forces, and has authority to introduce martial law and declare a state of emergency (Articles 36.1 and 37.1).⁶⁴

The Small Constitution, though, divides executive powers between the president and the cabinet. After Sejm elections the president designates the prime minister, who appoints the government, which must get Sejm vote of confidence. The president cannot recall the government and the prime minister must consult with the president on the choice of foreign, interior, and defense ministers. The Cabinet is responsible only to the Sejm and only the Sejm can dismiss it.⁶⁵ In sum, Poland's adoption of the Small Constitution created new rules for dividing power between the legislative and executive, enhanced the powers of the Cabinet, and symbolically abrogated the 1952 Constitution.⁶⁶

When the Small Constitution came into effect on December 8, 1992, it was designed as a provisional measure until a full constitution could be written and then be enacted by the Parliament and ratified in a national referendum. The Sejm and Senate held elections in October 1992 to the joint Constitutional Committee of the Parliament comprising 46-Sejm deputies and 10 Senators representing all the major parties and began work on the constitution. Because of broad ideological differences within the committee, its leaders decided not to draft a new constitution themselves, but wait six months for drafts to be submitted to them. In December Walesa also submitted to the Sejm a draft of a 49-article Bill of Rights and Freedoms to be passed as a constitutional law.

By the Constitutional Committee's 30 April 1993 deadline, seven draft constitutions had been submitted.⁶⁷ The task was to synthesize them into a coherent whole. Unfortunately, before significant progress could be made on the Constitution, the Suchocka government lost a parliamentary vote of no confidence. On 28 May, President Walesa dissolved the parliament and empowered the government to act as caretaker until new elections could be held. As a result, all constitutional drafts had to be submitted to the new Constitutional Committee after the elections which were called for on 19 September.⁶⁸

During this period, civil-military issues continued to fester. On 26 February 1993 President Walesa asked the National

Defense Committee (KOK) to examine amendments to the law on the common duty to defend Poland and to discuss plans to form a National Guard of 22,000 soldiers subordinate to the President by the year 2000. The formation would come from the 11,000-man special Vistula division under the control of the interior ministry. The bill on the law on defending Poland envisioned liquidating the KOK and establishing the National Security Council, which will be the president's advisory body, and sanctioned the division of the defense ministry into a civil and military department. The Sejm Defense Committee had earlier objected to the National Guard claiming that it could not control it.⁶⁹ The deep-seated issue, though, was that of the president's authority versus the government's authority to call-up armed forces.

On 26 March 1993 Defense Minister Onyszkiewicz told the Sejm Defense Committee that the restructuring of the Polish Army and the General Staff was complete and now "we are talking about adjusting the structure of troops deployment to new strategic concepts."⁷⁰ Elaborating, Onyszkiewicz said the ministry planned to redeploy its forces so 55 percent (rather than 75 percent) are in western Poland and 45 percent in the east by the end of 1995 despite the absence of suitable infrastructure there.

Onyszkiewicz also noted that during the next few years the Polish Army would be restructured along NATO lines; that the outdated army-division structure would be replaced by a division-brigade structure. Each division would comprise three brigades—two of them "empty" (filled only on mobilization) and the third fully manned capable of entering combat within 24 hours. Each brigade would consist of 2,000 to 5,000 men and would be equipped with the most modern equipment of Polish manufacture.⁷¹ The pilot district for the structural reforms is the newly created Krakow Military District (MD), which is to have two assault-landing brigades; each of the other three MDs would have one rapid-response unit. The Krakow MD's Sixth Assault Commando Brigade would become the embryo of the so-called Rapid Deployment Forces.

During the first three months of 1993 the defense ministry and General Staff reorganization was completed. Separate financial and personnel services within the defense ministry and

General Staff were abandoned and departments serving both were integrated. Defense Minister Onyszkiewicz noted that adding civilians to the defense ministry would be slow, that he needed expertise, that the military held most of the defense ministry executive posts, and "there are not many civilian counterpart experts."⁷² Deputy defense minister for logistics and armaments Jan Kuriata set up his department, which is responsible for research and development, arms procurement, and maintenance of infrastructure, rather quickly. Kuriata noted it was difficult to set up this department and separate jurisdictions with the General Staff's Inspectorate for Logistics because "we were creating new structures not known to the defense ministry before."⁷³

NATO relations. Shortly after the second meeting of NACC Onyszkiewicz noted that Poland's "participation in peacekeeping operations is of fundamental importance for bringing military integration closer."⁷⁴ (Poland has maintained a 945-soldier peacekeeping battalion in Croatia since March 1992.) In a 28 May 1993 interview on Poland's prospects for joining NATO, Onyszkiewicz noted: "I believe that there are no doubts about that. The question is only when and what kind of process that would be."⁷⁵

The issue of Poland's joining NATO became a major issue when Boris Yeltsin visited Warsaw on 25-26 August 1993. The joint declaration agreed that the last Russian troops would leave Poland on 1 October (not 31 December) 1994. In fact, the closing ceremony, which bid farewell to the last Russian servicemen, occurred on 17 September,⁷⁶ coincided with the anniversary of the Soviet invasion of Poland in 1939 and was two days before the Polish elections. In addition, at a press conference at the close of his visit, Yeltsin said that he understood Poland's desire to join NATO, that it was Poland's sovereign decision, and that taking part in the pan-European integration was not against the Russian interest.⁷⁷ Onyszkiewicz publicly noted that now as for Poland's admission to NATO "that the case is almost inevitable."⁷⁸ Prime Minister Hanna Suchocka added that "[A] decision on membership and a timetable for Poland's acceptance ought to be taken at the Winter NATO meeting [January 1994 Brussels Summit]...[adding that] if NATO fails to respond to these calls...this would be a failure of the effectiveness of the Western

security system."⁷⁹

On 15 September Russia's ambassador to Poland Yuri Kashlev told reporters that Russia's stance on Polish membership in NATO had been "oversimplified and misunderstood...[that the Russian-Polish joint declaration refers to] eventual NATO membership in the larger process of European integration [and suggested that the Alliance would first evolve into CSCE's military arm]."⁸⁰

In letters to the heads of Western states (France, Germany, United Kingdom, and the United States), Yeltsin expressed anxiety over plans for NATO's expansion. This led to a great debate within the Alliance and to the 21 October meeting of NATO defense ministers at Travemunde, Germany where the issue of membership was deferred and the Partnership For Peace (PFP) program was endorsed for the forthcoming January 1994 NATO summit. Central Europeans initially interpreted PFP as a NATO effort to placate Russia.

During the October 1993 crisis in Russia, a Polish interagency team was set up; Defense Minister Onyszkiewicz claimed that "the situation is different now."⁸¹ He compared the present situation to 1991, when Poland shared a common border with the Soviet Union, Soviet troops were on Polish soil, and Poland was threatened with a wave of refugees. In response to fragmentary accounts of Russia's new defense doctrine which claimed that Poland was bolstering its eastern border with troops, Onyszkiewicz denied that "Poland is reinforcing its eastern border by concentrating troops there" adding that evenly distributed forces made good sense defensively.⁸²

In referring to the forthcoming elections, Onyszkiewicz stressed that the Army was apolitical; that every serviceman had the right to run in the elections on the ticket of any party,⁸³ but outside of areas administered by the Army.⁸⁴ As the campaign heated up, there were numerous allegations that soldiers violated the election rules against campaigning in military units and garrisons. When Onyszkiewicz threatened to start disciplinary action, the Army backed down.⁸⁵

The fifth reform stage. Poland's most recent stage began with the 19 September 1993 Parliamentary election, which brought a bitter setback for the parties that descended from

Solidarity and resulted in the return of former communists to power. Of the 460-seat Sejm, the Social Democratic Party (SDP), which was dominated by former communists, won a clear plurality of 20.5 percent and 171 seats; and a former satellite party of communists, the Polish Peasant Alliance (PPA) finished second with 15.4 percent and 132 seats. The Democratic Union (DU), the party of Tadeusz Mazowiecki, Bronislaw Geremek, Jacek Korun, and Hanna Suchocka ran a distant third with 10.6 percent of the vote and 74 Sejm seats.⁸⁶ On 26 October a coalition of the SDP-PPA parties, with 36 percent of the vote and 303 (66 percent) of the Sejm seats, chose Waldemar Pawlak of the PPA as prime minister.⁸⁷

One of the significant differences in Poland's 1991 and 1993 elections was the change in proportional representation. Poland's 1991 electoral system, with its low electoral threshold and large electoral districts, produced no less than 29 different parties in the Polish Sejm; none received more than 13 percent of the vote. In contrast, Poland's new 15 April 1993 electoral law established thresholds of 5 percent for single parties and 8 percent for coalitions. Hence, the new electoral law succeeded in producing a less politically fragmented Sejm in 1993, since only six parties or coalitions managed to win seats.

Poland's extreme proportional representation did produce a rapid succession of cabinets from December 1991 to September 1993; it had four premiers and governing coalitions. Protracted parliamentary infighting and prolonged executive vacancies were the rule, spelling institutional uncertainty. In contrast, the 1993 elections produced a coalition government of two (not six) parties. But the new electoral system also facilitated the return of former communists to power and left almost 35 percent of the voters (mostly right-of-center) with no representation in parliament. The new electoral system also further politicized and complicated the constitution-making process.

Soon after the election, the Parliament formed a new Constitutional Committee. It again consisted of 46 deputies and ten senators, the majority of whom had entered Parliament for the first time. At its first meeting the Constitutional Committee elected as chairman Aleksander Kwasniewski, one of the PUWP negotiators during the round-table talks in February-April 1989

and leader of the post-communist SDP. Soon after the Constitutional Committee started its work, right-wing leaders questioned its legitimacy and created an extraparlimentary Constitutional Committee of the Right. In sum, the electoral rules which were used to get a stable cabinet supported by a clear parliamentary majority were insufficient to create a broad-based constitutional assembly (see Table 5).

In January 1994, the Constitutional Committee decided to invite members of political parties, churches, unions, and other organizations to express their opinions. The selection process continued through February and the major parties of the right announced that they would not participate. On 31 January Walesa proposed that any group of 100,000 citizens should be able to submit a draft constitution and have a representative on the Constitutional Commission, but without voting rights. In an unprecedented act, the Sejm rejected Walesa's proposal (on 18 February) on first reading. Insulted Walesa left the Parliament and withdrew his draft constitution and representative from the Constitutional Committee. Kwasniewski claimed that Walesa's actions marked the opening of the presidential campaign.

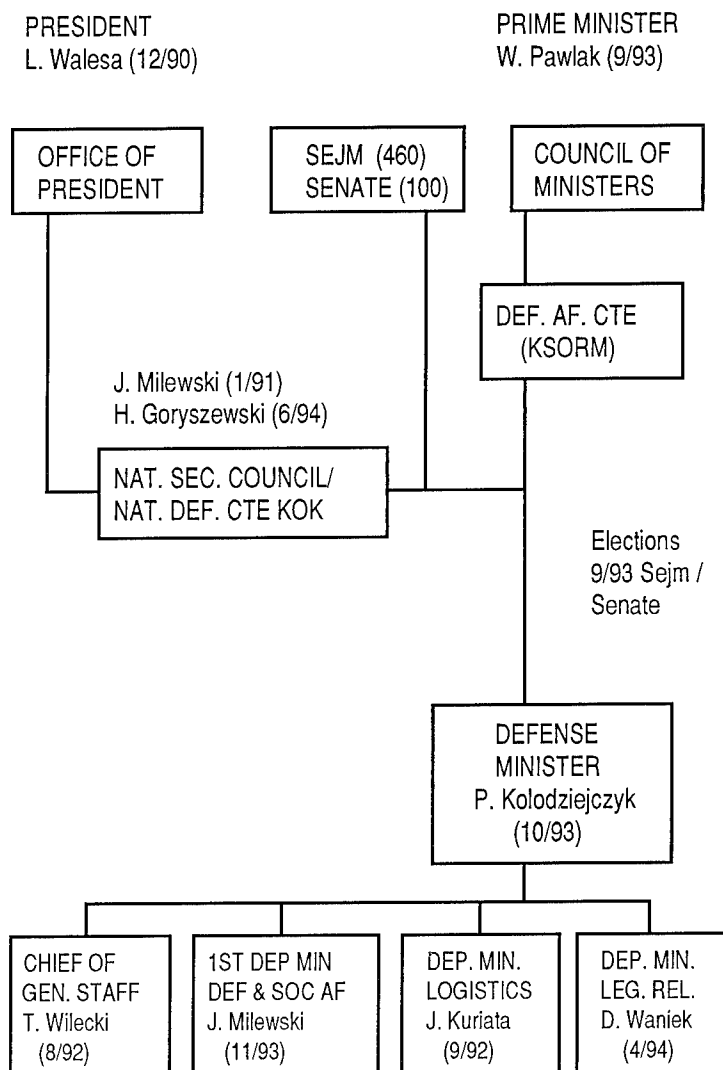
To moderate the charged political atmosphere, on 25 March the Sejm changed the Constitutional Committee's mandate; it endorsed the idea that any group of 500,000 could present a constitutional draft and directed the Constitutional Committee to consider all seven drafts submitted to the 1989-1991 Parliament. When the Senate accepted these changes in early April, so did the President. Then Kwasniewski announced his intention to have the Parliament adopt the Constitution and submit it to public referendum by the end of Spring 1995, so that the Fall 1995 presidential elections could be held under the new law.⁸⁸

By 20-21 June 1994 six draft constitutions were presented to the Constitutional Committee. On 5 September, the "Solidarity" labor union submitted its own draft signed by nearly one million citizens. On 21-23 September the combined Sejm and Senate preliminarily accepted all seven drafts and sent them to the Constitutional Committee, which is to prepare a constitutional debate and then write a unified draft for Parliament's consideration. But problems immediately developed with Solidarity and with the Catholic Church. The presidential

campaign also threatened the constitution-making process.

Under Article 61 of the Small Constitution, Pawlak is required to consult with Walesa regarding the appointment of the ministers of foreign affairs, defense, and interior. The coalition, however, had allowed Walesa to make these appointments on his

Table 5 Pawlak Defense Reform, 1993



own. Paradoxically, the results of the September 1993 election—namely the reduction in the number of political parties, the triumph of the post-communist parties, the relative weakness of the center and the elimination of the right wing—have enabled Walesa to preserve his strong position.

When Prime Minister Waldemar Pawlak began building his government, the three "presidential" ministries of defense, foreign affairs and interior were slated to be assigned to candidates loyal to President Walesa. Defense went to Admiral Piotr Kolodziejczyk, who had already served as defense minister in Poland's first two Solidarity governments before civilians Jan Parys and Janusz Onyszkiewicz took over in December 1991 and 1992. Upon assuming office, Kolodziejczyk noted he was a "civilian minister and would...set an example of how a civilian minister of national defense should work."⁸⁹ He noted that the most urgent issue that the Sejm would have to deal with was the new law on general defense duties, which would result in a precise distribution of powers in controlling the state's defense matters.⁹⁰ Kolodziejczyk added that before he accepted his present position, Waldemar Pawlak committed to back him on this project as a condition of accepting the job.

On 8-9 November the entire national security leadership attended a meeting dealing with security and defense. Chief of Staff Tadeusz Wilecki noted that there was an urgent need to define the powers of the bodies that control the Army and to distinguish between the powers of the defense ministry and the General Staff. Defense Minister Kolodziejczyk noted that there was an urgent need to define by law the functioning of the defense ministry and create a clear demarcation between the powers of the General Staff and civilian components. He added that the Armed Forces could not be restructured without a guarantee of necessary resources, nor could Poland join NATO without adequate outlays to cover the costs to modernize the Army.⁹¹ In testimony to the Sejm Defense Committee Kolodziejczyk noted that because relocating troops to the east would require "colossal expenses," it would be better to construct mobile forces.⁹²

At a 17 November press conference Kolodziejczyk announced three defense ministry changes: (1) Jerzy Milewski, head of the

National Security Bureau, would assume a second hat and became first deputy defense minister, taking over the tasks of both Grudzinski and Komorowski (ceding the civilian Department of Education back to the military),⁹³ to "improve cooperation between the defense ministry and the Office of National Security, as well as between Belvedere and the government."⁹⁴ With Milewski holding both positions, Kolodziejczyk hoped to avoid duplicate functions in the Army and National Security Office.⁹⁵

(2) He would reduce the size of the defense ministry to make it more efficient. (3) He would transfer to the General Staff those areas of responsibility that have a bearing on the functioning of the armed forces. Not only would the General Staff now consist of four inspectorates: training, logistics, strategic planning, and organization/mobilization, it also would include special services (intelligence and counterintelligence).⁹⁶

Public concern about civilian control of the military remained evident when Jerzy Milewski defended the changes in the defense ministry claiming they would preserve civilian control over the armed forces. Milewski argued that the notion that the defense ministry was ceding control to the General Staff was untrue; that the changes were "corrections in the organizational structure" designed to more precisely define tasks and reduce the excessively large administration. He also added that the lack of civilian experts meant that the defense ministry departments would have to employ the military.⁹⁷

On the same day, Walesa, Pawlak, Kolodziejczyk, Wilecki and Milewski met to discuss coordinating actions between the president, prime minister, National Security Committee (KOK), Council of Ministers and defense ministry.⁹⁸ The problem was the need to clarify problems created by existing laws. While the Small Constitution (Article 34) claims the president exercises general leadership in Poland's internal and external security and defines the National Security Council (RBN) as his advisory body in security and defense, it does not define how he does this nor how the RBN relates to the KOK. In addition, the Law on the Popular Defense Obligation continues to include the National Defense Committee (KOK), a legacy of the communist period. Though the law states the KOK is the appropriate organ to discuss defense and security, it does not explain how this is to

occur in practice.

Then on 26 November Walesa chaired a meeting of the National Defense Committee (KOK) which decided to reorganize itself into the National Security Council (RBN) to be the highest organ responsible for defense and security and headed by the president. Once the RBN starts functioning, a government Committee for Defense Affairs, headed by the prime minister, would be responsible to execute the RBN's decisions. Since this would require legislative changes, including constitutional provisions, the KOK asked the government to start the process.⁹⁹

By the end of January Kolodziejczyk was expressing frustration with "new problems which I can not understand at all"¹⁰⁰ regarding the evolution of security institutions. He argued that the Sejm needed to adopt appropriate constitutional and legal provisions to define the scope of the president's and prime minister's authority. Kolodziejczyk believed that it had been earlier agreed that the National Security Council would be the instrument where the president could influence the government's activities in the area of defense; and that the prime minister should form a Committee of Defense Affairs (from the government's representatives in the Security Council) to submit proposals to the Council of Ministers and develop legislation for the Parliament. In addition, it was necessary to amend the Small Constitution and the Law on General Duty of Defense of the Republic to very precisely divide powers between the civilian defense minister and the General Staff. Kolodziejczyk had hoped that the prepared bills would be submitted to the Sejm in January, but the reform stalled.

One of the issues that also tested presidential versus prime ministerial power was Pawlak's desire to introduce deputy ministers from the Polish Peasant Alliance and the Social Democratic Party to the three presidential ministries. The coalition government saw Kolodziejczyk's expansion of Milewski's duties as an attempt to prevent the coalition from gaining access and influence in the defense ministry.¹⁰¹

Initially Kolodziejczyk threatened to resign if the coalition introduced a political deputy minister in his ministry.¹⁰² As pressure increased, Kolodziejczyk noted that he was "open to the coalition's choice of vice minister [but] not a political commissar.

I need a man who will be well briefed for the job in substantive terms."¹⁰³ In the end, a compromise was struck. The coalition put forth Danuta Waniek, an SDP Sejm deputy to be a deputy defense minister with responsibility to be the ministry's liaison with parliament.¹⁰⁴

Kolodziejczyk also had continued frustration with the Parliament. Though he had been promised increases in the defense budget, the Parliament instead *decreased* defense funding and mandated the ministry to spend 300 billion zlotys for Polish Irydia aircraft for the Army. The defense minister noted: "If the defense minister is supposed to bear constitutional responsibility for the Armed Forces' readiness....one must not tie his hands with decisions on where and how money should be spent because this way one will not succeed in making anything that would make sense...Under the situation that has emerged, I will submit a complaint before the Constitutional Tribunal."¹⁰⁵

Finally on 12 April 1994 the government decided to set up a Committee for Defense Affairs, chaired by the prime minister with defense minister as deputy, attached to the Council of Ministers (KSORM). Kolodziejczyk hoped that the committee would reform the Army command structures to bring them closer to European standards and to put in order the legal foundations for the functioning of the ministry and the Army.¹⁰⁶

To a closed cabinet session on 4 May, Kolodziejczyk presented a document—"Defense Problems and Military Aspects of the Polish Republic's Security Policies"—that described plans to create a military post of Supreme Commander who would bear constitutional responsibility for strictly military issues such as training, mobilization and operational planning (which was then under the defense minister's purview). The document presented two supervision options for consideration: either the commander would report to the president or the defense minister. The draft also envisioned creating a National Guard, but subordinate to the defense minister and not the president.¹⁰⁷

On 19 May Prime Minister Pawlak presided over the first session of the Council of Ministers Defense Affairs Committee (KSORM) to review Defense Minister Kolodziejczyk's document on basic defense problems. First, on the issue of organizational changes in the Army, it proposed that the three types of

forces—land, naval, and air—would be subordinated to the chief of staff, whose title would be changed to General Inspector of the Armed Forces, who, in turn, would be subordinate to the defense minister. This would require no changes to the Small Constitution. Second, the session also agreed to set up a crisis group to monitor threats to national security. Kolodziejczyk noted that the greatest threat to Poland's security was the Russian troop concentration in the Kaliningrad salient. Third, Kolodziejczyk presented a report that assessed the technical condition of the Army as "dangerous" and called for greater budget commitments.¹⁰⁸

When the government cabinet began to debate the revisions to the military command structure on 24 May, President Walesa insisted successfully that the government first submit the reform plan to the National Defense Committee (KOK)—which he chairs and sees as the chief body for defense matters—before taking action. Walesa opposed subordinating the General Inspector of the Armed Forces to the defense minister, placing him in direct conflict with Kolodziejczyk.¹⁰⁹ The issue was so fractious that when the KOK met on 7 June, it was unable to reach agreement on which governmental body had constitutional authority over the chief of the General Staff.¹¹⁰

A few days later, civil-military relations were further tarnished when defense ministry spokesman Colonel Wieslaw Rozbicki wrote in *Gazeta Wyborcza* that Poland should not have signed CFE because it weakened the country and that shifting the military information service WSI (intelligence and counterintelligence) from the ministry's civilian structures to the General Staff was good, because it was "better for national security if a civilian minister does not have full information provided by WSI."¹¹¹ Kolodziejczyk fired Rozbicki.

In mid-June 1994 Jerzy Milewski resigned his position as head of the National Security Bureau (BBN), though he retained his first deputy defense ministry portfolio, and President Walesa named Henryk Goryszewski to the post.¹¹² When the KOK met on 22 June, it recommended the document "Fundamental Problems of the Polish Defense System" to the Council of Ministers. This document was similar to Kolodziejczyk's earlier document with one significant exception; it omitted the

contentious issue of to whom to subordinate the General Staff.¹¹³

Open presidential-governmental and civil-military conflict erupted at a 30 September 1994 meeting of military cadres at Drawsko Pomorskie training grounds. Chief of Staff Wilecki, who supported President Walesa's position to have the General Staff subordinated to him rather than the defense minister,¹¹⁴ allegedly refused to carry out the defense minister's orders at the training ground and President Walesa polled the general officers on Kolodziejczyk's competence.

When the issue was investigated by the Sejm defense committee, General Wilecki, when asked about carrying out orders of the civilian defense minister, said: "I always have, and will continue to do so." Kolodziejczyk countered, "I reject this statement. I will present to a special commission those cases in which General Wilecki did not carry out my orders." In response to the question whether President Walesa asked the generals at Drawsko to vote for or against Kolodziejczyk, Wilecki said: "I do not think there was a vote." Kolodziejczyk countered: "The president ordered a vote [on the question should the defense minister be dismissed]. All hands except two went up."¹¹⁵ Later in a letter, Walesa admitted that after he asked the generals about reforms within the army at Drawsko, he decided to make personnel changes and ask Kolodziejczyk to resign.

In an interview after the incident, former Defense Minister Janusz Onyszkiewicz noted that the General Staff supports presidential control; that after the 1993 elections and parliament had been dissolved, that various orders that he issued as defense minister were "either blocked or slowed [by the General Staff]. It was stalling for time."¹¹⁶ On the issue of Kolodziejczyk's possible resignation, Onyszkiewicz noted that the prime minister should reject it; if he did not, it would indicate that the armed forces had successfully exerted influence on the appointment of the defense minister and thus were politicized.¹¹⁷ In other words, at Drawsko the Army appropriated the powers of parliament when they voted to recall the minister.

When Walesa asked Kolodziejczyk to tender his resignation, the defense minister, after talking with Prime Minister Pawlak and Sejm defense committee members, initially refused.¹¹⁸ On 12 October Kolodziejczyk noted the importance of the issue at stake

(civilian control over the Army), and that only after the investigation of the Drawsko case was completed, that he would resign.¹¹⁹ Then on 27 October Foreign Minister Andrzej Olechowski resigned over charges that he had broken the law for receiving subsidiary income.¹²⁰ When Pawlak asked the Constitutional Court for a decision, Olechowski suspended his resignation.

At the same time the National Defense Committee (KOK) approved a bill for submission to the Sejm that attempted to clarify the conflict. According to the bill, the president would exercise authority through the defense minister in peacetime on political and administrative matters, but through the general staff on command matters in peacetime and through the commander-in-chief during war.¹²¹

On 4 November the Sejm Defense Committee Chairman Jerzy Szmajdzinski announced that the Committee approved a report on the Drawsko affair (by a vote of 18 to 6) that criticized all of the sides involved in the dispute. It concluded that despite discrepancies in individual accounts, the generals at Drawsko had not disobeyed Kolodziejczyk, but they did criticize him and the ministry. Though the report also criticized some aspects of the functioning of the defense ministry and expressed concern about "autonomy of the military command structures," it did not see sufficient grounds for Kolodziejczyk's resignation.¹²² The report criticized President Walesa for "violating civilian and democratic control over the military"¹²³ adding he should exercise control through the government and the defense minister. Former deputy defense minister and Sejm deputy Bronislaw Komorowski noted that the Drawsko affair "was very disquieting. It has not assumed the nature of a military coup, but this does not mean its seriousness should be underestimated."¹²⁴

During the next month the tug of war continued. On 8 November the president refused to meet with the defense minister claiming he had lost confidence in Kolodziejczyk.¹²⁵ Then when Kolodziejczyk proposed a list of candidates for military promotion (only the defense minister has the right to suggest candidates), Walesa rejected six of the candidates who were in the civilian defense ministry. Finally, on 10 November Walesa acting on a request from Prime Minister Pawlak dismissed Kolodziejczyk for failing to "implement KOK decisions"

regarding normalizing the situation in the defense ministry¹²⁶ and Jerzy Milewski became acting defense minister.

On 30 November the Sejm Defense Committee approved the defense budget for 1995. The committee stated that the planned 51.3 trillion zlotys (\$4.2 billion) is higher by 1.7 percent in real terms than the 1994 budget. This was the first time since 1986 that defense budget outlays had actually increased. Though 100 billion zlotys were allocated for PFP, the committee added 500 billion more for implementing the program.¹²⁷

Tension between the president and parliament continued to escalate over budgetary issues and the evolving presidential campaign for elections in the fall of 1995. Tensions became so severe that Walesa began to threaten to dissolve the Parliament. In an effort to head this off, the PPA-SDP coalition attempted to seek a truce with the president (to get him to accept the budget in exchange for defense minister appointment) until after the presidential elections are held.¹²⁸

The 21 December 1994 meeting brought no agreement because just before the session Walesa vetoed the law on the budget. The coalition, feeling betrayed, then proposed to amend the Small Constitution in order to restrict the president's role in appointing ministers.¹²⁹ With 284 votes, the Sejm overturned Walesa's veto on wages; and then Walesa placed an appeal to the Constitutional Tribunal.¹³⁰

As 1995 opened, in what some saw as the opening of the presidential campaign, the presidential-governmental feud erupted to bring the country to total crisis. When Foreign Minister Olechowski resigned, Walesa demanded that Pawlak refuse his resignation and that he accept Walesa's nomination of Zbigniew Okonski to be defense minister. The coalition had put forward Longin Pastusiak, who had been a PUWP (communist) Sejm deputy during the Martial Law period. The coalition then began to unravel when SDP leader Kwasniewski announced on 6 January that it was necessary to restructure the government because of ineffectiveness of some ministers. When Pawlak met with Walesa on 16 January, the president agreed to accept Olechowski's resignation, but refused to accept Pastusiak for defense. Walesa expressed his view that the vacancies in these ministries were undermining state stability.

On 19 January 1995 Walesa went on the offensive in the Sejm. Arguing that "military people should run the military," Walesa supported draft legislation that would give greater power to the General Staff, reduce the role of the defense ministry, and subordinate military intelligence to the General Staff.¹³¹ The ruling coalition and most of the opposition supported a command structure in which the General Staff would answer to the civilian defense ministry.

On the same day in a Sejm speech, acting defense minister Milewski discussed two major defense requirements: (1) to establish legal regulations for the defense ministry; and (2) to establish a model for drafting annual defense budgets that would create rational planning for Armed Forces development. Milewski presented three funding variants to the Sejm: (1) If the Sejm guaranteed 3.5 percent of GDP, the defense ministry could develop a force of 234,000; (2) If defense got 3 percent annually, manpower would be reduced to 200,000; and (3) if the budget was similar to 1995 (about 2.5 percent) the force would be 160,000. Milewski proposed gradually increasing the budget from 2.5 percent to 3 percent in the year 2000, which would allow an Army of 180,000 in times of peace and adequate reserves for mobilization if necessary.¹³²

Anticipating Walesa's move, on 20 January the Sejm passed a constitutional amendment that, in the event of a presidential dissolution order, would keep the Parliament in session until after new elections. (Poland had no sitting Parliament for several months following the 1993 no-confidence vote in Hanna Suchocka's government). Walesa then demanded that Pawlak appoint new defense and foreign ministers and warned that he would take "decisive steps to prevent the paralysis of government" if the new deadline were not met.¹³³ When Walesa relentlessly kept up the attack now claiming that he had lost confidence in Pawlak, the prime minister resigned. With the government collapse, the SDP-PPA coalition began efforts to form a new government.

The civil-military crisis resulted from Poland's failure to delegate authority between the president and government and of the Sejm Defense (Commission and Committee's) inability to exercise effective oversight.¹³⁴ It also demonstrated the inability

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of the civilian defense ministry to control the military;¹³⁵ hence, the chief of staff and general staff remain independent of the defense minister, and the Army remains popular and heavily politicized.

Poland has not yet developed a consensus on establishing its defense tenets, to include effective relations between military and civilian authorities. The manner in which the General Staff has played off the president and prime minister has effectively brought the military an independence not found anywhere else in Central Europe. In fact, even though the Sejm commission criticized Walesa for Drawsko, it remained silent when, after the Drawsko affair Walesa awarded bonuses to the three top generals who participated; Chief of Staff Wilecki, Deputy Chief of Staff Leon Komornicki, and Zdzislaw Ornatowski, commander of the Silesian MD.¹³⁶ True, parliament has exercised some control of the military through constrained defense budgets; but it has demonstrated little other supervision over its administration, particularly in failing to reform the law.

It is clear that a constitution, which effectively limits state institutions in existing law, is the necessary condition to establish proper control of the military in Poland. Also it is clear that the Polish military does not yet effectively cooperate with the civilian defense ministry and that the military is politicized. The new Polish Constitution must effectively define the apolitical role of the Army. None of this can be achieved until Poland acquires a new constitution, which is unlikely to occur before the end of 1995.

Notes

1. For a good discussion, see Les Griggs, "The Polish People's Army," in Jeffrey Simon (ed.), *NATO-Warsaw Pact Force Mobilization* (Washington, DC: National Defense University, 1988), pp. 363-366.

2. See Ryszard Kuklinski, "The War Against The Nation Seen From The Inside," *Kultura* (Paris), No. 4 (April 1987).

3. Andrzej Korbonski, "Civil-Military Relations In Poland Between the Wars: 1918-1939," *Armed Forces and Society*, Vol. 14, No. 2 (Winter 1988), pp. 173-176.

4. Norman Davies, *God's Playground: A History of Poland, Vol. 2* (New York: Columbia University Press, 1984), pp. 580-581.

5. Articles 37 & 39, *Constitution of the Polish People's Republic*, 22 July 1952 (Warsaw: 1978), p. 28.
6. John Tagliabue, "Poland's Senate to Be Resurrected in Election Pact," *The New York Times*, 10 March 1989, pp. A1,9.
7. Voytek Zubek, "Poland's Party Self-Destructs," *Orbis*, Vol. 34, No. 2 (Spring 1990), pp. 182-183.
8. Leslaw Dudek, "On the Defense Doctrine of the Third Republic of Poland," *Polska Zbrojna*, 10-12 July 1992, p. III.
9. *Tygodnik Solidarnosc*, 16 February 1990, p. 17. *FBIS-EEU-90-070* (11 April 1990), p. 40.
10. Gen. Zenon Poznanski interview, *Trybuna*, 28 March 1990, p. 2. *JPRS-EER-90-086* (18 June 1990), p. 22.
11. *Polish Army: Facts and Figures (In the Transition Period)* (Warsaw: Ministry of National Defense, 1991), pp. 9-12.
12. "Defense Doctrine of the Polish Republic," *Zolnierz Wolnosci*, 26 February 1990, pp. 1-8. *JPRS-EER-90-038* (26 March 1990), p. 30.
13. *Polish Army: Facts and Figures* (Warsaw: Ministry of National Defense, 1990), p. 9.
14. *Republic of Poland/Constitutional Changes* (Mimeo: Polish Embassy Washington DC).
15. *Polish Army: Facts and Figures*, (1990), pp. 11-12.
16. MOND Florian Siwicki 18 September 1989 speech, *Zolnierz Wolnosci*, 26 September 1989, p. 2. *FBIS-EEU-89-188* (29 September 1989), p. 50.
17. Warsaw PAP, 13 December 1989. *FBIS-EEU-90-003* (4 January 1990), p. 70.
18. For a discussion of the significance of these appointments, see Thomas S. Szayna, *The Military in a Post-Communist Poland*, RAND, N-3309-USDP, 1991, p. 26.
19. See Szayna, *The Military in a Postcommunist Poland*, op. cit., pp. 33-34.
20. John Tagliabue, "Poland's President To Step Down," *The New York Times*, 20 September 1990, p. A8.
21. Jerzy Milewski interview, *Warsaw Glob*, 24-26 January 1992, p. 2. *JPRS-EER-92-023* (2 March 1992), p. 13.
22. Warsaw PAP, 24 January 1991. *FBIS-EEU-91-016* (24 January 1991), p. 48.
23. Warsaw PAP, 3 January 1991. *FBIS-EEU-91-003* (4 January 1991), p. 18.
24. Warsaw PAP, 13 February 1991. *FBIS-EEU-91-033* (19 February 1991), p. 38.

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25. *Rzeczpospolita*, 23 May 1991, p. 2. *FBIS-EEU-91-104* (30 May 1991), p. 16.
26. *Report On Eastern Europe*, 22 February 1991, p. 50.
27. Jacek Merkel address, *Polska Zbrojna*, 31 January 1991, pp. 1-2. *JPRS-EER-91-041* (2 April 1991), pp. 47-48.
28. Warsaw PAP, 19 January 1991. *FBIS-EEU-91-014* (22 January 1991), p. 32.
29. *East European Constitutional Review*, Vol 1, No. 1 (Spring 1992), p. 2.
30. Warsaw Domestic Service, 22 February 1991. *FBIS-EEU-91-037* (25 February 1991), p. 43.
31. Warsaw PAP, 20 August 1991. *FBIS-EEU-91-162* (21 August 1991), p. 20.
32. Jan Bielecki interview, *Le Figaro*, 22 August 1991, p. 10. *FBIS-EEU-91-165* (26 August 1991), pp. 23-24.
33. Lech Walesa interview, *Polska Zbrojna*, 1-3 February 1991, pp. 1,2. *FBIS-EEU-91-024* (5 February 1991), p. 36. Walesa received Sejm approval in July 1991.
34. Warsaw TVP Television, 25 February 1991. *FBIS-EEU-91-038* (26 February 1991), p. 27.
35. *Report On Eastern Europe*, 8 March 1991, p. 50.
36. Janusz Onyszkiewicz interview, *Polska Zbrojna*, 26-28 April 1991, pp. 1,3. *JPRS-EER-91-065* (14 May 1991), p. 43.
37. Zdzislaw Stelmaszuk interview, *Polska Zbrojna*, 7-9 June 1991, pp. 1,5. *JPRS-EER-91-104* (15 July 1991), pp. 37-38; 40-41.
38. Warsaw PAP, 8 July 1991. *FBIS-EEU-91-131* (9 July 1991), p. 31.
39. Stelmaszuk interview, 7-9 June 1991, op. cit., pp. 43-44.
40. Walter J. Oleszek, "Parliamentary Developments in Poland," *CRS Review* (August 1991), p. 32.
41. Warsaw TVP, 31 October 1991. *FBIS-EEU-91-212* (1 November 1991), p. 8.
42. Warsaw PAP, 10 January 1992. *FBIS-EEU-92-009* (14 January 1992), p. 27.
43. Warsaw *Gazeta Wyborcza*, 3 January 1992, p. 1. *FBIS-EEU-92-006* (9 January 1992), pp. 24-25.
44. Warsaw *Rzeczpospolita* (8-9 February 1992), p. 1. *FBIS-EEU-92-029* (12 February 1992), p. 21.
45. Warsaw TVP, 13 February 1992. *FBIS-EEU-92-032* (18 February 1992), p. 23.
46. Warsaw Radio, 12 February 1992. *FBIS-EEU-92-030* (13 February 1992), p. 11.

47. Warsaw Radio, 26 February 1992. *FBIS-EER-92-039* (27 February 1992), p. 12.

48. Jerzy Milewski interview, Warsaw *Glob*, 24-26 January 1992, p. 2. *JPRS-EER-92-023* (2 March 1992), p. 13.

49. Warsaw PAP, 24 March 1992. *FBIS-EEU-92-059* (26 March 1992), p. 14.

50. Warsaw PAP, 23 April 1992. *FBIS-EEU-92-083* (29 April 1992), p. 29.

51. "A New Martial Law?", *Nowy Swiat*, 9 April 1992, pp. 1,2. General Stelmazuk later verified the text in an interview. See, *Nowy Swiat*, 11-12 April 1992, p. 1. *FBIS-EEU-92-075* (17 April 1992), p. 20.

52. Warsaw TVP Television, 9 April 1992. *FBIS-EEU-92-070* (10 April 1992), p. 20. General Tadeusz Wilecki noted that Milewski told him that his candidacy was being considered but denied that any political support was demanded in return. Warsaw PAP, 16 April 1992. *FBIS-EEU-92-075* (17 April 1992), p. 21. Milewski supported Wilecki's side. See Jerzy Milewski interview, *Rzeczpospolita*, 11-12 April 1992, pp. 1,3. *JPRS-EER-92-048* (20 April 1992), pp. 38-39.

53. Warsaw PAP, 25 April 1992. *FBIS-EEU-92-082* (28 April 1992), p. 20.

54. Warsaw PAP, 15 May 1992. *FBIS-EEU-92-097* (19 May 1992), p. 10.

55. Warsaw PAP, 8 June 1992. *FBIS-EEU-92-112* (10 June 1992), p. 26.

56. Warsaw PAP, 29 June 1992. *FBIS-EEU-92-125* (29 June 1992), p. 30.

57. Warsaw Third Program Radio, 15 July 1992. *FBIS-EEU-92-137* (16 July 1992), p. 30.

58. Warsaw TVP, 22 July 1992. *FBIS-EEU-92-142* (23 July 1992), p. 21.

59. *Polska Zbrojna*, 6 August 1992, pp. 1,2. *FBIS-EEU-92-157* (13 August 1992), p. 24.

60. *Słowo Polskie*, 28 September 1992, p. 3. *FBIS-EEU-92-198* (13 October 1992), p. 17.

61. Warsaw TVP, 22 October 1992. *FBIS-EEU-92-206* (23 October 1992), p. 23. *RFE/RL Daily Report*, No. 206 (26 October 1992), p. 5. On 30 June 1992 Janusz Onyszkiewicz replaced General Marian Sobolewski with Colonel Bolesław Izydorczyk as head of military intelligence. Warsaw PAP, 30 June 1992. *FBIS-EEU-92-127* (1 July 1992), p. 20. For a good review of the various reforms of military intelligence, see Warsaw PAP, 2 January 1993. *FBIS-EEU-93-001* (4 January 1993), p. 49.

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62. Romuald Szeremetiew, "Terra Incognita," *Tygodnik Solidarnosc*, 1 January 1993, p. 4. *FBIS-EEU-93-010* (15 January 1993), p. 22.

63. *East European Constitutional Review*, Vol. 1, No. 2 (Summer 1992), p. 13.

64. For Small Constitution text, see *Zycie Warszawy*, 19 November 1992. *JPRS-EER-93-009* (28 January 1993), pp. 29-35.

65. Warsaw PAP, 1 August 1992. *FBIS-EEU-92-149* (3 August 1992), p. 15.

66. "A Little Constitution in Poland," *East European Constitutional Review*, Vol. 1, No. 3 (Fall 1992), pp. 12-13.

67. Warsaw PAP, 30 April 1993. *FBIS-EEU-93-083* (3 May 1993), p. 33.

68. When the parliament was dissolved in May 1993, the 46-member Sejm extraordinary commission had only adopted seven of the 49 articles. See Andrzej Rzeplinski, "The Polish Bill of Rights and Freedoms," *East European Constitutional Review*, Vol. 2, No. 3 (Summer 1993), p. 26.

69. Warsaw PAP, 26 February 1993. *FBIS-EEU-93-038* (1 March 1993), p. 28; and *Gazeta Wyborcza*, 27-28 February 1993, p. 2. *FBIS-EEU-93-040* (3 March 1993), p. 30.

70. Warsaw PAP, 26 March 1993. *FBIS-EEU-93-059* (30 March 1993), p. 20.

71. *Gazeta Wyborcza*, 27-28 March 1993, p. 2. *FBIS-EEU-93-060* (31 March 1993), p. 20.

72. Janusz B. Grochowski, "The Military Is Getting Restructured," *Polska Zbrojna*, 29 March 1993, pp. 1,5.

73. Deputy defense minister Jan Kuriata interview, *Polska Zbrojna*, 27 April 1993, pp. 1-2. Kuriata noted that his department was created from the Main Technology Institute and the Old Quartermaster services. Some of these were integrated into the defense ministry, others dissolved resulting in a reduction of 450 positions. *JPRS-EER-93-053* (10 June 1993), p. 16. An added problem was the scarcity of funds for arms acquisition. In 1993 the defense ministry had funds for only 10 new tanks from Labedy Mechanical Factories. *Polska Zbrojna*, 5 July 1993, p. 3. *JPRS-EER-93-083* (13 August 1993), p. 19.

74. Defense Minister Janusz Onyszkiewicz, *Trybuna*, 31 March 1993, p. 1. *FBIS-EEU-93-067* (9 April 1993), p. 17.

75. Janusz Onyszkiewicz interview, Warsaw Radio Zet, 28 May 1993, *FBIS-EEU-93-105* (3 June 1993), p. 20.

76. Warsaw Radio Warszawa Network, 18 September 1993. *FBIS-EEU-93-180* (20 September 1993), p. 30. During the previous three years, about 60,000 servicemen and civilians of the Northern Group of

Forces were withdrawn.

77. Presidential press spokesman Andrzej Drzycimski, Warsaw Radio Warszawa Network, 26 August 1993. *FBIS-EEU-93-165* (27 August 1993), p. 24.

78. Warsaw Radio Warszawa Network, 26 August 1993. *FBIS-EEU-93-165* (27 August 1993), p. 23.

79. Warsaw PAP, 31 August 1993. *FBIS-WEU-93-168* (31 August 1993), p. 36.

80. Warsaw PAP, 15 September 1993. *FBIS-EEU-93-187* (16 September 1993), p. 20.

81. Warsaw TVP, 5 October 1993. *FBIS-EEU-93-192* (6 October 1993), p. 15.

82. Warsaw PAP, 18 October 1993. *FBIS-EEU-93-201* (20 October 1993), p. 25.

83. Defense Minister Onyszkiewicz press conference, Warsaw PAP, 12 July 1993. *FBIS-EEU-93-132* (13 July 1993), p. 16. In fact 23 officers and two conscripts ran for Sejm and Senate seats. Thirteen officers ran on the Non-Party Bloc in Support of Reforms (BBWR), one officer and one soldier for the Coalition for the Republic, two for Democratic Left Alliance, and the rest for Polish Peasant Party and others. Warsaw TVP, 25 August 1993. *FBIS-EEU-93-164* (26 August 1993), p. 14.

84. Poznan *Wprost*, No. 30 (25 July 1993), p. 18.

85. Warsaw PAP, 13 August 1993. *FBIS-EEU-93-156* (16 August 1993), p. 18; also Zbigniew Skoczylas interview, *Gazeta Wyborcza*, 13 October 1994, pp. 10-11. *FBIS-EEU-94-200* (17 October 1994), p. 23.

86. The Union of Labor (UP) won 7.3 percent of the votes and 41 Sejm seats. Not counting the German minority with 0.7 percent, which has a handful of 4 guaranteed seats, only two other parties exceeded the 5 percent threshold and 8 percent for coalitions—the Confederation for an Independent Poland (KPN) 5.8 percent and 22 seats and the Non-Party Bloc in Support of Reforms (BBWR) 5.4 percent and 16 seats, endorsed by Lech Walesa. For an excellent assessment of the election, see Aleksander Smolar, "The Dissolution of Solidarity," *Journal of Democracy*, Vol. 5, No. 1 (January 1994), especially pp. 72.

87. In the 100-seat Senate the SDP won 37 seats and the PPA, 36.

88. For a good discussion, see Wiktor Osiatynski, "Poland's Constitutional Ordeal," *East European Constitutional Review*, Vol. 3, No. 2 (Spring 1994), pp. 29-38.

89. Warsaw *Rzeczpospolita*, 27 October 1993, p. 2. *FBIS-EEU-93-207* (28 October 1993), p. 21.

90. Colonel Stanislaw Koziej of the BBN outlined the defense agenda of the new Pawlak government. It requires drafting provisions concerning national security and defense in the new Constitution; the Universal Military training Act needs to be amended regarding identifying the government agencies responsibilities and powers, identifying emergency powers, resolving the question of establishing a National Guard, and developing appropriate legislation for modernization of the national defense system. *Polska Zbrojna*, 2 September 1993, p. 2.

91. *Polska Zbrojna*, 9 November 1993, pp. 1,2. *FBIS-EEU-93-217* (12 November 1993), pp. 20-24; and Kolodziejczyk press conference, *Rzeczpospolita*, 18 November 1993., pp. 1,2. *FBIS-EEU-93-222* (19 November 1993), pp. 25-26. Kolodziejczyk's position on NATO suggested continuity with the previous government. He noted: "I am not a skeptic as far as our road to NATO is concerned; I was and I still am a realist. We must strive to achieve that goal because there is no alternative." *Polska Zbrojna*, 2 September 1993, p. 2.

92. *Rzeczpospolita*, 10-11 November 1993, p. 3. *FBIS-EEU-93-216* (10 November 1993), pp. 37-38.

93. On the same day both deputy defense ministers Przemyslaw Grudzinski and Bronislaw Komorowski resigned.

94. Warsaw *Polska Zbrojna*, 18 November 1993, pp. 1,2. *FBIS-EEU-93-227* (29 November 1993), pp. 19-20.

95. Defense Minister Piotr Kolodziejczyk interview, Warsaw TVP Television, 23 January 1994. *FBIS-EEU-94-018* (27 January 1994), p. 28.

96. Poznan *Wprost*, No. 16 (17 April 1994), p. 34. *FBIS-EEU-94-120* (22 June 1994), p. 14.

97. Warsaw PAP, 17 January 1994. *FBIS-EEU-94-014* (21 January 1994), p. 6.

98. Warsaw PAP, 17 November 1993. *FBIS-EEU-93-221* (18 November 1993), p. 15.

99. Warsaw PAP, 26 November 1993. *FBIS-EEU-93-227* (29 November 1993), p. 18. The goal was to amend the Small Constitution to grant executive, not just advisory, powers to the RBN which would replace the KOK. National Security Bureau chief Jerzy Milewski interview, Warsaw TVP, 14 February 1994. *FBIS-EEU-94-031* (15 February 1994), pp. 36-37.

100. Defense Minister Piotr Kolodziejczyk interview, *Rzeczpospolita*, 26 January 1994, p. 2. *FBIS-EEU-94-004* (1 February 1994), p. 25.

101. Poznan *Prost*, 13 February 1994, p. 6. *JPRS-EER-94-011* (30 March 1994), p. 18.

102. Warsaw TVP, 5 January 1994. *FBIS-EEU-94-005* (7 January 1994), pp. 15-16.

103. Krakow *Czas Krakowski*, 5-6 March 1994, p. 2. *FBIS-EEU-94-051* (16 March 1994), p. 18.

104. Warsaw TV Polonia, 25 April 1994. *FBIS-EEU-94-082* (28 April 1994), p. 32.

105. Defense Minister Kolodziejczyk, Warsaw TVP, 26 March 1994. *FBIS-EEU-94-062* (31 March 1994), p. 9. The defense minister preferred to spend the 300 billion zlotys for Huzar helicopters for the restructured armed forces. See, Warsaw PAP, 15 June 1994. *FBIS-EEU-94-116* (16 June 1994), pp. 16-17.

106. Warsaw Radio Warszawa Network, 12 April 1994. *FBIS-EEU-94-071* (13 April 1994), p. 25.

107. Warsaw *Gazeta Wyborcza*, 3 May 1994, p. 2. *FBIS-EEU-94-088* (6 May 1994), p. 27.

108. Warsaw *Polska Zbrojna*, 20-22 May 1994, pp. 1,2. *FBIS-EEU-94-099* (23 May 1994), p. 21.

109. *RFE/RL Daily Report*, No. 98 (25 May 1994), p. 4. Warsaw PAP, 24 May 1994. *FBIS-EEU-94-101* (25 May 1994), p. 8.

110. *RFE/RL Daily Report*, No. 107 (8 June 1994), p. 5.

111. Colonel Wieslaw Rozbicki, "We Have Disarmed Ourselves On Our Own," *Gazeta Wyborcza*, 9 June 1994, pp. 12-13. *FBIS-EEU-94-116* (16 June 1994), p. 16.

112. Warsaw Radio Warszawa Network, 14 June 1994. *FBIS-EEU-94-114* (14 June 1994), p. 22.

113. According to BBN chief Henryk Goryszewski. Warsaw *Gazeta Wyborcza*, 23 June 1994, p. 3. *FBIS-EEU-94-122* (24 June 1994), pp. 17-18.

114. It should be remembered that during Jan Parys' tenure as defense minister, in March 1992 Walesa had met with General Wilecki, who was commander of the Silesian Military District, and, without the defense minister's knowledge, offered Wilecki the CoS post. See Zbigniew Skoczylas interview, Warsaw *Gazeta Wyborcza*, 13 October 1994, pp. 10-11. *FBIS-EEU-94-200* (17 October 1994), p. 22.

115. Warsaw TV Polonia Network, 11 October 1994. *FBIS-EEU-94-197* (12 October 1994), p. 27; and Warsaw *Zycie Warszawy*, 12 October 1994, p. 2. *FBIS-EEU-94-198* (13 October 1994), p. 17.

116. Janusz Onyszkiewicz interview, Warsaw *Zycie Warszawy*, 6 October 1994, p. 2. *FBIS-EEU-94-195* (7 October 1994), p. 37.

117. *Ibid.*, p. 38.

118. Warsaw Radio Warszawa Network, 8 October 1994 and Warsaw PAO, 10 October 1994. *FBIS-EEU-94-196* (11 October 1994), pp. 21-22.

119. Warsaw Radio Warszawa Network, 12 October 1994. *FBIS-EEU-94-197* (12 October 1994), p. 26. Allegedly, Kolodziejczyk provided evidence of numerous instances of military insubordination to include: the Silesian Military Commander (General Ornatowski)'s letter to the President critical of civilian defence ministry oversight; the establishment of a special inspection team on the general staff (to replace the defense ministry Control Department) without his consent; the general staff's refusal to turn over the Conference Center in Warsaw to the ministry; excluding civilian defense ministry officials from military ceremonies in military units, etc. Warsaw *Zycie Warszawy*, 18 October 1994), p. 2. *FBIS-EEU-94-201* (18 October 1994), pp. 27-28.

120. Warsaw PAP, 27 October 1994. *FBIS-EEU-94-208* (27 October 1994), p. 11.

121. Warsaw PAP, 27 October 1994. *FBIS-EEU-94-209* (28 October 1994), pp. 10-11.

122. Ibid.

123. Warsaw PAP, 4 November 1994. *FBIS-EEU-94-216* (8 November 1994), p. 11.

124. Bronislaw Komorowski interview, Poznan *Gazeta Poznanska*, 26 October 1994, p. 3. *FBIS-EEU-94-214* (4 November 1994), p. 17.

125. Warsaw TV Polonia, 7 November 1994. *FBIS-EEU-94-216* (8 November 1994), p. 25.

126. Warsaw PAP, 10 November 1994. *FBIS-EEU-94-218* (10 November 1994), p. 20.

127. Interview with Grzegorz Kolodko, finance minister. Warsaw *Polska Zbrojna*, 25-27 November 1994, pp. 1-2. *FBIS-EEU-94-232* (2 December 1994), pp. 17-18.

128. Warsaw *Gazeta Wyborcza*, 12 December 1994, p. 3. *FBIS-EEU-94-238* (12 December 1994), p. 22.

129. Warsaw TV Polonia Network, 21 December 1994. *FBIS-EEU-94-246* (22 December 1994), pp. 21-22; and Warsaw TV Polonia Network, 22 December 1994. *FBIS-EEU-94-247* (23 December 1994), p. 19.

130. Warsaw TV Polonia Network, 23 December 1994. *FBIS-EEU-94-248* (27 December 1994), p. 14; and Warsaw Radio Warszawa Network, 28 December 1994. *FBIS-EEU-94-249* (28 December 1994), p. 12.

131. Lech Walesa address to Sejm, Warsaw Radio Warszawa Network, 19 January 1995. *FBIS-EEU-95-013* (20 January 1995), p. 16.

132. Jerzy Milewski 19 January Sejm speech, Warsaw *Polska Zbrojna*, 20-22 January 1995, p. 2. *FBIS-EEU-95-014* (23 January 1995), pp. 34-36.

133. Warsaw Radio Warszawa Network, 30 January 1995. *FBIS-EEU-95-020* (31 January 1995), p. 19.

134. Looking back at his experience, Kolodziejczyk noted that the Parliament had "very little effectiveness in reforming the law...[noting] The act about mandatory military service has existed since 1967." Piotr Kolodziejczyk interview Warsaw *Gazeta Wyborcza*, 28 December 1994, p. 13. *FBIS-EEU-95-003* (5 January 1995), p. 15.

135. One area involved the transfer of some elements of military intelligence (WSI) to the General Staff from the civilian defense ministry. Another involved transfer of the powers of the "civilian" Department of Education to the military under the condition that civilians would control educational activities (through the defense minister) in early 1994. But as Drawsko demonstrated, the General Staff was supported by the president, and circumvented the defense minister. *Zycie Warszawy*, 10 January 1995, p. 2. *FBIS-EEU-95-007* (11 January 1995), p. 13.

136. Warsaw TV Polonia Network, 11 January 1995. *FBIS-EEU-95-008* (12 January 1995), p. 19.

HUNGARY

Hungary's revolution was more similar to East Germany and Czechoslovakia than Poland's evolutionary five-stage process. Hungarian reform differed from Czechoslovakia in that it lacked a politician like Vaclav Havel who had gained the confidence of society through long years of shared battles. Polish reform was led by Lech Walesa and indigenous institutions—the Church and Solidarity—from the outside with the effective cooperation of a corrupt party apparatus.¹

In Hungary, with the Hungarian Socialist Worker's Party (HSWP) influence waning as a result of years of deepening crisis within the party apparatus and economic degeneration in the country, communist reformers inside the system engineered Hungary's reform in league with outside opposition. When the previously disunited Hungarian opposition reconciled its differences, the HSWP reform leadership committed itself to make the transition to a democratic multi-party system.

A major step toward coming to grips with Hungary's communist past occurred on 16 June 1989 when over 100,000 people took part in public funeral services for Imre Nagy who had been executed three decades earlier. Over the summer Hungary began to dismantle the "iron curtain" on its western border, and in September opened the border for East German refugees to travel to the Federal Republic of Germany. As noted above, this action sparked the exodus of East Germans to the West, and ignited the revolution in East Germany creating a domino effect in Czechoslovakia.

During the summer and early fall the HSWP's round-table negotiations with eight opposition parties resulted in an 18 September accord which cleared the way for multi-party elections. At the 6-9 October 1989 HSWP Congress the reform wing of the HSWP led by Imre Pozsgay transformed the discredited HSWP by changing its name to the Hungarian Socialist Party (HSP) and adopting a progressive program that embraced multi-party parliamentary democracy, respect for civil

liberties, and a mixed economy.

Most observers anticipated that the March 1990 Parliamentary elections would radically reduce communist HSP representation and result in a coalition government including a number of opposition parties. In anticipation, Prime Minister Miklos Nemeth, in an effort to insulate the military from the political change, announced on 1 December 1989 a major defense ministry and military reform, which included changing the military command.

After the first free Parliamentary elections were held in March 1990,² the two major winners—the Hungarian Democratic Forum (MDF) with 165 of the Parliament's 386 seats and Alliance of Free Democrats (AFD) with 92 seats—formed a pact in late April and a new non-communist government was sworn into power on 23 May 1990. Under terms of the agreement Jozsef Antall, a member of the MDF, became prime minister. The first stage of Hungary's revolution was completed in August 1990, when Parliament elected Arpad Goncz, of the AFD, president.

The second stage of Hungary's revolution commenced as relations between the two parties worsened during the end of 1990 and through 1991. Significant MDF-AFD differences developed over spheres of authority between the prime minister and president; these were challenged and resolved in the Constitutional Court.

The third stage commenced after the government's successful Constitutional Court challenge at the end of 1991. In 1992 a new defense reform was then implemented to redress the effects of the 1 December 1989 reform, and the MDF significantly tightened its political control over the defense ministry and other key government institutions.

The fourth stage began with the May 1994 parliamentary elections which returned the Hungarian Socialist Party (HSP) to power. The new challenge became to write a constitution that all the Hungarian electorate would consider legitimate.

Step-by-Step Defense Reform

As in Poland, the purpose of Hungary's defense reform has been to establish civilian [parliament and government] command and

control over the defense ministry and Hungarian People's Army (now called Magyar Honvedseg). It also had to clarify the lines of authority between the president and government [prime minister and civilian defense minister] in peacetime and in wartime. Finally, the reform had to remove Soviet and Hungarian Socialist Worker's Party (HSWP) influence from the military establishment, to ensure that Hungarian military forces were sufficient to guarantee the integrity of Hungary, and to return the armed forces to Hungarian society.

Under the old system, Hungarian national security policy (as in Poland) was formulated by a small group headed by the HSWP First Secretary in his capacity as president of the Defense Council, and in the HSWP Central Committee by the secretary in charge of national defense, with perhaps the addition of the commander-in-chief of the armed forces and the defense minister. In July 1989 Prime Minister Miklos Nemeth noted that Hungary's new national defense policy must make clear that the national armed forces were in the hands of democratic power under appropriate and strict control. When asked at the time who was commander-in-chief of the armed forces, Nemeth answered that "it is not possible at present to give an unequivocal reply to this."³

During 1989 the communist-dominated Ministry of Justice drafted an entirely new Hungarian Constitution (to succeed the 1949 communist Constitution), based upon the principles articulated at the round-table talks which took place in the spring. The parliament which passed that constitution in October 1989 was still dominated by members of the communist party.

According to constitutional changes in October 1989, National Assembly representatives are elected for four-year terms, as is the president, who is elected by the National Assembly and is commander-in-chief of the armed forces.⁴ Only Parliament is entitled to make decisions concerning the use of the armed forces.⁵ According to Article 19 of the Constitution, the National Assembly has the power to declare the state of war and conclusion of peace. In the event of war, it declares a state of emergency and sets up the Defense Council. If the National Assembly is unable to convene, the president assumes these powers.

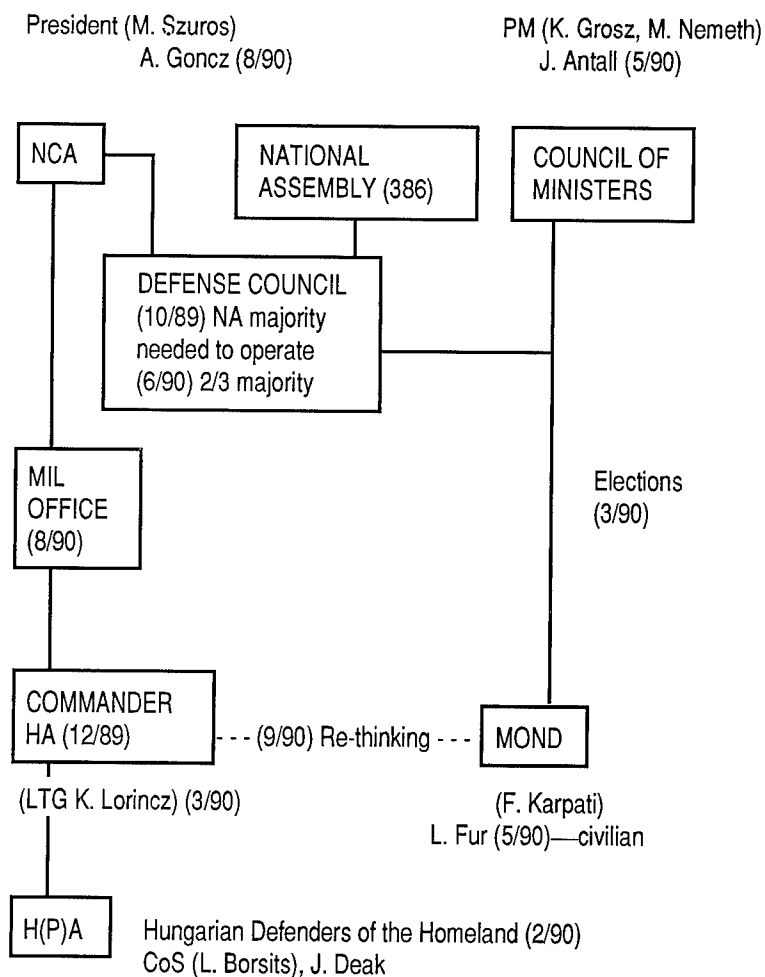
When so empowered, the Defense Council—chaired by the president⁶—has the power to deploy armed forces abroad and within the country.⁷ During peacetime, the prime minister, elected by a majority of the National Assembly, and ministers of the Government "control the operation of the armed forces, the police, and other organs of policing."⁸

On 1 December 1989 Hungary's defense reform divided the defense ministry into two separate entities; a defense ministry subordinate to the prime minister, and a Command of the Hungarian Army (HA) subordinate to the president (see Table 6 below).⁹ When the defense reform was announced, the Nemeth government's intention was to take the armed forces, which until then were under direct party command, and remove them from the direct influence of the future noncommunist government, which was expected to exercise power following the then anticipated March 1990 multiparty elections.

The new reform was clearly intended to put the armed forces under communist control by removing the core of the army cadres from the defense ministry and placing them under a Commander of the Hungarian Army subordinate to the president. As a result of the reform, the president—who at the time was assumed would be communist-reformer Imre Pozsgay—became the commander-in-chief of the army. Whereas in most other Parliamentary systems a clear line of authority exists from prime minister to defense minister to chief of staff, after the December 1989 Hungarian defense reform the line of authority went directly from the president to Commander of the Hungarian Army to the chief of staff, with the government basically out of the chain of command.

One unfortunate result of the reform was increased tension between the president and the government (prime minister and defense minister). Subordinate to the prime minister (before elections Miklos Nemeth, Jozsef Antall of the MDF after) and Council of Ministers is the defense minister (then Ferenc Karpati, after May 1990 an MDF civilian Lajos Fur) who maintains a relatively small staff and is responsible for state administration tasks and military policy. After the 1989 defense reform the defense ministry dealt more with social and political questions, matters which Parliament normally dealt with.¹⁰

Table 6 Hungarian Defense Reform, 1989



After the 1989 defense reform, the Army remained subordinate to the president (then Matyas Szuros, since August 1990 Arpad Goncz of the AFD), and control over the Army was now exercised by a new (as of March 1990) Command of the Hungarian Army (LTG Kalman Lorincz) who, as commander-in-chief of the armed forces, supervises actual military tasks.¹¹ Under the

defense reform, the president has authority to appoint generals.¹² According to LTG Laszlo Borsits:

- The higher military leadership is exercised by *the Commander-in-Chief, through the General Staff*.
- The troops are directly commanded by the field army corps staff and the home air defense corps staff.
- On the operational-tactical level of command *the corps, brigade, and battalion staffs* perform the task of leadership.¹³

Hungarian concerns about control of Hungarian forces during an emergency and authority to make the transition to war were evident in the October 1989 National Assembly debate over the new draft constitution. At the time, only a "qualified majority...in the National Assembly"¹⁴ could declare a state of emergency or war, which brings into being the Defense Council in order to exert extraordinary measures.

Subsequent National Assembly Defense Committee sessions focused on the issue of Soviet control of Hungarian armed forces. Sensitivity was evident in discussions about the illegality of the 1968 invasion of Czechoslovakia and in the problems of Hungarian Socialist Worker's Party (HSWP) control over the army. Hungary's participation in the 1968 Warsaw Pact invasion focused attention on the issue of command and control of armed forces. Bela Biszku, who had been HSWP Central Committee secretary between 1962-1978, told the National Assembly's Defense Committee on 3 January 1990 that the related command for intervention in 1968 was "most certainly" given to the Hungarian defense minister by the Warsaw Pact's Combined Armed Forces Commander in Chief.¹⁵ In response, the National Assembly amended the defense law during February 1990 so as to grant itself the authority to decide on the deployment of armed forces abroad or in Hungary.¹⁶ After the Defense Committee blamed the HSWP for the illegal 1968 invasion, it concluded on 2 March 1990 "that party direction of the army must in all events be abolished."¹⁷

After the March 1990 elections, the governing MDF coalition and opposition Alliance of Free Democrats agreed to many

significant amendments to the new constitution. The National Assembly amended the Constitution on 19 June 1990 to change some of the more objectionable provisions of the former communist government that related to the use of force. For example, Chapter VIII which deals with "The Armed Forces and Police" now specifically required a two-thirds (rather than simple) majority of the National Assembly to employ these forces, thereby ensuring parliamentary control over them.¹⁸

Another significant defense reform involved intelligence. The Council of Ministers established four offices (two civilian and two military) to deal with intelligence: The National Security Office (NBH) under MG Kalman Kocsis and the Information Office (IH) under MG Sandor Simon have nationwide responsibility, are under independent jurisdiction, and overseen by civilian minister without portfolio Andras Galszecszy, who receives directions through the Office of the Prime Minister. The third and fourth, the Military Security Office (KBH) under MG Karoly Gyaraki and Military Intelligence Office (KFH) under MG Janos Kovacs are part of the Hungarian Defense Forces, funded through the defense budget, and overseen by Defense Minister Lajos Fur.¹⁹

On 14 February 1990, the military intelligence function was transferred to the Hungarian Defense Forces from the Interior Ministry II/IV group command and became an independent organization commanded by a professional officer. Its functions are to protect against foreign intelligence activities, prevent insurrections and danger to military preparedness, provide physical security for military facilities, and protect persons performing confidential functions.²⁰ Both the Military Intelligence Office and the civilian Information Office have responsibility to operate globally while the National Security Office and Military Security Office are confined to operating only in Hungary.

Essentially the goal of the general defense reform amounted to the reassumption of national control of the Hungarian military from the Soviet Union. But the defense reform also created new problems between presidential and governmental authority. On 3 August 1990 parliament elected Arpad Goncz (AFD) president.²¹ In order to fulfill his constitutional duties to approve Hungary's armed forces defense plan and to declare an emergency or

convene the National Defense Council in case the National Assembly is impeded from doing so, Arpad Goncz created a Military Office to liaise with the Commander of the Hungarian Defense Forces. Colonel Robert Pick, who heads and manages the activities of the office, informs President Goncz on subjects related to general military policy and military diplomacy, and acts as the core staff of the commander-in-chief during the transition period between peace and war.²²

Although the December 1989 reform was successfully implemented, intervening events during 1990—such as parliamentary elections resulting in a six-party coalition government producing a prime minister and president from different political parties and the collapse of the Warsaw Pact—created new civil-military problems for Hungary. In fact one might argue that the 1989 defense reform created more problems than it solved.

The 1989 defense reform contributed to confusion and differences of opinion over span of authority between the Commander of the Hungarian Army and the defense minister. Though Lajos Fur replaced Ferenc Karpati on 23 May 1990 and became Hungary's first civilian defense minister, by September Fur was expressing concern about limits to his authority. Defense Minister Fur apparently felt that officer training institutes, the Institute of Military History, and the management of all cultural areas which were under military sphere of authority should be under his authority.²³

In other words, although Hungary was the first Central European state to have a civilian defense minister, no Hungarian civilian exercised effective control over Hungarian military matters (as was nominally exercised by civilian Deputy Defense Ministers Rasek since December 1989 in Czechoslovakia and Komorowski since April 1990 in Poland).

These differences escalated into a major civil-military crisis causing a constitutional dispute and problems within the Army's leadership. The constitutional debate involved questions over the sphere of authority between the Commander of the Hungarian Army and the defense minister, and ultimately between the president and the prime minister. An October 1990 transport strike brought these different views about presidential and prime ministerial authority to a test. When Defense Minister Fur and

Prime Minister Antall wanted to call up the military to break the strike, President Goncz, as commander-in-chief, refused and threatened a constitutional crisis. Though the prime minister and defense minister backed off, in an interview shortly after this incident Defense Minister Fur noted:

[O]ne of the important things to settle is the relationship between the [defense] ministry and the army commanders. The unclarified questions emerge not so much in the relationship between the commander in chief, the ministry, and the Army, but rather in the relationship between the Army and the ministry.²⁴

Soon after the blockade the government questioned the president's authority to command the army and initiated a review of the issue in the Constitutional Court.

During the spring of 1991, though, President Arpad Goncz (Alliance of Free Democrats) and Prime Minister Antall and Defense Minister Fur (Hungarian Democratic Forum) still had differences of opinion over control of the armed forces. Lajos Fur argued that the leadership of the army was oversized, that it was unnecessary for the Hungarian Army Command and the general staff to function in parallel, and therefore it would be desirable to adopt a leadership structure consistent with other European democracies.²⁵

President Goncz countered in an interview that "attempts are being made to transform the Army by abolishing the command system, which I do not agree with ...[adding that] the argument is not yet closed."²⁶ Tension reached such a pitch that LTG Kalman Lorincz, Commander of the Hungarian armed forces, submitted his resignation to Goncz on 29 March 1991. Though neither Goncz, Antall, nor Fur accepted Lorincz's resignation,²⁷ they recognized this civil-military issue to be a serious problem and mandated a new defense reform that was developed at the end of 1991.

National Assembly Parliamentary Defense Committee member Bela Kiraly argued that the president is clearly the commander-in-chief and the constitution places two restrictions on his command. First, it authorizes the National Assembly to

decide on deploying armed forces within Hungary or abroad. Second, it requires the prime minister's countersignature regarding every action involving national defense. Upon the National Assembly's declaration of war or emergency, presidential authority and responsibility expand. In sum, Bela Kiraly felt no constitutional change was required, but he argued that the Commander of the Hungarian Army position be abolished; that its responsibilities be transferred to the Hungarian chief of staff; and that the chief of staff be unconditionally subordinated to the defense minister.²⁸

During 1991 two further tests brought the issue of military command to public attention; the failed August Soviet coup and increasing problems along the Yugoslav border. The failed Soviet coup in August 1991 only partially tested Hungary's machinery; in part because the last Soviet troops had already left Hungary. (In contrast, Poland still had Soviet troops on its soil). When the National Security Cabinet met on 19 August to examine the situation, it noted that the borders were calm and concluded that Hungary was in no immediate danger. Antall met with members of the six legislative parties, who expressed full unity with the approach taken by the Cabinet that Hungary should take a restrained and moderate approach to the affair.²⁹ Hence, no military orders or special measures, which would have required a National Assembly vote, were issued.³⁰

The second test involved the constant overflights of Yugoslav aircraft. Hungary's response also evidenced restraint. Despite the fact that no military mobilization measures had been issued and heightened alert of Border Guard and Hungarian Defense Forces had been handled normally, on 18 September 1991 Chief of Staff MG Janos Deak expressed concern to the National Assembly Defense Committee. MG Deak argued that if an emergency arose—for example if Hungarian barracks were attacked—LTG Kalman Lorincz lacked the authority to react rapidly. Deak argued that while Lorincz had mobilization authority, current constitutional stipulations presupposed that the decision either would be obstructed by the National Assembly (which requires a two-thirds vote) or would be made only very slowly.³¹

Due to these external tests as well as increasing internal tensions between President Goncz and Prime Minister Antall,

Defense Minister Fur in August 1991 sought an unequivocal Constitutional Court interpretation concerning peacetime direction of Hungarian forces. On 23 September, the Constitutional Court rendered its decision to limit presidential powers; it ruled that the president as commander-in-chief may only render guidelines to the military instead of issuing orders. The Court concluded that the direction of the functioning of the armed forces was within the authority of the branch that exercised executive power (e.g., the prime minister and defense minister).³²

In response to the Constitutional Court's decision, at the end of 1991 the defense ministry began a reorganization (see Table 7 below) to redress the problems created by the December 1989 defense reform. The new 1992 defense reform, which accelerated personnel changes in the defense ministry, had the dual purpose of subordinating the military command to the defense ministry in accordance with the Constitutional Court decision and replacing career military officers with civilians in order to strengthen Hungarian Democratic Forum (MDF) control over the ministry. The new appointments increased civilian representation by reducing the concentration of staff officers who had been communist party members in the defense ministry, replacing them in important mid-management positions with civilians sympathetic to the MDF.

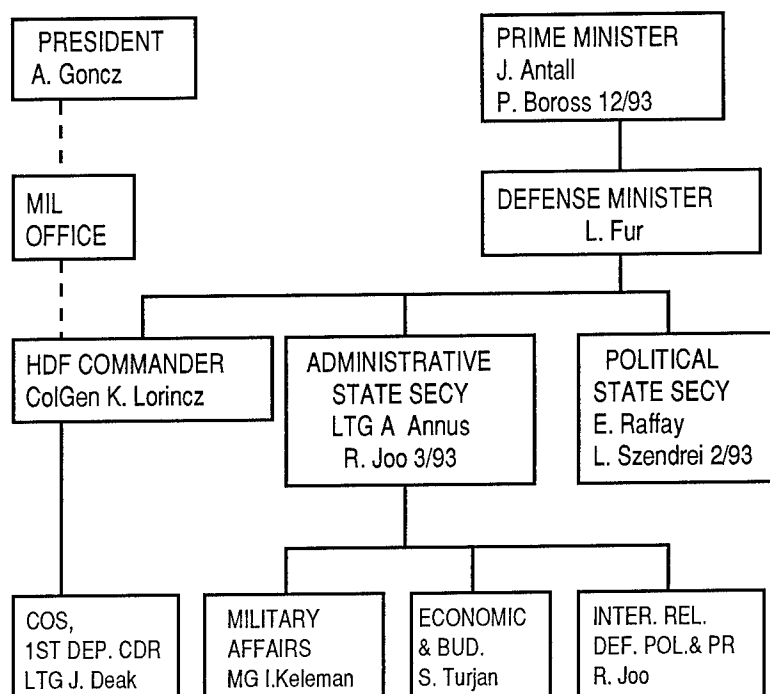
The president of the Republic remains the commander-in-chief of the armed forces with specific duties and responsibilities. Though these have been defined by the Constitutional Court, they remain untested in practice. Commander ColGen Lorincz remains subordinate to President Goncz *when* the president is authorized to exercise his emergency powers during crisis and war. During peacetime Defense Minister Fur provides direction to Lorincz, who exercises command and control of the armed forces. Also subordinate to Fur is a political state secretary and an administrative state secretary, who supervises three deputy state secretaries.

By early December 1991, apart from Political State Secretary Raffay and Deputy State Secretary Rudolf Joo, more new civilians were appointed to mid-management positions in the defense ministry. Dr. Csaba Hende (MDF) became the ministerial parliamentary secretary, Dr. Zoltan Bansagi (MDF) headed the

ministry's department for legal and administrative matters, and Laszlo Szoke (MDF) took over the department for social relations.³³ Thus, MDF political-packing became the rule in the defense ministry.

Though the 1992 defense reform attempts to clarify the line of authority problems created by the 1989 defense reform, the issue of presidential versus prime ministerial authority during transition to war and during wartime remained untested. Different Hungarian views continue to exist as to whether the president will exert real (as against symbolic) powers during wartime. The debate is exacerbated by the untested role of the Defense Council, which is chaired by the president, but whose members also include the Speaker, leaders of the political parties from the National Assembly and the prime minister, the ministers, as well

Table 7 Hungarian Defense Reform, 1992



as the Commander of the Hungarian Army and the Chief of Staff from the Government.³⁴ Thus the powers of the president may be sharply curtailed by the predominance of political opponents on the Defense Council. Despite these nagging concerns, the 1992 defense reform had gone a long way to solve many problems that resulted from the 1989 defense reform in peacetime.

In order to get further clarification on significant matters of disagreement, the 11-member Constitutional Court became Hungary's locus of adjudication. Jozsef Antall asked the Constitutional Court on 25 May 1992 to rule on the president's scope of authority in firing government officials. The issue was over President Goncz's refusal to countersign Antall's order to fire the director of Hungarian Radio, Elemer Hankiss. Antall asked the Constitutional Court to declare Goncz's obstructionism unconstitutional and, indeed, on 8 June 1992, the Court, in a seven to three decision, ruled that the president could only block the prime minister's appointments and dismissals if legal procedures were not followed, the candidates were incompetent, or if in accepting the government's decisions Hungarian democracy would be threatened.³⁵

In August 1992 a proposed draft national defense bill attempted to eliminate "management duplications" by expanding the government's management authority. The National Assembly (or, in case of declared emergency, the Defense Council) would be responsible for approving the basic principles of national defense, directions of military development, and the budget. During peacetime, all other decisions related to army mobilization, location, leading, and training of troops—as well as partial deployment in case of external threat and until parliament can decide—would come under government authority. The president would continue to have the title of commander-in-chief with no authority to command the armed forces. In peacetime his authority would be limited to approval of defense plans and to appoint and release high-ranking commanders in accord with the responsible minister's recommendation.³⁶

In September 1992 Defense Minister Fur asked the court if he could fuse the Commander of the Hungarian Army position with the Chief of the General Staff without a constitutional amendment.³⁷ In February 1993, Fur submitted two related draft

laws on defense to parliament. One dealt with necessary constitutional changes; the other was the defense law itself. The Parliament passed both laws by the required two-thirds majority on 7 December 1993.

Armed Forces Reform. At the end of 1992, Hungarian Defense Forces comprised 100,000 from its 1989 size of 155,700. The number of conscripts declined from 91,900 in 1989 to 51,100; professionals from 30,500 to 22,900 (of which 8,500 were NCOs); and civilian employees from 33,300 to 26,000.³⁸ During 1992 Hungarian Defense Forces were reorganized; army brigades of a new type were created and the organizing and forming of mobile Air Force units began.³⁹ In addition, a training center for peacekeeping forces was designed to train the first Hungarian peacekeeping company.⁴⁰

The second phase in the Army's development would last until 1995, during which the forces were stabilized and conditions established for modernization after 1995 when funds would become available. The 1993 defense budget of 64 billion forints, which was increased to 66.5 billion forints in 1994, left very little room for modernization as 91.2 percent of the budget was needed for day-to-day operations.⁴¹ Immediate aid for Hungarian Defense Forces came from Germany in April 1993, with its decision to supply spare parts, as well as electronic and training aircraft from stocks of the former East German army.⁴² Assistance also came from Russia, with the decision to supply 28 MiG-29s in October-November 1993 to cover \$800 million of its \$1.6 billion debt to Hungary.⁴³ As a compensation, the National Assembly earmarked 1.1 billion forints in 1993 to install 113 electronic Identify Friend or Foe (IFF) systems to the Hungarian Air Force which were to be installed during 1994.⁴⁴

Two new laws were adopted. The first law, which followed an April 1991 Constitutional Court decision⁴⁵ (adds Article 19(e) to the Hungarian Constitution), provides a new power for the executive. Under the new law, the government may, in three limited cases (invasion of Hungarian airspace, surprise air attack, or surprise invasion), order immediate military action of not more than two Army brigades (5,000 troops) without specific agreement from the president and without declaration of emergency by parliament.⁴⁶ The government, however, is obliged

to inform parliament of any such decision.

The second law dealt with the organization of the border guard; defining the circumstances in which they fell within the jurisdiction of the military (as they did) or the police. The decision was necessary and significant because of the Yugoslav crisis. If the border guard were under the military, ultimate control would lie with parliament; if they were under the police, then they would be under the executive, or minister of interior. In the bill, the border guard falls under the police, except for a state of war, and is subject to executive control. Both laws were enacted by overwhelming parliamentary majority as amendments to the constitution on 7 December 1993.⁴⁷

On 23 February 1993 Laszlo Szendrei (a Hungarian Democratic Forum MP) replaced Erno Raffay as political state secretary of defense.⁴⁸ On 31 March 1993 Rudolf Joo, an MDF civilian, replaced LTG Antal Annus as administrative state secretary, thus placing the defense ministry's top three posts in civilian hands.⁴⁹ On 14 April 1993 the National Assembly unanimously approved Resolution No. 27 concerning the Basic National Defense Principles of the Hungarian Republic.⁵⁰ Also on 7 December the National Assembly adopted (with 277 deputies for, one vote against, and one abstention) a new defense law to come into effect on 1 January 1994. According to the law, civilian service in the military would be 18 months and military service would be 12 months.⁵¹

In October 1993, when Yeltsin survived a coup attempt in Moscow, Lajos Fur noted that he survived in large part because "the Army, with its neutrality...unambiguously committed itself to support Yeltsin."⁵² President Goncz noted that "I can promise one thing: I will never give the order to shoot on the Hungarian Parliament...[adding that] the struggle in Russia will lead Hungary to work harder than ever for membership in the EU and NATO."⁵³

In October 1993 the 88th Airborne Infantry Battalion was established as part of the Hungarian Defense Forces restructuring. LTG Bela Gyuricza noted that its function was to make available to the military leadership a rapid deployment unit capable of preventing and managing armed conflicts and suitable to perform UN peacekeeping functions.⁵⁴

On 12 December 1993 Prime Minister Antall died and the government's legal mandate ended. The interim government, under Interior Minister Peter Boross, operated with reduced powers until the president nominated a new prime minister, who had to be confirmed by a majority vote in parliament. (Failure to appoint a government within 40 days would result in new elections called by the president).

On 14 January 1994, the Government announced that it would merge the defense ministry and army command in accordance with the 7 December 1993 Defense Law, thereby placing the armed forces under civilian control in peacetime and war. This was scheduled to occur when General Kalman Lorincz reached the mandatory retirement age of 55 in February.⁵⁵ LTG Janos Deak, the chief of staff, assumed the post of Commander of the Hungarian Army on 1 March and was promoted to ColGen on 15 March. According to Lajos Fur, as of 1 March 1994, the defense ministry would have three state secretaries; political, administrative, and CoS.⁵⁶

Post-communist Return and a New Constitution

On 30 June 1993, the Hungarian cabinet submitted a draft bill aimed at modifying the Electoral Law of 1989. It raised the electoral threshold from 4 percent to 5 percent and modified the procedure for by-elections. Now all by-elections would be held on the same day once every year, and never during the year of a general election.

Hungary's May 8 and 29, 1994 parliamentary elections (like those in Poland in September 1993) brought the Hungarian Socialist Party (HSP) back to power; of the 386-seat Parliament, the HSP gained 209 (or 54 percent) of the seats for 33 percent of the vote. The second place Alliance of Free Democrats (AFD) received 70 (or 18 percent) of the seats on a popular vote of 20 percent; followed by the former Hungarian Democratic Forum (MDF) with 9.6 percent of the vote and 37 seats. Although the socialists had secured a Parliamentary majority, they decided to enter into negotiations and form a coalition government with the AFD. Thus with 51 percent of the popular vote, the two HSP-AFD coalition parties had the necessary two-thirds parliamentary

majority to amend the constitution.⁵⁷

Hungary's 1994 vote-to-seat disproportionality was remarkably similar to 1990 and resulted from Hungary's "mixed" electoral system. Out of the 386 deputies, 176 are chosen in two-round (majority and plurality), single-district elections, while up to 152 seats are filled in proportional votes in 20 regional constituencies, and at least 58 representatives are chosen from a national compensation list.⁵⁸

Similar to Poland, one of the consequences of the Hungarian electoral system is that while disproportionality magnifies the strength of the winning parties and enhances governability, it is wholly ill-suited when it comes to the needs of constitutional politics. The constitution's amending formula, which allows two-thirds of the Parliament to revise the constitution, *cannot* be left as it is! Theoretically, the new socialist-liberal (HSP-AFD) coalition could unilaterally act under the inherited amending formula to change the constitution along with the current two-thirds electoral law and permanently undermine the chances of the weak opposition.

Both the electoral law and the constitution's amending formula present dangers to Hungary's parliamentary democracy and constitutional stability. One indication of this danger occurred on 30 September 1994 when all four opposition parties walked out when voting began on a constitutional amendment to voting procedures for local elections. But the HSP-AFD coalition, with two-thirds majority, voted to change the constitution to simplify procedures for local election and improve the chances of the incumbent left-of-center majority. This led to charges of a constitutional dictatorship.⁵⁹

In addition, the procedures for amending the constitution need to be changed to bring the past five-year transition period to a legal close. Though Hungary needs a new procedure to prevent ceaseless parliamentary tinkering with the constitution, the new socialist-liberal coalition is *not* in a good position to initiate a new phase of constitution making. First, although it holds 72 percent of the seats, its 51 percent electoral base is too narrow to establish anything but a winner's constitution. Second, neither the HSP (whose forerunner HSWP imposed a pseudo-constitution on the country) nor the AFD is well-situated to

sponsor a new constitution. But Hungary needs to revise its constitution to deal with the following problems: it must clarify the role of the president, reduce the Constitutional Court's powers, and redefine the role of the prosecutor.

During 1995, Hungary is likely to draft and pass a new Hungarian constitution because the coalition parties are committed to this goal. They have formed a 27-member parliamentary committee (HSP will have 10; AFD 5, and opposition parties 10) to draft the new document, working under the minister of justice. They plan to present the new constitution for popular ratification by 20 August 1995, when new presidential elections are required.⁶⁰ Several items on the constitutional agenda include presidential powers, guaranteeing judicial independence by a National Judiciary Council, redefining the role of the public prosecutor, reforming local government, and trimming the Constitutional Court's functions.⁶¹ A new constitutional amending formula will be proposed, requiring a second parliamentary session to ratify amendments made by a previous one. Finally, a new electoral law will be proposed, abolishing the second electoral round, keeping a mixed system but taking the principle of proportionality into account.

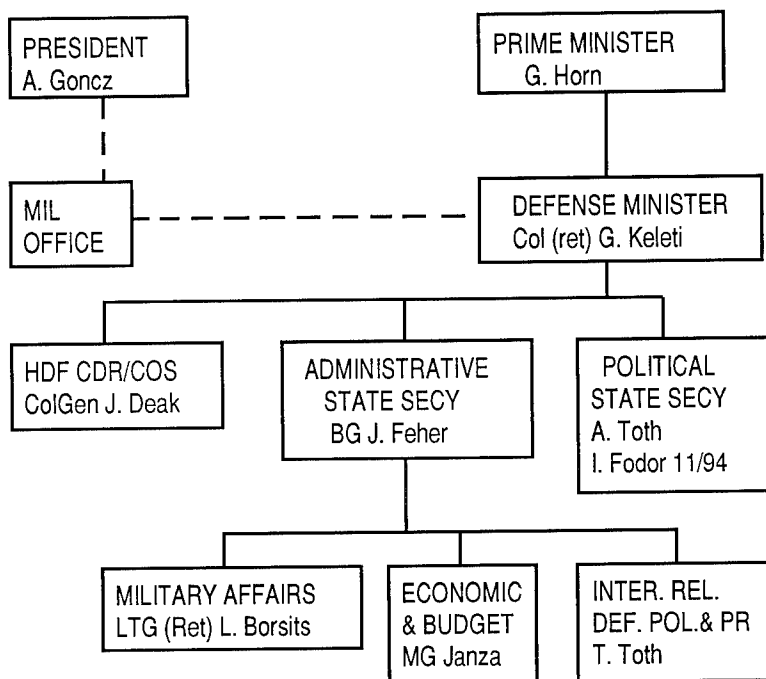
When the new government was formed after the election, HSP leader Gyula Horn became prime minister (see Table 8 below). On 24 June the HSP-AFD coalition signed a government agreement; the AFD would take over three ministries—interior, transportation, and education—and the HSP would take over the remaining 12. Gyula Horn appointed retired Colonel Gyorgy Keleti as new defense minister.

Keleti, former press spokesman for the ministry under Fur, had left under a cloud in 1992. Keleti noted that he walked out on Fur "because the conditions prevailing in the ministry made it impossible to work normally with the minister and several of his employees."⁶²

Upon Keleti's return on 15 July 1994, he began to replace all the MDF personnel mostly with former colleagues from the armed forces; Reserve Colonel Jozsef Feher was promoted to Brigadier General on 15 July and appointed administrative state secretary;⁶³ retired LTG and former Chief of Staff Laszlo Borsits and MG Karoly Janza became deputy administrative state

secretaries. Keleti also appointed MG Csaba Liszkai to supervise press and social relations with the rank of deputy state secretary. The military also took over departmental-level positions. Colonel Peter Haber, an old colleague of Borsits, became head of the Military Department under Borsits; Colonel Nandor Gruber replaced civilian economist Sandor Kovacs as head of Defense Economic Department; and Colonel Istvan Szekeres replaced civilian sociologist Laszlo Dobos as head of Department on Social Relations and Culture.⁶⁴

Table 8 Hungarian Defense Reform, 1994



One civilian, Andras Toth became political state secretary; and in November, Dr. Istvan Fodor replaced Andras Toth (whomoved to head the prime minister's office) as the new political state secretary at the defense ministry. The only other high-ranking civilian was Tibor Toth (an expert on disarmament from the foreign ministry) as one of the three deputy state secretaries. Keleti also began an internal reorganization of the

defense ministry cutting it from 317 to 287 people. Defense ministry spokesman Colonel Lajos Erdelyi noted that the reorganization was "an internal affair" adding that according to law, the defense minister can make such decisions. In response, Imre Mecs, chairman of the National Assembly's Defense Committee, expressed concern about "militarization" of the defense ministry and noted that there was not enough "civilian staff."⁶⁵

In an early interview Keleti noted that he was sure that he would have harmonious relations with the generals and that he intended to act as a civil politician and not a "former colonel." He also indicated that intended to abolish the government order that provides deadlines for the organizational fusion of the Army headquarters with the defense ministry and after further study, decide whether or not the proposed fusion was really justified, since "the Army leadership should receive sufficient independence to plan and lead their professional activity."⁶⁶ He also noted that he met with President Goncz and agreed to meet with him once a month to inform him about the Army's situation. Keleti also invited Robert Pick, head of the president's military office, to attend all cabinet sessions of the ministry.⁶⁷

Then in early September, Defense Minister Keleti recommended to the National Assembly Defense Committee that the defense ministry and Army headquarters *not* be merged.⁶⁸ Also as of 1 November Keleti once again divided the two top Army positions when he appointed LTG Sandor Nemeth to become chief of staff, while retaining Janos Deak as Commander of the Hungarian Defense Forces.⁶⁹ Keleti noted that his major concern was retention of professionals in the armed forces. Because the Army cannot be financed from the budget with its current structure, Keleti proposed reducing personnel by calling up fewer conscripts; some 2,000 less in August 1994, with repeated reductions in February 1995 and 1996 reducing the Army by 12,000 overall. In addition he suggested beginning February 1996 reducing the length of military service to ten months with a more intensive training program.⁷⁰

Keleti noted that the ministry calculates that it needed 69 billion forints in 1994, of which 7.2 billion was not covered by revenue; and that efforts by defense managers could only cut 3.5

billion by cost-saving means.⁷¹ MG Karoly Janza, deputy state secretary for economic and budgetary affairs, argued that the financial situation was worse than he expected, citing significant infrastructure expenses of more than one billion forints to maintain the recently acquired MiG-29s. Janza suggested that reducing exercises and conscripts was the only way to reduce the shortfall.⁷² When Keleti noted in September that he would cut the size of the defense ministry as a cost-saving measure, he claimed that he would retain the Army Command size as is because intermediate command levels were to be eliminated and the military zones were to report directly to the General Staff.⁷³

In response to the economic shortfall, Keleti also shifted further from his predecessor's policy. After the MiG-29 acquisition from Russia, Lajos Fur had indicated that he also would like to get the S-300 missile air defense system in exchange for the remaining \$800 million debt. Though Keleti rejected this policy, he did make efforts to acquire military spare parts and armored vehicles from the Ukraine in return for Hungarian goods.⁷⁴ Keleti also stressed that he wanted to pursue modernization in the Air Force, particularly radio-technical modernization (ground-based radar).⁷⁵

When Army Commander Janos Deak presented the army reform concept to the National Assembly, he noted that the program was motivated by the fact that budgetary allocations were inadequate to maintain existing military structures and by the need to modify the military to integrate into NATO.⁷⁶ Keleti promised that he would continue to reduce the intake of conscripts and beginning in 1996 would reduce their national service time to nine months.⁷⁷ In addition, the reform would reduce Hungary's four military districts to two, resulting in a reduction of staff.⁷⁸

Based upon the PFP exercise experience and military exercises with NATO states, Imre Mecs noted that "we have a long way to go to catch up in the fields of telecommunication, organization, and cooperation, including the knowledge of languages. [Nevertheless, he concluded that] the Hungarian Army would be suitable for NATO membership around 1998.⁷⁹ Hence, during 1995 a German-British-Hungarian PFP exercise is planned, with plans to invite one sub-unit from each of

Hungary's neighboring countries. Hungarian soldiers will also participate in an exercise in Italy.

Hungary has come a long way. The National Assembly has effectively developed oversight of the military through budget, approval of the Basic Principles of National Defense and the Defense Bill, and deployment of armed forces. The Constitutional Court has effectively addressed the problems caused by the October 1989 Constitution and 1 December 1989 Defense Reform; and, its decisions have been respected. The military has evidenced significant reform; it has been restructured to accommodate NATO, but force modernization continues to be greatly restrained by scarce resources.

But Hungary still has a number of tasks to achieve effective civilian oversight of the military. Hungary's main tasks are to adopt a new constitution that has broad-based national consensus and clarifies some outstanding issues such as the president's wartime authority. In addition it is necessary to ensure that the defense ministry maintains real civilian oversight of the military. Finally, military training and force modernization needs attention and development to meet NATO standards.

Notes

1. According to Janos Kis, the founder and leader of the Alliance of Free Democrats, this makes it more difficult for Hungarian leaders to establish their legitimacy. Hence, the new Government must demonstrate economic success in order to be accepted. See, Janos Kis, "Postcommunist Politics In Hungary," *Journal of Democracy*, Vol. 2, No. 3 (Summer 1991), pp. 4-5.

2. For discussion of the election and party positions, see Barnabas Racz, "Political Pluralism in Hungary: the 1990 Elections," *Soviet Studies*, Vol. 43, No. 1 (1991), pp. 107-136; John R. Hibbing and Samuel C. Patterson, "A Democratic Legislature in the Making: The Historic Hungarian Elections of 1990," *Comparative Political Studies*, Vol. 24, No. 4 (January 1992), pp. 430-454.

3. Radio Budapest, 1 July 1989, cited in Zoltan D. Barany, "East European Forces In Transitions and Beyond," *East European Quarterly*, Vol. XXVI, No. 1 (March 1992), p. 18.

4. *Heti Vilaggazdasag* (28 October 1989), pp. 4-5. *FBIS-EER-89-138* (9 December 1989), p. 6. Also see Section 29.(2) and Article 29/A (1), *The Constitution of the Republic of Hungary*, p. 5.

5. Keith W. Crane, Steven W. Popper, Barbara A. Kliszewski, *Civil-Military Relations in a Multiparty Democracy: Report of a RAND Conference*, R-3941-RC (August 1990), p. 25.

6. Aside from the president, the Defense Council's membership includes the Speaker of the National Assembly, the leaders of the parties in the National Assembly, the prime minister, the ministers, as well as the Commander of the Hungarian Army and the Chief-of-Staff.

7. Article 19, *The Constitution of the Republic of Hungary*, pp. 2-3.

8. Article 35.(1)h, *The Constitution of the Republic of Hungary*, p. 8.

9. Zoltan D. Barany, "Major Reorganization Of Hungary's Military Establishment," *RFER* (7 December 1989).

10. MG Jozsef Biro interview, Zagreb *DANAS*, 9 January 1990, pp. 58-59. *JPRS-EER-90-045* (4 April 1990), p. 8.

11. Budapest Domestic Service, 1 December 1989. *FBIS-EEU-89-231* (4 December 1989), pp. 57-58. On 1 March 1990, further amendments to this process were discussed and supported by Ferenc Karpati in the National Assembly. Budapest Domestic Service, 1 March 1990. *FBIS-EEU-90-042* (2 March 1990), pp. 50-51.

12. Ferenc Karpati, Budapest MTI, 22 March 1990. *FBIS-EEU-90-057* (23 March 1990), p. 48.

13. LTG Laszlo Borsits, Statement to Vienna Military Doctrine Seminar, 19 January 1990, p. 8 (emphasis in original).

14. 18 October 1989 National Assembly session, Budapest Domestic Service. *FBIS-EEU-89-201* (19 October 1989), p. 33.

15. Budapest MTI, 3 January 1990. *FBIS-EEU-90-006* (9 January 1990), p. 47.

16. 20 February 1990 Parliament Defense Committee session amending Defense Law. *FBIS-EEU-90-036* (22 February 1990), p. 60.

17. Budapest Domestic Service 1990. *FBIS-EEU-90-043* (5 March 1990), p. 41.

18. Article 40/A (1), *The Constitution of the Republic of Hungary*, p. 9. Also see *Magyar Kozlony*, No. 59, 25 June 1990, pp. 1269-1279. *JPRS-EER-90-125* (31 August 1990), especially p. 14.

19. Gabor Juhasz, "Proposed Rules for Secret Services," *Heti Vilaggazdasag*, 8 February 1992, pp. 76-78. *JPRS-EER-92-031* (13 March 1992), pp. 21-22.

20. Interview with Col. Karoly Gyarak, chief of Military Security Office, *Magyar Honved*, 19 October 1990. *JPRS-EER-90-161* (7 December 1990), p. 38.

21. Goncz had been interim president since May 2, 1990.

22. Personal interview, 12 April 1991; and *Tallozo*, No. 35, 31 August 1990, pp. 1673-1674. *JPRS-EER-90-137* (3 October 1990), pp. 24-25. According to Defense State Secretary Erno Raffey the exact authority of the office is "nowhere...defined...a legal gap.[adding] authority should be defined by Goncz." *Tallozo*, No. 33, 17 August 1990. *Ibid.*, p. 26.

23. Lajos Fur interview, *Nepszabadsag*, 10 September 1990, pp. 1,5. *FBIS-EEU-90-178* (13 September 1990), p. 36.

24. Lajos Fur interview, *Tallozo*, No 4 (25 January 1991), pp. 162-163. *JPRS-EER-91-039* (28 March 1991), p. 4.

25. Ferenc Mernyo, "Army Crisis: Self-Centered," *Heti Vilaggazdasag*, 13 April 1991, pp. 77-79. *JPRS-EER-91-083* (14 June 1991), p. 31.

26. Budapest Domestic Service, 24 March 1991. *FBIS-EEU-91-058* (26 March 1991), p. 35.

27. Budapest Domestic Service, 2 April 1991. *FBIS-EEU-91-064* (3 April 1991), p. 22.

28. Bela Kiraly, "Military Reform: What Should Be Done?" *Nepszabadsag*, 13 April 1991, p. 6. *JPRS-EER-083* (14 June 1991), pp. 33-34.

29. Budapest MTI, 19 August 1991. *FBIS-EEU-91-161* (20 August 1991), p. 21.

30. Budapest Kossuth Radio, 19 August 1991. *FBIS-EEU-91-161* (20 August 1991), p. 21.

31. MG Janos Deak interview, Budapest Kossuth Radio, 18 September 1991. *FBIS-EEU-91-182* (19 September 1991), p. 20.

32. *Magyar Kozlony*, No. 103 (26 September 1991), pp. 2,111-3,125. *JPRS-EER-01-168* (13 November 1991), pp. 14-16. It also ruled that the president is obligated to endorse candidates for state positions put forward by the government unless "the democratic operation of the institution in question is seriously threatened." *Ibid.*

33. *Nepszava*, 3 December 1991, p. 5. *FBIS-EEU-91-234* (5 December 1991), p. 17.

34. Article 19/B.(2), *The Constitution of the Republic of Hungary*, p. 3.

35. Budapest MTI, 25 May 1992. *FBIS-EEU-92-103* (28 May 1992), p. 12.

36. "National Defense Draft Bill," *Heti Vilaggazdasag*, 15 August 1992, p. 15. *JPRS-EER-92-128* (14 September 1992), p. 39.

37. Budapest Kossuth Radio, 14 September 1992. *FBIS-EEU-92-180* (16 September 1992), p. 11.

38. Budapest *Uj Magyarorszag*, 3 December 1992, p. 5. *JPRS-EER-93-001* (5 January 1993), p. 14.

39. Lajos Fur interview, *Bulgarska Armija*, 15 March 1993, pp. 1,4. *FBIS-EEU-93-052* (19 March 1993), p. 19.

40. Budapest MTI, 17 March 1993. *FBIS-EEU-93-053* (22 March 1993), p. 34.

41. Lajos Fur statement. Budapest MTI, 26 November 1993. *FBIS-EEU-93-228* (30 November 1993), p. 30.

42. *RFE/RL Daily Report*, No. 67 (7 April 1993), p. 4. By March 1994, Germany had supplied 150 million DM worth of military supply parts. On 9 March Germany agreed to provide supply parts for Hungary's helicopters free of charge. *RFE/RL Daily Report*, No. 48 (10 March 1994), p. 5.

43. Budapest Kossuth Radio Network, 2 June 1993. *FBIS-EEU-93-105* (3 June 1993), p. 15.

44. According to defense ministry spokesman Colonel Lajos Erdelyi, the equipment would be installed on 28 MiG-29s, nine MiG-23s, 65 MiG-21s, and 11 Su-22s. Budapest *Nepszabadszag*, 27 December 1993, p. 4. *FBIS-EEU-93-002* (2 January 1994), p. 9.

45. The Constitutional Court held that these powers, which were not assigned explicitly either to Parliament nor the president, should be assigned by default to the government. See *East European Constitutional Review*, Vol. 3, No. 1 (Winter 1994), pp. 11-12.

46. Amendment to the Constitution of the Hungarian Republic passed by the National Assembly on 7 December 1993. *Magyar Kozlony*, No. 186, 24 December 1993, pp. 11129-11130. *JPRS-EER-94-009* (16 March 1994), p. 87.

47. Budapest MTI, 7 December 1993. *FBIS-EEU-93-236* (10 December 1993), p. 26.

48. Budapest MTI, 16 February 1993. *FBIS-EEU-93-030* (17 February 1993), pp. 18-19.

49. *RFE/RL Daily Report*, No. 49 (12 March 1993), p. 5.

50. Budapest MTI, 14 April 1993. *FBIS-EEU-93-074* (20 April 1993), p. 22. For text, see *Magyar Kozlony*, No. 48 (23 April 1993), pp. 2701-2705. *JPRS-EER-93-061* (1 July 1993), pp. 28-32.

51. Budapest Kossuth Radio Network, 7 December 1993. *FBIS-EEU-93-234* (8 December 1993), p. 23; and Laszlo Szendrei interview, *Uj Magyarorszag*, 9 December 1993, p. 4. *FBIS-EEU-93-239* (15 December 1993), pp. 25-26.

52. Budapest Kossuth Radio Network, 4 October 1993. *FBIS-EEU-93-191* (5 October 1993), p. 22.

53. Arpad Goncz interview, Amsterdam *De Volkskrant*, 5 October 1993, p. 4.

54. Budapest *Magyar Honved*, 8 October 1993, pp. 26-28. *JPRS-EER-93-128* (10 November 1993), pp. 30-31.

55. Budapest MTI, 14 January 1994. *FBIS-EEU-94-010* (14 January 1994), p. 9.

56. Lajos Fur interview, *Pesti Hirlap*, 15 January 1994, p. 3. *FBIS-EEU-94-015* (24 January 1994), p. 24.

57. *Hungarian Review*, Newsletter of the Embassy of Hungary (9 June 1994), p. 2.

58. In 1990, the Hungarian Democratic Forum (HDF) gained 42.5 percent of the Parliamentary seats on the basis of 24.7 percent of the vote. For a discussion of Hungary's reelection law, see Andrew Arato, "Elections, Coalitions and Constitutionalism in Hungary," *East European Constitutional Review*, Vol. 3, Nos. 3&4 (Summer/Fall 1994), pp. 26-32.

59. *RFE/RL Daily Report*, No. 188 (4 October 1994), pp. 4-5; and Budapest MTI, 5 October 1994. *FBIS-EEU-94-195* (7 October 1994), p. 8.

60. Budapest *Magyarország*, 19 August 1994, p. 4. *FBIS-EEU-94-178* (14 September 1994), p. 11.

61. Jan Zielonka perceptively observed that one of the reasons why parliaments and executives have agreed to delegate so much authority to small groups of jurists is because these courts represent for the new political elites a guarantee that their constitutional rights will still be protected even if they find themselves on the losing side of political conflicts. See Jan Zielonka, "New Institutions in the Old East Bloc," *Journal of Democracy*, Vol. 5, No. 2 (April 1994), pp. 94-95.

62. Defense Minister-designate Gyorgy Keleti interview. *Magyar Nemzet*, 13 July 1994, p. 7. *FBIS-EEU-94-135* (14 July 1994), p. 13.

63. Colonel Jozsef Feher acted as head of the defense ministry's Administrative and Legal Department until 1992 and then as a staff member of the Institute of Military History.

64. *Heti Világgazdaság*, 12 November 1994, pp. 103-104. *FBIS-EEU-94-222* (17 November 1994), p. 22.

65. *Heti Világgazdaság*, 12 November 1994, pp. 103-104. *FBIS-EEU-94-222* (17 November 1994), pp. 21-22.

66. Defense Minister-designate Gyorgy Keleti interview. Budapest *Nepszabadság*, 30 June 1994, pp.1,4. *FBIS-EEU-94-127* (1 July 1994), p. 15.

67. Defense Minister Gyorgy Keleti interview. *Magyar Hirlap*, 25 July 1994, p. 3. *FBIS-EEU-94-144* (27 July 1994), p. 14.

68. Budapest Kossuth Radio Network, 7 September 1994. *FBIS-EEU-94-174* (8 September 1994), p. 13.

69. Budapest MTV, 31 October 1994. *FBIS-EEU-94-211* (1 November 1994), p. 14.

70. Budapest MTV, 13 July 1994. *FBIS-EEU-94-135* (14 July 1994), p. 13; and Budapest Kossuth Radio Network, 20 August 1994. *FBIS-EEU-94-162* (22 August 1994), p. 15.

71. Budapest Kossuth Radio Network, 27 July 1994. *FBIS-EEU-94-145* (28 July 1994), p. 8.

72. Budapest *Nepszabadsag*, 3 August 1994, pp. 1,4. *FBIS-EEU-94-150* (4 August 1994), p. 11.

73. Defense Minister Gyorgy Keleti interview. *Nepszabadsag*, 8 September 1994, p. 6. *FBIS-EEU-94-175* (9 September 1994), p. 16.

74. Budapest MTV Television Network, 29 August 1994. *FBIS-EEU-94-168* (30 August 1994), p. 18. Keleti cleverly proposed to Ukraine that Hungary would be willing to destroy some of their military vehicles prescribed to Ukraine by CFE. Ukraine would give these vehicles to Hungary which, in exchange, would destroy its less modern vehicles. Budapest *Magyar Nemzet*, 5 January 1995, p. 6. *FBIS-EEU-95-006* (10 January 1995), p. 15.

75. Budapest Kossuth Radio Network, 9 November 1994. *FBIS-EEU-94-218* (10 November 1994), p. 18.

76. Budapest MTI, 6 January 1995. *FBIS-EEU-95-005* (9 January 1995), p. 22.

77. Budapest Kossuth Radio Network, 21 January 1995. *FBIS-EEU-95-014* (23 January 1995), p. 27.

78. Budapest MTI, 2 January 1995. *FBIS-EEU-95-001* (3 January 1995), p. 9.

79. Imre Mecs interview, Budapest *Nepszabadsag*, 21 January 1995, pp. 1,7. *FBIS-EEU-95-015* (24 January 1995), p. 36.

CZECHOSLOVAKIA: FROM UNITY TO FEDERATION AND DIVORCE

Czechoslovakia did not have a powerful set of opposition forces like the Catholic Church and Solidarity in Poland. Nor did it have reformers in the Communist Party like Hungary. Nor did Czechoslovakia have by November 1989 a mass popular movement like the one that toppled the seemingly immovable Honecker and the Wall in East Germany. Despite this, and because of population expectations and lack of support for the Communist Party, Czechoslovakia's "Velvet Revolution" was extremely swift. Peaceful demonstrations and revolt, which erupted suddenly on 17 November 1989, ended the Communist Party of Czechoslovakia (CPCS)'s dominance, President Gustav Husak's rule, and led to the naming of a federal government dominated by non-communists on 10 December 1989.

After the Communist government used security troops to suppress a large public demonstration in Prague on 17 November, within days Vaclav Havel united opposition groups to create an umbrella organization, Civic Forum, to press their demands. After five days of strikes, the Communist government led by Prime Minister Ladislav Adamec held its first meeting with Civic Forum representatives.¹ Then after only one week of mass demonstrations, Communist reformer Karel Urbanek replaced Milos Jakes as CPCS leader on 25 November 1989 and ten of the 13 members of the Communist Party presidium resigned.²

On the following day Civic Forum issued a political program entitled "What We Want." Citing the deep moral, spiritual, ecological, social, economic, and political crisis resulting from the ineffectiveness of Czechoslovakia's then existing political and economic system, the Civic Forum political program set forth a number of objectives. Regarding the political system, it called for all political parties to have an equal opportunity to participate in free elections and for the CPCS to abandon its constitutionally guaranteed leading role within society. Regarding the law, the program called for a new constitution, to be adopted by a newly

elected legislative assembly, to make relations more precise between the citizens and state. Finally, regarding the economy the Civic Forum program called for abandoning existing methods and creating a developed market.³

On 29 November the Federal Assembly voted unanimously to abolish the constitutionally guaranteed "leading" role of the Communist Party in government and society.⁴ As pressures continued to deepen between Civic Forum and Prime Minister Adamec over the formation of a new government, which would include Civic Forum representatives, Adamec resigned in frustration on 7 December to be replaced by Marian Calfa, a Slovak.⁵ When the new government was finally formed on 9 December, for the first time since 1948 the Communists became a minority, holding only ten of 21 Cabinet posts. The ministry of interior post was left vacant. Slovak dissident Jan Carnogursky, recently released from prison, became deputy prime minister and headed a new commission overseeing the secret police. Jiri Dienstbier, a dissident who had been imprisoned with Vaclav Havel, became foreign minister. Vaclav Klaus, a Civic Forum strategist, became finance minister.⁶

When President Gustav Husak resigned on 9 December, Civic Forum and its Slovak counterpart Public Against Violence announced that Forum leader Havel was their candidate for president, which according to the Constitution, the Federal Assembly had to elect within two weeks upon a vacancy.⁷ On 29 December 1989, the Federal Assembly elected Vaclav Havel, a distinguished playwright and essayist and one of the spiritual leaders of the opposition to Communist rule, President of the Republic and, as such, took over as commander in chief of the armed forces.

In his new year's address to the Czechoslovak people President Havel set the tone for Czechoslovakia, when he noted:

My dear fellow citizens. For the past 40 years on this day you have heard my predecessors utter variations on the same theme: how our country is prospering...Our country is not prospering...We have become morally ill...I mean all of us, because we all had become accustomed to the totalitarian system...None of us is merely a victim of it, because all of us helped to create it. As the

supreme commander of the defense forces, I intend to guarantee that the defense capability of our state will never again be a pretext to thwart courageous peace initiatives...People, your government has returned to you!⁸

On 29 March 1990, the Federal Assembly approved the state's name change from Czechoslovak Socialist Republic (CSSR) to the Czechoslovak Federal Republic (CSFR). Under Slovak pressure the name of the state was again changed on 20 April to the Czech and Slovak Federal Republic (CSFR). Czechoslovakia's free elections on 8-9 June 1990 resulted in Civic Forum majorities to both parliamentary houses. In the 150-seat House of the People, the Civic Forum/Public Against Violence Coalition received 88 seats; the Communist Party, 22; and the Christian Democratic Union (CDU), 21. In the 150-seat House of Nations, Civic Forum received 82 seats; the Communist Party, 22; and the CDU, 24.⁹ Hence, by June 1990 full democratic mandate existed in Czechoslovakia completing a revolutionary process that had started only seven months earlier.

Hastily Concluded Defense Reform

The purpose of Czechoslovakia's defense reform was to establish federal presidential, governmental and parliamentary command and control over the defense ministry and the Czechoslovak People's Army (CSPA). In addition, the reform had to remove Czechoslovak Communist Party (CPCS) influence from, and establish civil control over the defense establishment and armed forces and to ensure that the forces were sufficient to guarantee the integrity and sovereignty of Czechoslovakia. Finally, the defense reform had to restore the armed forces' prestige in Czech society. In contrast to Poland, Czechoslovak society (like Hungary) held the military in low esteem because the armed forces had remained passive during the Munich crisis in 1938, the February 1948 Communist coup, the 1968 Warsaw Pact invasion of Czechoslovakia, and apparently played a role in supporting counter-revolutionary activities during November 1989.

Constitutional Development. Czechoslovakia's 1960 Stalinist Constitution, which replaced the 1948 Ninth-of-May

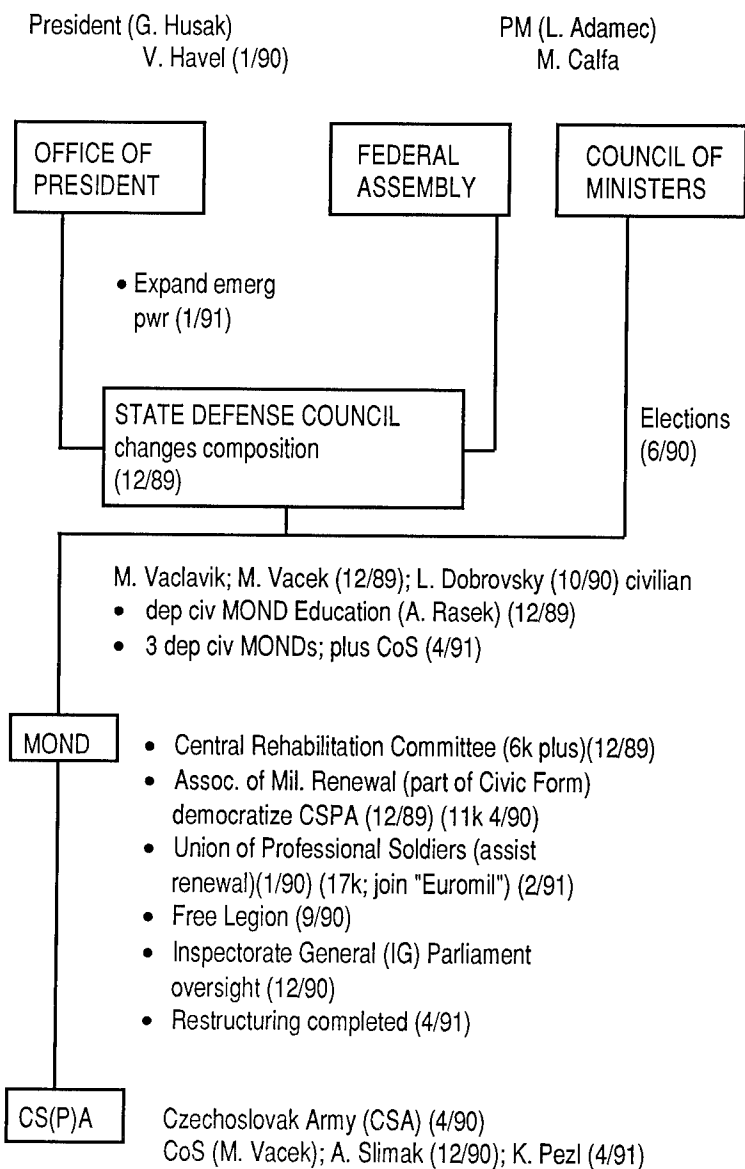
Constitution that severely limited the autonomy granted Slovakia,¹⁰ declares the National Assembly shall be the supreme organ of state power.¹¹ According to Articles 49 and 50.3 of the 1960 Constitution, the National Assembly has the power (by vote of three-fifths of the delegates) to elect the president of the republic, to amend the constitution,¹² and to declare war in case of an attack or in the fulfillment of international treaty obligations.

The Constitution names the president of the republic the head of State and Article 62 grants him the power to: appoint and promote generals; act as commander-in-chief of the armed forces; and proclaim a state of war on the recommendation of the government (premier, the vice-ministers, and ministers) or declare war in pursuance of a National Assembly decree, if Czechoslovakia is attacked.

Because of the concentration of communist governmental authority in Prague, there had been growing discontent in Slovakia. As a result, on 27 October 1968, a new Constitutional Law of Federation amended 58 of the 1960 Constitution's 112 Articles that mainly concerned Slovak autonomy. The 1968 Constitutional Law federalized the government and declared the Czechoslovak State to be composed of "two equal fraternal nations."¹³ It replaced the unicameral National Assembly with a bicameral Federal Assembly (see Table 9 below). The two bodies—the Chamber of the People based on proportional representation and the Chamber of the Nations, which contained an equal number of Czechs and Slovaks—shared equal authority.

Despite the 1968 Constitutional Law of Federation, political power remained highly centralized in the hands of the Communist Party after the Warsaw Pact invasion. In addition, further Constitutional amendments in July 1971 authorized the federal government to interfere with and invalidate measures of the national governments. In other words, although the 1968 reform had remained intact through the 1989-90 revolution, in reality federalism remained little more than a facade after the 1971 constitutional amendments and under unitary Communist Party rule. As a result, after the 1989 revolution the Federal Assembly passed a series of amendments to address these problems. In December 1990 it passed an act on division of

Table 9 CSFR Defense Reform, 1989-90



competencies between the two republics; and in July 1991 debated a law giving the federal and republican parliaments the right to declare a referendum on the form of the state.¹⁴

On 9 January 1991 the Federal Assembly passed a Constitutional Act which instituted a Six Chapter, 44-Article, Charter of Fundamental Rights and Freedoms protecting the individual from the State. In addition the Constitutional Act amended Article 5 of the 1968 Constitutional Act granting equal rights to citizens of both republics and the Federation and guaranteeing the status of nationalities in the CSFR.¹⁵

Concerns over Czechoslovak People's Army (CSPA) subordination to the CPCS were clearly evident during the period of revolutionary change in Czechoslovakia. On 23 November 1989 Defense Minister Milan Vaclavik gave orders for possible use of force and urged the CPCS leadership to put the militia and CSPA on alert¹⁶ and the CSPA published a strongly worded statement asserting that the CSPA would "defend Communism [and the] achievements of socialism."¹⁷ On 24 November Gustav Husak resigned as CPCS leader and the order was never issued.¹⁸

In response to the question to whom the CSPA was subordinated, Defense Minister Vaclavik announced to the Federal Assembly on 29 November 1989 that:

"We identify ourselves, above all, with those who think well of socialism and who are not misusing emotions to exert pressure to de-stabilize the political and economic situation in our society."¹⁹

Apparently the ambiguity in Vaclavik's statement caused enough parliamentary concern to name Miroslav Vacek the new defense minister on 3 December 1989. When the same Federal Assembly asked Vacek the same question on 12 December 1989, he responded: "...from the very inception of the Czechoslovak Republic...the CSPA has always been subordinated in accordance with the constitution, above all, to the president of the republic...[who] has been the commander in chief. I assure you, esteemed deputies, that the CSPA will not be misused against the process which is taking place in our Republic."²⁰ Then on 19 December 1989, Prime Minister Calfa appointed MG Anton Slimak (who was promoted to LTG on 3 May 1990) to be the new Czechoslovak Army (CSA) chief of staff.

Another civil-military issue was the need to ensure the defense ministry's control of the military and guarantee that the CSA would remain subordinate to the government. This was a legitimate concern because of the existence of the then top secret Statute system that provided the Soviet Union direct access to Czechoslovak armed forces and the fact that most of the CSA officers had been trained in the USSR. To achieve this end, during the December 1989 revolution the CSFR changed the composition of the State Defense Council, which was responsible for exercising the general guidelines of the CSFR's defense capabilities. Rather than being chaired by the communist party secretary, the federal president (Vaclav Havel) became the Defense Council chairman, and the prime minister, members of the two national governments, the foreign, defense and interior ministers, and the chairman of the State Planning Commission became its members.²¹

On 29 December 1989, Civic Forum civilian Antonin Rasek became deputy defense minister for education and culture with responsibility for abolishing the CSPA's political apparatus. In March 1990, outside experts proposed that the Federal Assembly create a General Inspectorate of the Czechoslovak Army, independent of the defense ministry. At first nothing was done because the defense ministry opposed the concept claiming that it already had its own inspectorate. Later the defense ministry capitulated and accepted the creation of a General Inspectorate with the proviso that it be created from the reinforced defense ministry inspectorate.

During August 1990 new pressures developed to create a real Inspector General (IG) chosen by parliament to ensure observation of laws and to monitor control of Army.²² The reform effort took on new life on 18 October 1990 when Lubos Dobrovsky, a civilian, became defense minister. On 6 December 1990, the Federal Assembly finally enacted the proposal to create an Inspector General who oversees the armed forces, performs inspections, and prepares parliamentary reports on implementation of constitutional provisions, expenditures, level of preparedness, and implementation of military strategy.²³

During 1989-1990 the CSFR also established a number of oversight bodies to ensure military renewal and defense ministry

subordination to state control. First, Civic Forum was dominant in an Association of Military Renewal [Vojenska Obroda (SVO)] established in December 1989 to participate in the development of CSFR military doctrine and to democratize the CSPA.²⁴ That this was an uphill battle became evident on 20 September 1990 when the SVO Central Committee criticized Defense Minister Vacek, the army leadership's lack of cooperation, and the slow pace of military democratization and restructuring.²⁵

Second, on 19 January 1990 a Union of Professional Soldiers was founded.²⁶ Its purpose was to defend the social welfare of servicemen and to participate in cadre issues. Third, in early September 1990 the founding Congress of the Free Legion [Svoboda Legie] convened in Prague. In opposition to the Army leadership, the Free Legion promoted the goals to reduce Army enrollment, professionalize the force, and promote 12-month military service. The Free Legion had also demanded Defense Minister Vacek's resignation because of his role in the November 1989 counterrevolution.²⁷ Both the Union and Free Legion played less important roles by 1992.

Concerned about the Army's role during the 17-24 November 1989 revolutionary period, on 18 September 1990 President Havel set up an investigation commission comprised of two members from the Federal Assembly Defense and Security Committee, two from SVO, two from the defense ministry Inspectorate, two from the President's Office, and one from the Military Office of the President.²⁸ On 16 October 1990 Havel received the commission's report which proved that Vacek and the Army Command had made preparations—under the code-word operation "Wave"—for actions against demonstrators.²⁹ The aim of the later abandoned operation had been to install army specialists in radio and television and gain control over broadcasts.³⁰ On the same day that Havel received the commission report, he recalled Miroslav Vacek and then (on 18 October) named a civilian, Lubos Dobrovsky to be defense minister.³¹

In the immediate aftermath of the revolution, a serious civil-military issue in Czechoslovakia had been the question of secrecy of military affairs. Because of previous secret police abuses, military counterintelligence, which had been under the dual subordination of the defense and interior ministries, was trans-

ferred as of 1 April 1990, to the defense ministry as military defense intelligence.³² The first stage of the reorganization of military counterintelligence into military defense intelligence had been completed at the end of June 1990 when the security service was transferred to the defense ministry. Some 16 percent of the former military counterintelligence officers did not pass Civic Forum and Military Renewal screening. Though the second stage was to be completed at the end of 1990,³³ on 1 October Vacek reported to the Federal Assembly that military counterintelligence was now subordinated to him; and that as of 1 January 1991 an "army security service" of 40-50 percent of the CSA's 800 military counterintelligence members would be in operation.³⁴

One of Lubos Dobrovsky's first actions was to suspend the activity of the military defense intelligence service (on 26 October 1990), placing all 827 employees on coerced "leave." Dobrovsky did this because he felt Vacek had not been thorough enough since 72 percent of the former members of the military counterintelligence service subjected to evaluations had been deemed fit for further service. Dobrovsky justified his action by noting that: "I believe that the staff of the former counterintelligence service ought to be subjected to screening...identical with those undergone by the staff of the State Security Corps...[adding that] Even people who passed the screening should not work in the military defense intelligence service in the future."³⁵ Deputy Defense Minister Antonin Rasek added that in the future military defense intelligence would function with only about one-fifth of the present staff and would also take over military police tasks, including those of the crime squad.³⁶

In December 1990 Dobrovsky was quite forthcoming in his views. Following the dissolution of military defense intelligence, he intended to create a new unit subordinate to the defense minister to "protect the Army against any kind of destructive act on the part of anyone." In early December this unit had a staff of 80 people, and was envisaged to grow to 180 (compared to the original 827 on coerced leave). An all-professional 1,000-man military police force charged to deal with Army criminal activity and traffic control³⁷ began operating in April 1991.³⁸ In addition, Dobrovsky greatly eased secrecy laws so that publication of troop

size, deployment, and budget were made public, though mobilization plans and everything connected to them remained classified.³⁹

Parliamentary and governmental oversight of the military had advanced through the appointment of a civilian defense minister, the establishment of the Inspector General (IG), organizations such as the SVO and Free Legion, and implementation of screening laws and campaigns.

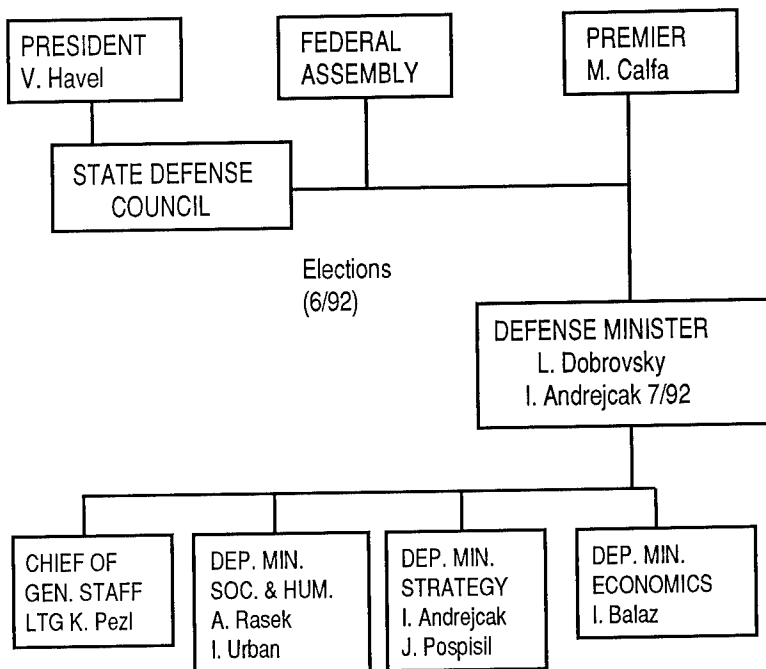
President Vaclav Havel in December 1990 sought an expansion of his emergency authority during periods of serious social unrest, natural disasters, and international incidents. Havel sought the state of emergency bill because the CSFR Constitution—which had been changed after the November 1989 revolution to prevent interference in internal affairs—limited presidential authority and because of concerns about Saddam Hussein's threats of terrorism and the Soviet crackdown in the Baltic.⁴⁰ Havel sought powers to employ the Army, if circumstances warranted, to secure basic food stuffs and telecommunications to prevent state collapse.⁴¹

During Spring 1991 the restructuring of the Czechoslovak federal ministry of defense—as the supreme body of the Army—was completed (see Table 10 below). The political administration section controlled by Defense Minister Dobrovsky was separated from the direct command of the troops, led by the chief of the general staff. Directly subordinate to Dobrovsky was a secretariat and four organizations—the minister's inspectorate, health administration, personnel administration, and the courts.⁴²

The reformed defense ministry comprised four elements:

- (1) A deputy defense minister for social and humanitarian questions, led by a civilian Antonin Rasek, headed directorates on social management, legal service, higher educational institutions, and military institutes for Sociological Research, History of the Army, and Culture.
- (2) A deputy defense minister for strategic management and development headed by Gen. Imrich Andrejcak.⁴³

Table 10 CSFR Defense Reform, 1991-92



- (3) A deputy minister for economic management headed by Ivan Balaz, dealing with budgetary issues, ecology, and private enterprise. This deputy minister had acquired great political importance since the CSFR's military industrial base was disproportionately positioned in Slovakia where 80,000 people were employed. The CSFR's depressed military industry meant higher Slovak unemployment rates, contributing to state tension (and disintegration).

On 25 April 1991 Balaz announced that he would soon present a plan to alleviate the consequences of military industrial unemployment, especially in Slovakia. Not only did Balaz mention the need to get the Czechoslovak Army (CSA)'s special facilities—the 12,000-employee Military Engineering Works and 28,000-employee

Czechoslovak Army Repair Works—more involved in civilian sector "entrepreneurial activity," but also the need to maintain Czechoslovakia's foreign military sales, specifically citing Syria, Iran, Algeria, and Latin America.⁴⁴ Balaz also noted that the earlier announced CSA troop redeployment to Slovakia would *not* take place unless the defense ministry were to get three billion crowns (kcs), which the redeployment was expected to cost and "which the Army does not have."⁴⁵

- (4) The CSA's Chief of General Staff heading the armed forces. Czechoslovakia was able to gain control of the General Staff through different means than Hungary and Poland. Many former military officers, who had sympathized with the 1968 Prague Spring reform, had been cashiered after the Soviet invasion of Czechoslovakia. They provided a pool of former military officers, who were politically reliable, and available for duty. One such officer was MG Karel Pezl, an SVO member and adviser to Lubos Dobrovsky, who replaced LTG Anton Slimak as CSA chief of staff on 29 April 1991.⁴⁶ On 15 May, Pezl noted that his most important tasks were to: "[C]hange the whole image of the Czechoslovak Army in a short period of time and change it from an offensive into a defensive army."⁴⁷ Further military shakeups occurred on 1 June 1991, when Dobrovsky recalled the deputy commander of the General Staff, commander of the Main Logistical Support Branch, and head of the Main Administration of Ground Forces.⁴⁸

During the failed Soviet coup in August 1991 when Czechoslovakia tested its emergency machinery, it (like Hungary) felt less threatened than Poland because Soviet troops had already vacated its territory. On 19 August 1991 the federal interior ministry set up a special security staff, comprising representatives from foreign affairs, defense, transport, the federal intelligence service, and from the republican ministries. The staff met around the clock, issued orders to carry out certain measures on the borders, evaluated incoming information, and prepared proposals for the Defense Council.⁴⁹ On 20 August the Defense Council

approved measures for the defense of the state, securing continuous supplies for the CSFR, and reinforcing the borders against migration.⁵⁰

The CSFR's greatest test came with the 6 June 1992 Federal Assembly democratic elections, whose results brought the CSFR's disintegration. Though Slovak demands for autonomy were realized, it opened a new era in relations between Czechs and Slovaks, and boded ill for Central European security. During the next six months, the federal government began to decline while the two republican governments began to assume more and more authority with the impending 1 January 1993 split.

Czechoslovakia's Velvet Divorce

Constitutional Divorce. When the new Federal Assembly was elected in June 1990 as a constituent assembly, it created a self-imposed mandate to complete a new constitution within its two-year term. By far the most contentious issue facing the constitutional drafters was the structure of the federal state and the respective competencies of the two member republics. As the 1992 elections approached, talks stalled as all parties awaited the results of the elections.

On 11 May, well before the 5-6 June 1992 elections, Vladimir Meciar, head of the Movement for a Democratic Slovakia, met with Vaclav Havel and noted that following a declaration of sovereignty, Slovakia would adopt a new constitution for itself, and then hold a referendum to decide if Slovakia should remain in the federation.⁵¹

In the elections for the Federal Assembly there was an 85 percent turnout in the Czech Republic and 84 percent in Slovakia. The 5 percent threshold to win representation allowed Czechoslovakia to avoid the Polish 1991-fragmentation problem and reduced the number of political parties from more than 20 to six from each republic to the Federal Assembly, with Vaclav Klaus' Civic Democratic Party (ODS) getting 34 percent of the vote in the Czech Republic and Vladimir Meciar's Movement for Democratic Slovakia (HZDS) getting 34 percent of the vote in Slovakia.⁵² On 7 June Vaclav Havel charged Klaus with forming a new federal government.

Czech and Slovak differences were immediately apparent after the 5-6 June 1992 CSFR elections. Klaus's espousal of rapid and radical market reforms clashed with Meciar's more cautious, socialistic economic agenda and penchant for nationalistic proclamations. After meeting with Meciar on 9 June, Klaus noted "deep and fundamental differences in views on the future setup of Czechoslovakia."⁵³ Meciar wanted a sovereign Slovak state with weaker links to Prague; Klaus favored a strong federation or split. After two weeks of discussion, Meciar and Klaus agreed to negotiate a division of Czechoslovakia into two states by 30 September. When the Slovak parliament convened on 23 June, Meciar pushed it to declare sovereignty in July and adopt a Slovak Constitution in August.⁵⁴

On 26 June the CSFR Prime Minister Marian Calfa and government resigned to make way for a new interim Cabinet, which would have only ten members; five Czechs and five Slovaks.⁵⁵ When Jan Strasky (ODS) became the new prime minister instead of Klaus it was clear the split was imminent; Slovaks took over the ministries of foreign affairs, interior, and defense.⁵⁶ CSFR President Havel and Vaclav Klaus, leader of the Czech Civic Democratic Party wanted the next federal defense minister to be a civilian while Meciar's Movement for a Democratic Slovakia wanted a professional soldier.⁵⁷ In the end, Klaus prevailed and LTG Imrich Andrejcak, an independent Slovak, became the new CSFR defense minister after going into the reserve. Jiri Pospisil assumed Andrejcak's position as deputy defense minister for strategy, and Antonin Rasek was recalled and replaced by Igor Urban as deputy defense minister for social and humanitarian affairs.⁵⁸

When the Slovak National Council adopted a declaration of sovereignty with a margin of 113 to 24 (with ten abstentions and three deputies absent) on 17 July,⁵⁹ Vaclav Havel announced he would resign as president. When Havel resigned on 20 July 1992, Jan Strasky, the CSFR prime minister, assumed the president's powers (except the power to appoint and recall the Federal Government). Chief of Staff Karel Pezl confirmed this publicly when he noted that the federal prime minister had now assumed the duties of commander-in-chief of the armed forces.⁶⁰

It was decided that the property of the CSA would be divided

on a ratio of 2:1 among Czechs and Slovaks; with a special consideration for the Air Force and Air Defense. On 23 November 1992 the Czech and Slovak Republics signed a 21-article Treaty of Good Neighborly Relations, Friendship, and Cooperation, which contained guarantees on security consultation (Article 5) and ethnic minority rights (Article 8).⁶¹ Then on 25 November 1992 the CSFR Federal Assembly approved, by the necessary three-fifths vote, the constitutional bill ending the CSFR.⁶² The Constitutional Law On the Termination of the CSFR, which became effective immediately, vested powers in the two republics' legislatures, governments, and courts.⁶³

New Constitutions. At the end of July both the Slovak and Czech National Councils began preparations to draft new constitutions. Though constitutional development of the CSFR had been remarkably advanced, the disintegration of the federation would create new and different problems for each of the successor states. In some ways, particularly for Slovakia, both returned to the 1989-90 stage of development.

Notes

1. Mary Battiata and Blaine Harden, "Premier Holds First Talks With Czech Opposition," *The Washington Post*, 22 November 1989, p. A1. As late as 1 November 1989 Communist Party leader Milos Jakes had categorically refused to engage in dialogue with opposition groups.

2. Blaine Harden "Prague Ousts Leaders," *The Washington Post*, 25 November 1989, pp. A1, A17.

3. For the Civic Forum Program, see *Journal of Democracy*, Vol. 1, No. 1 (Winter 1990), pp. 125-127.

4. Blaine Harden, "Shame, Regret Pervade Legislature In Prague," *The Washington Post*, 30 November 1989, p. A54.

5. Dan Morgan, "Czechoslovak Premier Steps Down," *The Washington Post*, 8 December 1989, p. A1.

6. Dan Morgan and Stuart Auerbach, "Czechoslovak Cabinet Installed With Communists In Minority," *The Washington Post*, 11 December 1989, pp. A1, A28.

7. On 19 December the Federal Assembly extended the deadline by 40 days. Mary Battiata, "Communists Back Havel Candidacy," *The Washington Post*, 20 December 1989, p. A27.

8. Vaclav Havel, "People, Your Government Has Returned to You!" *Journal of Democracy*, Vol. 1, No. 2 (Spring 1990), pp. 99-105.

9. Prague CTK, 9 June 1990. *FBIS-EEU-90-112* (11 June 1990), p. 31.

10. The executive branch of the Slovak government was abolished and its duties assigned to the Presidium of the Slovak National Council, thus combining executive and legislative functions in a single body. The federal government National Assembly had the authority to overrule decisions of the Slovak National Council, and central government agencies took over the administration of the Slovak local government.

11. *Constitution of the Czechoslovak Republic* (11 July 1960) (Prague: Orbis, 1964).

12. On 28 December 1989 the Federal Assembly voted to amend the Constitution to allow the appointment of the 23 new deputies to replace the 23 hard-line Communists who resigned. On 29 December the Federal Assembly elected Vaclav Havel president. Sydney Rubin, "Ousted Reformer Dubcek Heads Prague's Assembly," *The Washington Post*, 29 December 1989, p. A1.

13. *Czechoslovakia: A Country Study* (Washington, DC: Library of Congress, 1989), p.193.

14. *East European Constitutional Review*, Vol. 1, No. 1 (Spring 1992), p. 3.

15. Sections 4 & 5, *Constitutional Act of 9 January 1991* (CSFR Embassy Mimeo), pp. 1-2.

16. CTK, 6 November 1990.

17. *The London Times*, 24 November 1989.

18. Zoltan D. Barany, "East European Armed Forces In Transitions and Beyond," *East European Quarterly*, Vol. XXVI, No. 1 (March 1992), p. 13.

19. Prague Domestic Service, 12 December 1989. *FBIS-EEU-89-239* (14 December 1989), p. 27.

20. *Ibid.*, p. 28.

21. ColGen Miroslav Vacek 15 December 1989 interview, *Rude Pravo*, 16 December 1989, p. 1. *FBIS-EEU-90-002* (3 January 1990), p. 33.

22. *Respekt*, 14 August 1990, pp. 4-5. *JPRS-EER-90-148* (26 October 1990), pp. 18-19.

23. Prague CTK, 6 December 1990. *FBIS-EEU-90-238* (11 December 1990), p. 16.

24. Bratislava *Pravda*, 29 December 1989, p. 2. *FBIS-EEU-90-002* (3 January 1990), p. 31. Also, *Rude Pravo*, 11 January 1990, p. 3. *FBIS-EEU-90-010* (16 January 1990), p. 38.

25. Prague CTK, 20 September 1990. *FBIS-EEU-90-185* (24 September 1990), p. 28.

26. Prague Domestic Service, 19 January 1990. *FBIS-EEU-90-018* (26 January 1990), p. 35.
27. *Narodna Obroda*, 12 September 1990, p. 3. *FBIS-EEU-90-185* (24 September 1990), p. 28.
28. *Svobodne Slovo*, 19 September 1990, p. 1. *FBIS-EEU-90-190* (1 October 1990), p. 23.
29. *Mlada Fronta Dnes*, 19 October 1990, pp. 1,2. *FBIS-EEU-90-205* (23 October 1990), p. 15; Prague Domestic Service, 18 October 1990. *FBIS-EEU-90-203* (19 October 1990), pp. 15-16.
30. *Mlada Fronta Dnes*, 19 October 1990. *FBIS-EEU-90* (23 October 1990), p. 15.
31. Prague CTK, 16 October 1990. *FBIS-EEU-90-201* (17 October 1990), p. 8. In his first order Dobrovsky banned the Free Legion until it could be investigated. On 30 October Dobrovsky lifted his order suspending the Free Legion's activities.
32. ColGen Miroslav Vacek interview, 9 February 1990. *FBIS-EEU-90-029* (12 February 1990), p. 18.
33. Prague *Svobodne Slovo*, 12 July 1990, p. 1. *FBIS-EEU-90-139* (19 July 1990), p. 17.
34. Prague CTK, 1 October 1990. *FBIS-EEU-90-193* (4 October 1990), p. 20.
35. Lubos Dobrovsky interview, *Mlada Fronta Dnes*, 30 October 1990, p. 2. *FBIS-EEU-90-215* (6 November 1990), p. 11.
36. Prague Domestic Service, 28 November 1990. *FBIS-EEU-90-230* (29 November 1990), p. 21.
37. Lubos Dobrovsky interview, *Mlada Fronta Dnes*, 13 December 1990, p. 3. *FBIS-EEU-90-245* (20 December 1990), p. 23.
38. Prague CTK, 17 April 1991. *JPRS-EER-91-053* (25 April 1991), p. 2.
39. Col.Eng. Josef Ocnas interview, *Prace*, 24 March 1990, pp. 1,2. *FBIS-EEU-90-064* (3 April 1990), pp. 23-24.
40. Prague Domestic Service, 22 January 1991. *FBIS-EEU-91-015* (23 January 1991), p. 15.
41. Vaclav Havel 15 December 1990 interview, Prague Domestic Service, 16 December 1990. *FBIS-EEU-90-242* (17 December 1990), p. 29.
42. Antonin Rasek interview, *Narodna Obroda*, 2 April 1991, p. 6. *FBIS-EEU-91-066* (5 April 1991), p. 18.
43. *Krasnaya Zvezda*, 6 April 1991, p. 2. *JPRS-UMA-91-011* (23 April 1991), p. 51.
44. *Hospodarske Noviny*, 25 April 1991, p. 3. *FBIS-EEU-91-085* (2 May 1991), p. 9.

45. *Rude Pravo*, 25 April 1991, p. 3. *FBIS-EEU-91-085* (2 May 1991), p. 9.

46. Prague CTK, 29 April 1991. *FBIS-EEU-91-082* (29 April 1991), p. 14.

47. Prague CTK, 15 May 1991. *JPRS-EER-91-070* (23 May 1991), p. 13.

48. Prague Federal 1 Television, 24 May 1991. *FBIS-EEU-91-103* (29 May 1991), p. 17.

49. Prague Ceskoslovensky Rozhlas, 19 August 1991. *FBIS-EEU-91-161* (20 August 1991), p. 16.

50. Prague Ceskoslovensky Rozhlas, 20 August 1991. *FBIS-EEU-91-162* (21 August 1991), pp. 11-12.

51. Prague CSTK, 11 May 1992. *FBIS-EEU-92-092* (12 May 1992), p. 8.

52. *FBIS-EEU-92-110* (8 June 1992), pp. 14-18.

53. Prague CSTK, 9 June 1992. *FBIS-EEU-92-111* (9 June 1992), p. 14.

54. Prague CSTK, 23 June 1992. *FBIS-EEU-92-124* (26 June 1992), p. 9.

55. On 16 July 1992 the Federal Assembly approved a "CSFR Government Policy Statement" that outlined the new reduced Federal Government structure and stated how powers would be divested to National Councils which were to reach agreements by the end of September. For text, see *Hospodarske Noviny*, 22 July 1993, p. 7. *FBIS-EEU-92-144* (27 July 1992), pp. 10-14.

56. Vaclav Havel news conference, Prague Stanice Ceskoslovensko Radio, 1 July 1992. *FBIS-EEU-92-128* (2 July 1992), p. 8.

57. *RFE/RL Daily Report*, No. 122 (30 June 1992), p. 4.

58. Prague Stanice Ceskoslovensko Radio, 17 September 1992. *FBIS-EEU-92-182* (18 September 1992), p. 7.

59. *RFE/RL Daily Report*, No. 136 (20 July 1992), p. 8.

60. Prague CSTK, 20 July 1992. *FBIS-EEU-92-140* (21 July 1992), p. 5.

61. Treaty text, *Hospodarske Noviny*, 8 December 1992, p. 8. *FBIS-EEU-92-240* (14 December 1992), pp. 20-23.

62. In the Chamber of the People, 92 voted in favor, 16 against, and 28 abstained. In the Czech part of the Chamber of Nations, 45 voted in favor, 7 against, and 11 abstained. In the Slovak part, 46 voted in favor, 7 against, and 16 abstained. Prague Stanice Ceskoslovensko Radio, 25 November 1992. *FBIS-EEU-92-228* (25 November 1992), p. 4.

63. Text, *Mlada Fronta Dnes*, 26 November 1992, p. 6. *FBIS-EEU-92-232* (2 December 1992), pp. 8-9.

THE CZECH REPUBLIC

The Czech National Council passed a resolution assuming responsibility for affairs of the republic on 19 November and adopted a constitution on 16 December 1992 by vote of 172 to 16 with 10 abstentions. Its preamble, in contrast to Slovakia, emphasizes the civil rather than national aspect of citizenship. Legislative power is vested in a bicameral parliament; a 200-member Chamber of Deputies with four-year terms and an 81-member Senate elected for a six-year term (one-third every two years). Since the Czech Parliament rejected the proposal that federal deputies be transferred to the Senate, it remained unoccupied through 1994. Constitutional amendments require a three-fifths majority of all deputies of the Chamber of Deputies and of all members of the Senate present.¹

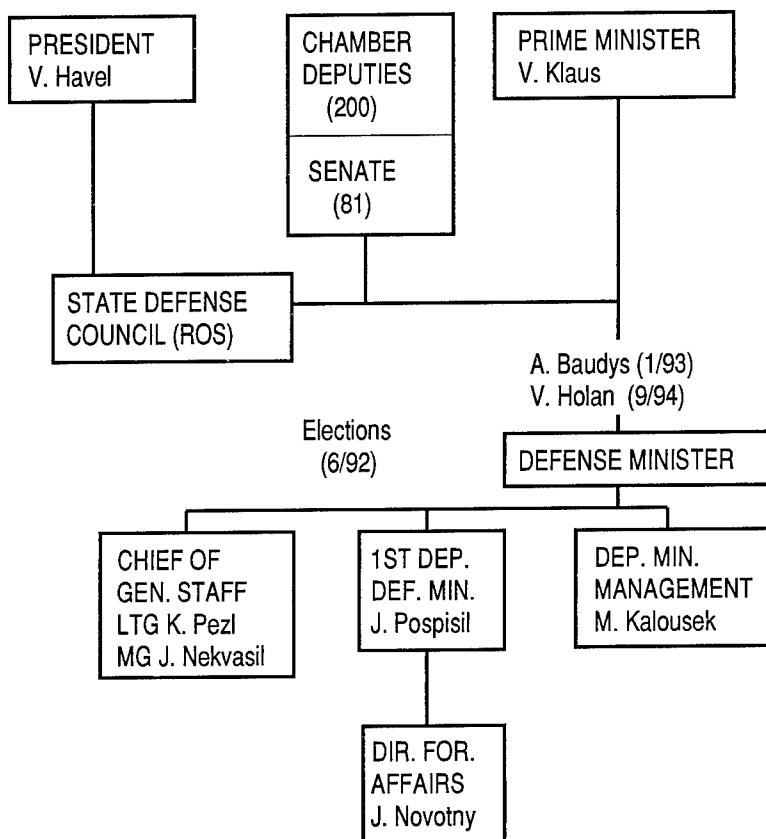
The president, as commander-in-chief, is elected by simple majority of both chambers of parliament for a five-year term. The powers of the Czech president, in contrast to the strong CSFR president, are more like the German-model; the president represents symbolic and moral authority. The government is the supreme executive power. Although the president appoints members of government, it is at the suggestion of the prime minister, who determines the government's composition (see Table 11 below). The president appoints the Constitutional Court of 15 judges for ten-year terms with Senate approval. Constitutional amendments require three-fifths of all deputies.² On 26 January 1993, 109 (of 200) Parliamentary deputies elected Vaclav Havel the Czech Republic's first president.³

Vaclav Havel's actual powers as president of the Czech Republic are much more limited than those he held under the former CSFR Constitution in that he no longer has the right to put forth legislative initiatives. Article 62 outlines his independent powers, which on close examination are quite limited, and Article 63 outlines those powers limited by prime ministerial signature. One potential problem is Article 63(c) which declares the president "supreme commander of the armed forces" but still

requires him to get prime ministerial approval for his actions as well as his power to commission and promote generals [Article 63(g)].⁴ In sum, his powers are limited and can be the cause of confusion during an emergency.

Despite the fact that the State Defense Council (ROS) had no legal basis in the Czech Constitution, the President's office initially named members anyway.

Table 11 Czech Reform, 1993



These include the prime minister, ministers of finance, foreign affairs, defense, interior, industry and trade, environment, and military officers from the Office of the President, Government, and General Staff. President Havel noted that: "According to Article 63 of the Constitution, the President has the right to

exercise legal powers which are not expressly defined in a constitutional law, if the law so stipulates."⁵ In March 1993 the Government Office for Legislature and Public Administration declared that the State Defense Council could not exist as a state agency, but it could act as a consultative body to the president.⁶ As a result, the State Defense Council no longer exists.

Constitutional politics. In contrast to Slovakia, Czech constitutional politics have been relatively calm. This was, in part, due to the ongoing strength of the ruling Civic Democratic Party (ODS) led by Prime Minister Vaclav Klaus which controlled 105 seats of the 200-seat Chamber of Deputies. (Deputies from the June 1992 Czech National Council were reassigned to the Chamber of Deputies). The Senate, though, was not filled, because of a difference of opinion as to whether Senators from the CSFR Senate should be coopted to fill the body (opposed by the Civic Democratic Alliance (CDA) and failed a vote because it required a two-thirds Chamber of Deputies majority), or abolish the Senate (which was rejected on March 24, 1993). The Chamber of Deputies therefore fulfills the duties of the Senate until that body will be elected (Article 106, Secs. 2-3).⁷

During the first months of 1994 the Senate remained an issue. The opposition Social Democrats and the Communists wanted to abolish the Senate. Vaclav Klaus' ODS wanted the Senate elections to take place in 81 single-member districts; the CDA as well as two Christian parties [Christian Democratic Party (ChDP) and Christian Democratic Union (CDU)] wanted to organize 27 electoral districts, with the top three vote-getters in each district becoming senators. Despite these differences, the ODS-CDA-ChDP-CDU coalition remained stable. On 27 September 1994 the Parliament rejected a constitutional amendment abolishing the Senate.

Military. On 4 January 1993 Antonin Baudys (of the Christian Democratic Union) became the Czech Republic's first defense minister. He immediately announced that "no major changes have been made in the Army since 1989"⁸ and therefore radical steps would be needed to adjust the structure and size of the defense ministry and Army to meet needs of integration into the European defense system. Baudys also retained former CSFR

Chief of General Staff and Deputy Defense Minister Karel Pezl in the Czech defense ministry and established a commission to work out a Concept for the Czech Army, which must be prepared on the basis of a new military doctrine and on the future integration of the Czech Republic into European defense structures.⁹ Baudys noted that the draft would be available for the Parliament to debate and consider.

Baudys wanted to delineate responsibility between the General Staff, which needs to be concerned with command, and the civilian defense ministry, which is concerned with equipment allocation and supply, management of production enterprises, and foreign contacts. Also noting that many qualified younger officers had been leaving the military, Baudys charged First Deputy Defense Minister Jiri Pospisil to establish a new personnel system within the Army.¹⁰

The defense minister envisaged, with Parliament's participation, that "screening" or interviews and tests of aptitude would be necessary for service in the new Czech Army.¹¹ On 17 May 1993 the defense ministry issued the order to begin screening of 28,000 professional soldiers by the end of the year. Baudys indicated that officers who participated in the purge of the armed forces after 1968 or in the clamp down on demonstrations in 1989 would be fired. In addition, personnel reductions would require 8,000 to 10,000 professionals to leave the armed forces or retire.¹² Though the Parliament Defense and Security Committee criticized the process and results, when the screening had been completed, it concluded that the majority of the Army's officers would defend the sovereignty of the Czech Republic.¹³

On 1 January 1993, the Czech Republic Army comprised 106,447 (69,488 in the Army and 36,959 in Air Force and Air Defense).¹⁴ In his first meeting with the Czech Parliament Defense and Security Committee, Baudys argued that the Czech Army's weapons must be replaced to approach Western standards and noted that the ministry was drafting a concept for reequipping the Army.¹⁵ At its first (29 April 1993) session the State Defense Council (ROS) recommended that the government approve (which it did on 9 June) a draft of the new Czech Army structure. The goal was to build down those forces to roughly

65,000 and to restructure those forces according to a brigade system.¹⁶

By the end of 1995, the Czech ground forces will have been restructured. The 28,000-man brigade-based Army will be divided into an Expedition Army Force, a 15-brigade Territorial Defense Force, and a Rapid Deployment Brigade that would train for specific cooperation with foreign (specifically NATO) forces.¹⁷ In addition, there will be an Air Force and Air Defense troops. The Czech forces will have different equipment than Hungary and Slovakia, which acquired MiG-29s from Russia as part of their debt consolidation. The Czechs made a conscious decision not to buy MiG-29s nor to re-equip their Army with Russian or Ukrainian equipment. In fact, during 1994 they decided to ground their MiG-29s and, instead, to use MiG-23s until 1999 and to modernize their 36 MiG-21s.¹⁸ The Czech Army also intends to buy 72 Czech-made L-159 interceptors (to replace its MiG-21 and MiG-23s) produced by Aero Vodochody between 1998-2004.¹⁹

On 1 July 1993 MG Jiri Nekvasil replaced Karel Pezl as chief of staff of the Czech Army. In contrast to all other Central European general staffs, the Czech General Staff had been so transformed that Nekvasil noted in a July interview that "there are none of the original principal officers anymore."²⁰ In an effort to return the Army to the people, on 19 August 1993 Nekvasil apologized to the citizens of the Czech Republic for the role played by the Army in suppressing demonstrations in August 1969; he openly conceded that the Army had been used against the people by the former Communist Party and that he would declassify secret documents on 20 August.²¹

During September 1993 when Yeltsin dissolved the Russian Parliament, Defense Minister Baudys argued that the situation should not be dramatized or exaggerated. Baudys argued that a normal development could be expected, as long as armed forces do not intervene. At a 23 September news conference, Jiri Nekvasil announced that he had ordered the intensification of military intelligence.²² As the Russian situation degenerated in early October, Havel, Klaus, and Baudys all went on public record that Russia posed no direct threat to the Czech Republic.

With NATO's introduction of Partnership For Peace (PFP)

Baudys noted that all exercises undertaken by the Czech Army will be subject to the consent of parliament. Article 43 of the Czech Constitution allows for Czech forces to operate outside Czech territory only with consent of both houses of parliament. Article 39 provides foreign troop presence on Czech soil to be approved by a majority of the Senate.²³ On 29 April 1994, the parliament approved the government proposal to permit short-term military training and exercises on Czech soil (5,000 foreign troops for up to 21 days) and for Czech units to participate abroad (700 troops for up to 30 days).²⁴

On 10 March 1994 Vaclav Klaus signed the PFP general agreement making the Czech Republic the 11th country to join the project. Defense Minister Baudys noted of the program that, "it is the maximum possible and the minimum desired."²⁵ The first joint exercise with a Western Army under PFP took place 15-25 March 1994 when 32 Dutch marines participated with 120 members of the Czech Rapid Deployment Battalion on Czech soil. In 29 May-10 June, 130 French troops participated in exercises in the Czech Republic with 120 members of a company of the 23rd Czech Mechanized Battalion.²⁶ During 9-19 September, a platoon of 40 soldiers of the Czech 4th Mechanized Regiment participated in "Cooperative Bridge-94" in Poland.²⁷ The first joint Czech-German military exercise of 400 troops took place during 7-11 November on both sides of the common border.²⁸ On 9 May, the Czech Republic signed its associated partnership agreement with the WEU.

The Rapid Deployment Brigade, which has some 3,000 men and became operational on 1 July 1994, represents the model of the Czech Republic's future forces. The equipment of this brigade will be compatible with NATO and its units will participate in NATO exercises. Though the Czech Parliament reduced the 1994 defense budget to 27 billion korunas (Kc), it reoriented priorities and included new line-item expenditures of Kc800 million for creating the Rapid Deployment Force, Kc50 million for restructuring the logistics system, and Kc300 million for modernizing communications.²⁹

By spring 1994 the former six-tier organization of the Army began merging into three levels—General Staff, army corps, and brigades. General Nekvasil noted that the Rapid Deployment

Brigade would be completed on 30 June 1994; adding that training with Dutch soldiers in PFP was useful in developing standards for the Brigade.³⁰ The Air Force went through similar change; of 400 aircraft, 77 combat aircraft (including the 10 MiG-29s), 20 trainers, 10 transports, and 20 transport helicopters were put out of service (a full one-third). According to General Pavel Strubl, the Czech Air Force chief, this "shock therapy was necessary because without radically limiting the bloated Air Force, where almost all costs are expenditures on the operation of the aging fleet, the Air Force would gradually become extinct."³¹

On 22 September 1994 Vilem Holan succeeded Antonin Baudys as defense minister. Shortly after assuming office, Holan criticized the Army vetting that occurred under Baudys, claiming that only sixty people did not pass the screening.³² Holan argued that his priorities would be military education and to change the structure of the officers corps because "there are too many high-ranking officers."³³ After a few months in office, Holan saw defense ministry challenges in the following two areas. First, he continued to see the need to change the personnel management system. He noted that he had set up personnel board to establish criteria and guidelines for career paths for military promotion. Second, he wanted to break through the "impediments in legislation" and adopt a Law on the Army, a Law on the Conditions of Service, and a new Defense Law.³⁴

In reference to NATO membership Defense Minister Holan noted that "it is possible to anticipate that the conditions for NATO membership will be clearly defined in the near future—that is, certain standards will be drawn up...[adding] the 'cheap' phase of our decisions is coming to an end, and the phase that will cost us something is beginning."³⁵ Indeed, projected costs of modernization were as high as 120 billion korunas (Kc) (\$4.4 billion) beginning 1995 to the year 2005; to include Kc15 billion for small arms and anti-tank weapons, Kc33.6 for Air Force acquisitions (to include 72 L-159 aircraft from Aero Vodochody for Kc15 billion),³⁶ Air Defense spending of about Kc10 billion, and Kc10 billion for radars and computer equipment.³⁷

Deputies of the Parliament's Defense and Security Committee

in late November asked Holan to freeze the modernization of the 36 MiG-21 aircraft. Deputy committee chairman Tomas Fejfer stated that "to be able to...give so much money for the project, we need complete and exhaustive information on this... matter."³⁸ According to the Acquisition Plan for the Czech Army's Development, adopted in November 1994, apart from linguistic ability of the officer corps, the priority is to acquire a computer system that would be capable of communicating with NATO, for which it earmarked Kc6 billion for 1995.³⁹

In mid-December 1994, the government approved a document entitled "Military Strategy of the Czech Republic" which noted that the Army must be able to face danger on its own, but that a small Army has its limits. Thus, the Czech Republic seeks membership in alliances, specifically NATO. The document also described the structure of the Armed Forces; that the army should be nonpartisan, semi-professional, and subject to public and parliamentary control.⁴⁰

President Vaclav Havel in his New Year's address called on the Czech Parliament to pass a law that would finally enable a Senate to be created in the Czech Republic. Later in the month, after an informal meeting with senior Czech Army officers Havel noted that: "I realize that, after all these complicated changes, the Army is led by a relatively good team of younger generals who are willing to build the democratic army of a democratic state."⁴¹

Notes

1. Pavel Mates, "The Czech Constitution," *RFE/RL Research Report*, Vol. 2, No. 10 (5 March 1993), pp. 53-57.
2. Pavel Mates, "The Czech Constitution," *RFE/RL Research Report*, Vol. 2, No. 10 (5 March 1993), pp. 53-57.
3. *RFE/RL Daily Report*, No. 17 (27 January 1993), p. 3.
4. Vojtech Cepl and Mark Gillis, "Czech Republic," *East European Constitutional Review*, Vol. 3, No. 1 (Winter 1994), pp. 66-67.
5. Prague CTK, 10 March 1993. *FBIS-EEU-93-046* (11 March 1993), p. 13.
6. *Mlada Fronta Dnes*, 13 March 1993, p. 2. *FBIS-EEU-93-051* (18 March 1993), p. 12.

7. Vojtech Cepl and David Franklin, "Senate, Anyone?" *East European Constitutional Review*, Vol. 2, No. 2 (Spring 1993), pp. 58-60.

8. Prague CTK, 7 January 1993. *FBIS-EEU-93-005* (8 January 1993), p. 11.

9. Antonin Baudys interview, *Prague Telegraf*, 2 February 1993, pp. 1,3. *FBIS-EEU-93-026* (10 February 1993), p. 10.

10. Antonin Baudys interview, *Prague Respekt*, No. 4 (35-31 January 1993), p. 9.

11. In a March 1993 interview, Defense Minister Baudys argued for screening. Citing examples of past screening failures, Baudys mentioned that former Defense Minister Miroslav Vacek and CoS Anton Slimak had destroyed files on the army's preparations in November 1989. *Prague Telegraf*, 23 March 1993, pp. 1,9. *FBIS-EEU-93-057* (26 March 1993), pp. 11- 13.

12. Prague CTK, 17 May 1993. *FBIS-EEU-93-096* (20 May 1993), pp. 6-7. During 1993, 6,594 individuals left the Army, including 113 NCOs, 1,856 warrant officers, 4,607 officers, and 18 generals. At the same time, 1,821 individuals joined the Army, including 438 NCOs who joined UNPROFOR. General Jiri Nekvasil press conference, *A Report*, 22 February 1994, p. 3. *FBIS-EEU-94-084* (2 May 1994), pp. 8-9.

13. Chairman of Parliamentary Defense and Security Committee, Vladimir Suman interview, *Cesky Denik*, 11 April 1994, pp. 1,2. *FBIS-EEU-94-074* (18 April 1994), pp. 15-16.

14. *Prague Report*, 3 January 1993, p. 3.

15. *Prague Lidove Noviny*, 12 February 1993, p. 3. *FBIS-EEU-93-031* (18 February 1993), p. 23.

16. Prague CTK, 29 April 1993. *FBIS-EEU-93-083* (3 May 1993), p. 18.

17. Defense Minister Baudys interview, *Lidove Prace*, 23 April 1993, p. 3. *FBIS-EEU-93-079* (27 April 1993), p. 19. Some of the last mechanized brigades were transformed from divisions by early 1995. During the first week of 1995, the 6th and 7th Mechanized Brigades in Brno and Kromeriz. The last one, the 8th, is scheduled to start on 1 July 1995, rather than the end of the year. *Hospodarske Noviny*, 4 January 1995, p. 2. *FBIS-EEU-95-007* (11 January 1995), p. 5.

18. *RFE/RL Daily Report*, No. 121 (28 June 1994), pp. 4-5.

19. Prague CTK, 10 July 1994.

20. MG Jiri Nekvasil interview, *A Report*, 27 July 1993, pp. 8-9.

21. *Prague Mlada Fronta Dnes*, 12 August 1993, p. 2. *FBIS-EEU-93-163* (25 August 1993), p. 14.

22. Prague Radiozurnal Radio Network, 23 September 1993. *FBIS-EEU-93-184* (24 September 1993), p. 5.
23. Prague CTK, 26 January 1994. *FBIS-EEU-94-018* (27 January 1994), p. 3.
24. *FBIS-EEU-94-117* (17 June 1994), p. 13.
25. Prague CTK, 7 March 1994. *FBIS-EEU-94-049* (14 March 1994), p. 8.
26. Prague Radiozurnal Radio Network, 29 May 1994. *FBIS-EEU-94-104* (31 May 1994), p. 18.
27. Prague CTK, 3 August 1994.
28. Prague CTK, 12 October 1994. *FBIS-EEU-94-199* (14 October 1994), p. 5.
29. Prague Radiozurnal Radio Network, 5 April 1994. *FBIS-EEU-94-065* (5 April 1994), p. 4.
30. General Jiri Nekvasil interview, *Denni Telegraf*, 6 April 1994, pp. 1,3. *FBIS-EEU-94-072* (14 April 1994), pp. 9-10.
31. Prague *Lidove Prace*, 20 October 1994, p. 9. *FBIS-EU-94-207* (26 October 1994), p. 5. Colonel Frantisek Padek, the deputy Air Force chief, noted that the result of the cut was to move up from "the suicidal 50 flying hours annually to 90 hours." Ibid.
32. Though he may have had some initial reservations, within a few months Holan's assessment had changed. In a December 1994 interview, he noted: "I believe that the officer corps is loyal. Its members are soldiers through and through." Prague *Lidove Noviny*, 10 December 1994, p. 3. *FBIS-EEU-94-239* (13 December 1994), p. 4.
33. Prague CTK, 10 October 1994.
34. Defense Minister Wilem Holan interview, Prague *Mlada Fronta*, 21 November 1994, p. 7. *FBIS-EEU-94-228* (28 November 1994), p. 11.
35. Vilem Holan, Prague *Lidove Noviny*, 19 November 1994, p. 5. *FBIS-EEU-94-226* (23 November 1994), p. 2.
36. Rockwell International won the contract for supplying on-board electronics for the L-159. Prague *Lidove Noviny*, 22 November 1994, p. 1 *FBIS-EEU-95-003* (5 January 1995), p. 6.
37. Prague *Rude Pravo*, 23 November 1994, p. 3. *FBIS-EEU-94-229* (29 November 1994), pp. 8-9.
38. Prague *Mlada Fronta*, 30 November 1994, p. 2. *FBIS-EEU-94-239* (13 December 1994), p. 4.
39. Prague *Respekt*, 12-18 December 1994, p. 5. *FBIS-EEU-94-242* (16 December 1994), p. 5.

40. Prague *Lidove Noviny*, 29 December 1994, pp. 1,3. *FBIS-EEU-95-004* (6 January 1995), pp. 5-6; also Prague *Respekt*, No. 1 (28 January 1995), p. 4. *FBIS-EEU-95-008* (12 January 1995), pp. 7-8.

41. Vaclav Havel interview. Prague Radiozurnal Network, 29 January 1995. *FBIS-EEU-95-019* (30 January 1995), p. 6.

SLOVAKIA

The Slovak National Council approved the Slovak Constitution on 1 September 1992 by the necessary three-fifths majority (114 of 150).¹ It was signed by Slovak Parliament chairman Ivan Gasparovic and Prime Minister Meciar on 3 September. By its introductory words ("We, the Slovak nation....") the nine chapter, 155-article Slovak Constitution stresses national rather than civil aspects of citizenship² and outlines the Slovak government. The unicameral National Council has 150 delegates elected for four-year terms (see Table 12 below). The president, elected by three-fifths of the deputies, serves for a five-year term and is the national command authority. The government—prime minister, deputies, and ministers—is appointed and recalled by the president, who also appoints judges to the Constitutional Court for a seven-year term.³

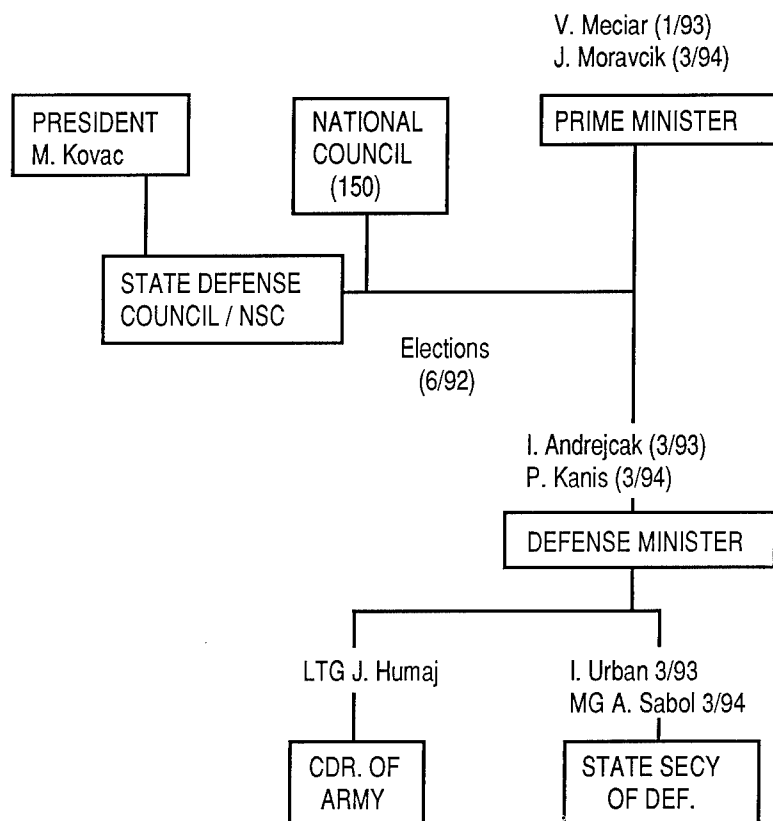
In contrast to the Czech Republic which elected Vaclav Havel on the first ballot, it took the Slovaks weeks to cast a number of ballots. (Alexander Dubcek, the leading presidential candidate had been fatally injured in an automobile accident.) Finally, on 15 February, 106 deputies elected Michal Kovac, one of the Movement for Democratic Slovakia's (HZDS) co-founders, Slovakia's first president; he was inaugurated on 2 March 1993.⁴

On 16 December 1992 the Slovak National Council approved the creation of the Armed Forces of the Slovak Republic, with about 43,000 troops, and a new defense ministry. The Slovak Constitution binds the armed forces to maintain all treaties and agreements made by the Czechoslovak Federal Republic (CSFR). All Slovaks (including those previously serving in the Czechoslovak Army) had to swear allegiance of loyalty to Slovakia by 31 January 1993, to be allowed to serve in the new Slovak Army.

Almost immediately, disputes within the governing Movement for a Democratic Slovakia erupted and dominated constitutional politics. In January a personal dispute arose between two of the movement's founders—Prime Minister

Meciar and Foreign Minister Milan Knazko—when Meciar accused Knazko of persuading deputies not to vote for Meciar's candidate in the fractious presidential election. As tension between the two escalated, on 7 February Meciar asked Knazko to resign (as foreign minister), but President Kovac expressed reluctance to oust Knazko. Since the 1993 Constitution says a cabinet member can only be removed by the president (at the request of the prime minister or if the parliament withdraws its confidence) Kovac announced on 10 March that he would turn to

Table 12 Slovak Defense Reform, 1993



the Constitutional Court to determine if he was obliged to fire Knazko. When Meciar threatened to resign unless Knazko was removed, Kovac without waiting for a Court ruling removed Knazko and Jozef Moravcik became the new foreign minister on 19 March 1993.

Ironically, on 2 June 1993 the Constitutional Court ruled that according to Article 116.4 of the Constitution, the president has no duty to accept a prime ministerial motion of dismissal of a minister. Though Kovac had already fired Knazko, the decision did serve as a final interpretation of the vague constitutional article.

Knazko, stealing away 7 of the HZDS's 74 members in the 150-seat Council, then formed a parliamentary caucus of his own; a new Alliance of Slovak Democrats (ADS). Then on 19 March, Ludovit Cernak, Chairman of the Slovak National Party (SNP), allegedly in protest over Imrich Andrejcak's appointment as defense minister, also bolted the HZDS coalition. As a result, Meciar was now in minority with 66 seats. Through June he attempted to create a new alliance with the SNP (which would bring his total to 81 seats), but the discussions broke down. The failure of coalition talks threatened early elections.

On 19 October 1993 Meciar finally formed a coalition with Ludovit Cernak, leader of the SNP; the HZDS-SNP coalition held 80 of the 150 parliament seats. After two weeks of negotiation, Meciar submitted a list of seven ministers to Michal Kovac on 5 November. President Kovac accepted the nomination of only six, refusing the name of Ivan Lexa as privatization minister. Meciar withdrew the list of seven, then on 9 November re-submitted a list of only six.

Military. The challenge of constructing a new defense ministry in Bratislava, the army command in Trencin, and a new army was daunting. On 16 March 1993, President Kovac appointed Imrich Andrejcak, former CSFR defense minister, as Slovakia's new defense minister. At the end of May, the government approved a bill that created a National Security Council to replace the State Defense Council.⁵

The Army's most urgent task was to create an Army of the Slovak Republic. This meant redeploying troops which in turn required the construction of apartments for officers and families,

transforming the military educational system, preparing a military doctrine, and building an army compatible with Western-style military systems.

On 1 March 1994 the Slovak government approved two key documents: The first—"Principles of Slovakia's National Security" confirmed parliament's civil control of the military by establishing the republic's national defense system; the second—Slovak Republic's Defense Doctrine—committed Slovakia to international agreements limiting forces and arms, emphasized maintaining good neighbor relations, and expressed interest in joining NATO and the WEU.⁶

Ethnic issues. Disputes with its Hungarian minority had a negative impact on Slovakia's international image. In June 1992 Hungarian deputies to the Slovak National Council boycotted the vote on the new constitution because they felt it failed to protect the rights of ethnic minorities; and in December they cited numerous violations of Hungarian rights in Slovakia which strained relations with neighboring Hungary. By April 1993 Meciar, wanting to enter the Council of Europe, indicated his willingness to amend the constitution if necessary and set up an independent watchdog commission on human rights. Slovakia and Hungary also agreed on 7 April 1993 to refer the problem of the Gabčíkovo-Nagymaros Dam on the Danube to the International Court of Justice in the Hague for arbitration.

The ethnic issue continued to fester. Hungarians continued to lodge accusations of minority discrimination when the transportation minister removed Hungarian language road signs. Claiming that their pleas for dialogue had been ignored, on January 8, 1994 about 4,000 local mayors and politicians gathered in Komorno and decided to declare a self-governing province in the region of significant Hungarian ethnic minority.⁷

Continuing political instability. Despite the tentative 19 October coalition agreement, the last months of 1993 and early 1994 were characterized by further turmoil. Finally, after a vote of no-confidence in March 1994, Vladimir Meciar's government was ousted, and a new government was formed.

Tension in the coalition escalated in December when Meciar delivered a highly controversial speech behind closed doors to HZDS party followers. He called for early elections (in June

1994) and criticized SNP coalition partners. When the speech leaked to the press it caused domestic political turmoil.

Also months of political wrangling led to the creation of a faction—the Alternative of Political Realism (APR)—within the HZDS. Backed by then Deputy Prime Minister Roman Kovac and Foreign Minister Jozef Moravcik plus nine other deputies, the APR's goal was to form a government coalition without Meciar. These efforts resulted in the March 1994 dismissal of Roman Kovac and Moravcik from the HZDS and their resignation from the cabinet.

As a result Meciar now led a minority government and he began to push for elections in June. Though the Parliament rejected the idea as impractical, Meciar then began to collect 350,000 signatures (under Article 95 of the Constitution) to call a referendum for early elections and to dismiss those deputies who had switched party affiliation after the last election.

President Michal Kovac decided that he could not call a referendum on dismissing deputies who had changed their party affiliation and in a 9 March speech to Parliament Kovac criticized Meciar and his government as inefficient and incompetent. After two days of stormy debate, Parliament toppled the prime minister in a vote of no-confidence on 11 March 1994.⁸ On 16 March Kovac announced that Meciar's petition for early election, submitted 2 March, was invalid. In a unanimous vote, all deputies (including Meciar) voted to hold elections on 30 September and 1 October 1994.

On 16 March 1994 President Kovac named Jozef Moravcik as prime minister who called for restoring public confidence in the new state; and Pavol Kanis (of the Party of the Democratic Left) became the first civilian defense minister (with MG Andrej Sabol as defense state secretary later in March). By spring 1994 one major issue was to eliminate tensions between the defense ministry in Bratislava and the Army Command in Trencin which had resulted, in part, because the Army Command had been established first. It was also necessary to clarify the differing political and military responsibilities between the defense ministry and Army Command.⁹

The new Moravcik government initiated significant change in Slovakia's defense and security policy. The draft Slovak Defense

Doctrine, which had been approved in March 1994, was reworked on the basis of discussions with the Parliamentary committee and approved by the National Council on 30 June 1994.¹⁰ Defense Minister Kanis noted that the new revised Slovak Defense Doctrine placed greater emphasis on developing closer relations with European and transatlantic security structures; it stressed the WEU's Associated Partnership program¹¹ and clearly stated that the fundamental orientation of Slovakia was to obtain full NATO membership. Participation in NATO's NACC and Partnership For Peace (Slovakia signed its Presentation Document on 25 May 1994) was the means to achieve this objective.¹² Former Defense Minister Imrich Andrejcek criticized Kanis' changes to Slovakia's PFP Presentation Document as being too expensive, arguing that the defense ministry would now have to spend 4.5 percent of its budget rather than the one percent originally envisaged.¹³

Another change was the recognition that the creation of a separate Army Command from the CSFR Command East facilities was not a workable solution. In early June Slovak Army Commander General Julius Humaj announced that the command was to be transformed into a General Staff along the lines of Western European Armies.¹⁴ Then Defense Minister Kanis announced that the defense ministry and the Army High Command (to be renamed the General Staff) would be restructured and significantly reduced in size to prevent overlap and inefficiency.¹⁵

On 26 August the Slovak National Council approved amendments to the Law on the Army to create a General Staff, whose chief is subordinate to the defense minister, but appointed (and recalled) by the president at the defense minister's recommendation. On 1 September, ColGen Jozef Tuchyna, adviser to the defense minister and former interior minister, became the new Chief of General Staff, and General Humaj became his deputy.¹⁶

Building a new Army would be very expensive. During 1994 Slovakia (like Hungary, but in marked contrast to the Czech Republic) had acquired 6 addition Russian MiG-29s (worth \$180 million) as part of the Russian debt to Slovakia. In a 26 October press conference Chief of Staff Jozef Tuchyna argued that the

Slovak Army would need over 19 billion Slovak crowns (\$600 million) in 1995 (more than twice its budget of 9.9 billion crowns in 1994) to cover shortfalls over the previous two years. He noted that he had signed the order to establish Army Corps (to replace existing divisions as of 1 November 1994) and to transform the regiments into brigades during 1995¹⁷ and that the command of Military Intelligence had been transferred to the General Staff.¹⁸ Defense Minister Pavol Kanis added that it would also be necessary to develop a modern system of management and command within the headquarters and Slovak Army during 1995.¹⁹

The new Moravcik-coalition government also attempted to moderate outstanding ethnic tensions. In Parliament, they passed one bill on women's surnames (Hungarian women would not have to add the Slovak suffix "ova" to their last name) in May; and another that requires bilingual road signs in towns where at least 20 percent of the residents are ethnic minority in July.

Preparation for the new elections also required changes in the electoral law to prevent debilitating fragmentation (at the time 64 political parties). The electoral law set a 5 percent threshold for political parties; 7 percent for coalitions of two or three parties; and 10 percent for coalitions of four or more parties.

When the elections were held on 30 September-1 October 1994 seven parties returned to Parliament. Meciar's Movement for a Democratic Slovakia (HZDS) in coalition with the Slovak Farmers' Party gained the largest number of votes with 34.96 percent (61 seats); second was the Common Choice coalition (composed of four left-wing parties) with 10.41 percent (18 seats); third was the Hungarian coalition with 10.18 percent (17 seats); fourth, the Christian Democrats with 10.08 percent (17 seats); fifth, Moravcik's Democratic Union with 8.57 (15 seats); Association of Workers with 7.34 (13 seats); and Slovak National Party with 5.4 percent (9 seats).²⁰

Before the election, the Moravcik-coalition government with Hungarian parties had 85 seats in Parliament; and after it would only have 68. Therefore President Michal Kovac, who had not met with Meciar since February, asked Meciar (whose HZDS had 61 seats) to try to form a government on 27 October.²¹ When Prime Minister Moravcik submitted his resignation to President

Kovac on 3 November, Kovac asked him to carry on until a new government could be formed. But forming a government would prove to be more difficult and time consuming than originally imagined; prime minister-designate Meciar stated that he would announce a new cabinet only after the Parliament debated the new budget on 12-13 December.

Meciar's return. On 11 December Meciar signed a coalition agreement with the extreme-right Slovak National Party (SNP) and the left-wing Association of Slovak Workers (ASW). The Slovak Agrarian Party, an HZDS-satellite, also joined the coalition. Together the four parties would hold 83 seats of the 150-seat Parliament.²² When Meciar announced the new government on 13 December, it included Jan Sitek (SNP) as defense minister (see Table 13 below).

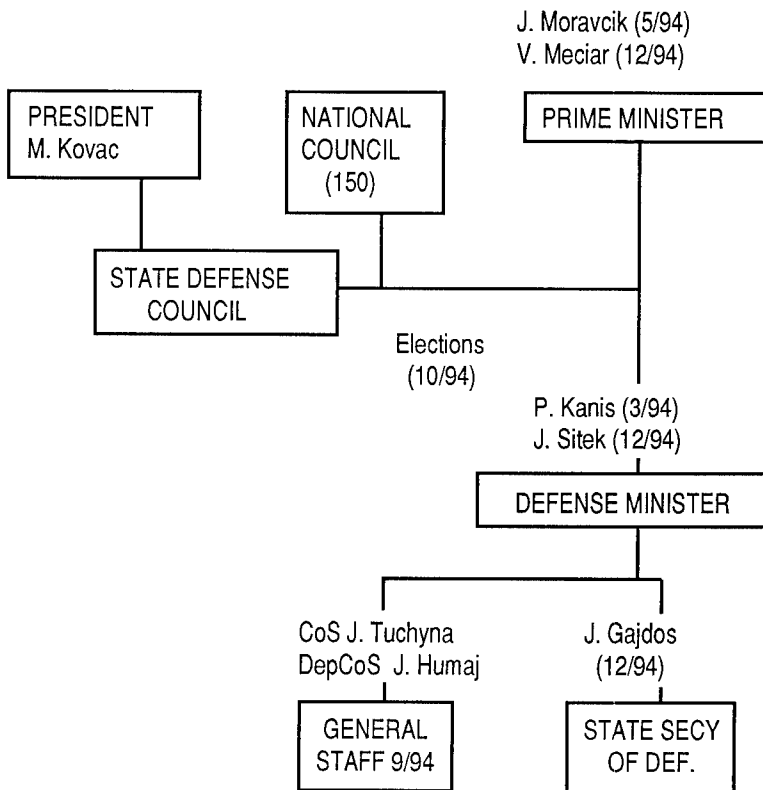
As 1995 opened, the old feud between Meciar and President Kovac erupted again. Meciar opened his offensive by slashing the president's budget by 50 percent,²³ criticizing the Constitution as being unclear in its division of powers, and claiming that the Parliament and people lacked proper supervision over the president. Therefore Meciar indicated that he would like either the government's powers to be increased or the adoption of a presidential model whereby the citizens would directly elect the president. Michael Kovacs, on the other hand, was opposed to changing the Constitution.

It appears that Meciar is embarking Slovakia on a path fraught with dangers. Whether Slovakia will end in a dilemma similar to the current Polish problems is unclear. One indication of potential concern emerged from Defense Minister Sitek, who noted shortly after taking office that he had plans to create a Slovak militia, which would be staffed by former Army members, and subordinate to the chief of staff. Sitek, noted that: "It will be employed for the protection of objects and in case of mobilization."²⁴

In summary, Slovakia's reform has been hampered by political instability which resulted in three governments in two years. Its defense reform differs from the other Central European states in that Slovakia had to create defense institutions from the beginning. The Moravcik coalition-government initiated significant defense and military reforms, but it remains to be seen

whether they will continue under the new Meciar-coalition government.

Table 13 Slovak Defense Reform, 1994



Notes

1. Prague CSTK, 1 September 1992. *FBIS-EEU-92-171* (2 September 1992), p. 4.

2. For example, Article 34.3 exemplifies that what applies to one group does not apply to another. According to it, if a nationally homogenous territory is formed, its right of self-determination is constitutionally outlawed. See, Pavol Hollander, "The New Slovak Constitution: A Critique," *East European Constitutional Review*, Vol.

1, No. 3 (Fall 1992), pp. 16-17.

3. Constitution of the Slovak Republic, *Hospodarske Noviny*, 8 September 1992, pp. 15-18. *FBIS-EEU-92-179-S* (15 September 1992), pp. 1-16.

4. Prague CTK, 15 February 1993. *FBIS-EEU-93-029* (16 February 1993), p. 17.

5. Bratislava Rozhlasova Stanica Slovensko, 25 May 1993. *FBIS-EEU-93-100* (26 May 1993), p. 13.

6. For text, see Bratislava *Informacny Bulletin*, No. 35/94, pp. 1-11. *FBIS-EEU-94-053* (18 March 1994), pp. 9-13.

7. Bratislava Rozhlasova Stanica, 8 January 1994. *FBIS-EEU-94-007* (11 January 1994), pp. 10-11.

8. With many deputies absent, and 56 HZDS-SNP coalition members abstaining, 78 of 150 supported the ouster. Prague CTK, 11 March 1994. *FBIS-EEU-94-049* (14 March 1994), pp. 11-12.

9. Pavol Kanis 31 March 1994 speech, Trencin. Bratislava *Pravda*, 2 April 1994, p. 2.

10. Parliament approved the new Defense Doctrine on 30 June 1994.

11. As of 9 May 1994 Slovakia began to participate on the WEU Council and working group.

12. Pavol Kanis 24 May 1994 interview, Bratislava Rozhlasova Stanica. *FBIS-EEU-94-101* (25 May 1994), p. 6; and Defense Doctrine of the Slovak Republic text, Bratislava *Slovenska Republika*, 11 October 1994, p. 10. *FBIS-EEU-94-200* (17 October 1994), p. 8.

13. Prague CTK, 1 June 1994. *FBIS-EEU-94-106* (2 June 1994), p. 14.

14. Bratislava *Pravda*, 3 June 1994, p. 2. *FBIS-EEU-94-110* (8 June 1994), p. 12.

15. The new defense ministry would have 20 generals and 143 colonels as against 31 and 354; its total work force would be 967 of which 441 were civilians. The Army Headquarters would reduce from 31 generals and 359 colonels to a General Staff of 14 generals and 233 colonels; its total number of employees would be 1,059. *RFE/RL Daily Report*, No. 156 (18 August 1994), p. 4; also Bratislava *Obrana*, 27 August 1994, p. 3. The new defense ministry, in addition to a Defense Ministry Office and Inspectorate, would comprise five sections: Defense Policy and Army Development, Logistics (MG Leopold), Economic Policy (Col. Jozef Zadzora), Foreign Relations, Social and Humanitarian Affairs (Col. Petr Bartak). Bratislava *Obrana*, 17 September 1994, p. 1. *FBIS-EEU-94-181* (19 September 1994), p. 8.

16. Bratislava *SME*, 3 September 1994, p. 2. *FBIS-EEU-94-176* (12 September 1994), p. 14.

17. Bratislava *Pravda*, 27 October 1994. *FBIS-EEU-94-216* (8 November 1994), p. 17. On 31 October, Tuchyna named Colonel Milan Cerovsky to command the 1st Army Corps, Colonel Jan Cmilansky to command the 2nd Army Corps, and Colonel Jozef Pivarci to command the 3rd Air Force and Air Defense Corps. Bratislava *Pravda*, 2 November 1994, p. 2. *FBIS-EEU-94-218* (10 November 1994), p. 15

18. Bratislava *SME*, 27 October 1994, pp. 1-2. *FBIS-EEU-94-216* (8 November 1994), p. 18.

19. Bratislava Rozhlasova Stanica, 22 November 1994. *FBIS-EEU-94-226* (23 November 1994), p. 12.

20. Bratislava *Narodna Obroda*, 3 October 1994, p. 2. *FBIS-EEU-94-193* (5 October 1994), pp. 10-11.

21. Bratislava Rozhlasova Stanica, 27 October 1994. *FBIS-EEU-94-209* (28 October 1994), p. 10.

22. Bratislava Rozhlasova Stanica, 11 December 1994. *FBIS-EEU-94-238* (12 December 1994), p. 11.

23. Meciar defended the 50 percent cut forcing the President's Office staff to be cut from 127 to 60 people by noting that the National Defense Council had a total of 120 staff members. Prime Minister Vladimir Meciar interview, Bratislava Rozhlasova Stanica, 30 December 1994. *FBIS-EEU-945-001* (3 January 1995), pp. 9-10.

24. Vienna *Kurier*, 27 January 1995, p. 4. *FBIS-EEU-95-019* (30 January 1995), p. 11.

PROLOGUE AS FUTURE: WHAT CENTRAL EUROPE NEEDS TO DO

History has tested Central European nations and states to the extreme. The revolutions of 1989 mark the third time in the 20th century that Central Europe has embarked on a political, economic, social, and defense and security "return to Europe." In the five years since the 1989-90 revolutions, Central Europeans have made enormous progress.

If NATO follows its December 1994 mandate, it will draft a study that will establish criteria for expansion of the Alliance. While it is assumed that active participation in NACC and PFP, and some reasonable demonstration of the successful performance of democratic political institutions, privatized economies, and respect for human rights will be among the necessary conditions for NATO membership, it is also likely that effective civilian control of the military as well as some minimal degree of military capability and NATO compatibility will be necessary conditions.

Though NATO will find it difficult to define these criteria because each state has its own history, culture, and unique set of institutions, it will be especially difficult to define and achieve consensus on what constitutes "effective" democratic control of the military. This study suggests the following four conditions for consideration as being necessary for a state to exert effective civilian oversight of the military:

- (1) The constitution and/or its amendments and laws must establish a clear division of authority between the president and government (prime minister and defense minister). The law should be clear for peacetime authority (e.g., who commands and controls the military and promotes military officers); and for crisis (e.g., emergency powers) and transition to war.

- (2) Parliament must exert oversight of the military by exercising control of the defense budget; also its role must be clear in deploying armed forces in emergency and war.

- (3) The civilian defense ministry should exercise peacetime

government control of the military (General Staff and military commanders) including preparation of the defense budget; access to intelligence; involvement in strategic planning, force structure development, arms acquisitions and deployments; and military promotions.

(4) Citizen confidence in the military must be restored to the armed forces in order for them to be an effective institution. Society—having emerged from the communist period when the military was often used as an instrument of external or internal oppression—must perceive the armed forces to be under effective national control. Military training levels and equipment must also be sufficient to protect the state.

If NATO comes to define these four conditions as necessary for exercising "effective" democratic control of the military, most Central European states would *not* meet these standards. When examining Central Europe's civil-military progress since the 1989 revolutions, it is clear that much has already been achieved. It is equally clear that much remains to be done!

What Needs to Be Done?

Poland: Government crises and lack of effective civilian oversight of the military will continue until Poland has adopted a new Constitution. Poland's civil-military crisis must be resolved because Polish society holds the military in very high esteem, and because the military has been often used for internal and external purposes historically. The absence of any clear command authority and of civilian control over the military is a recipe for disaster.

Poland has come a long way in restoring prestige to the military; and Parliament has reassumed effective oversight of the defense budget, if it did twice equivocate on whether the president or defense minister controls the military and fail to reform the law. Onyszkiewicz began to restructure the armed forces to be compatible with NATO. Though Kolodziejczyk continued this process and stemmed the defense budget slide (since 1986), the military still has a way to go to achieve NATO compatibility. Poland, though, has not yet fulfilled what are likely to be defined as necessary conditions for effective civilian control

of the military and for NATO membership. This can only occur after it adopts a new Constitution that establishes clear lines of authority between president and government and returns enough authority to the civilian defense ministry to provide effective oversight of the military.

Hungary: The October 1989 Constitution, which replaced Hungary's 1949 Constitution, was written by reform communists and established authority between the president, government, and National Assembly, which only by majority could declare a state of emergency or war. Most important, the Hungarian National Assembly amended the defense law in February 1990 to assume authority (from the Defense Council) to deploy Hungarian armed forces at home or abroad. This power effectively terminated the Soviet Statute system, which, as in Poland, had provided the USSR direct access to Hungarian armed forces. The Hungarian Parliament had reassumed national control of Hungary's armed forces.

Hungary also needs a new Constitution, but Hungary's two-thirds Parliamentary majority may not be adequate to develop the broad-based consensus necessary for a Constitution. Among other things, the Constitution needs to clarify the role of the president during war (symbolic or real) and establish a new Constitutional (presently two-thirds) amending formula.

On the military side, the armed forces have been significantly cut from 120,000 to 65,000 and are being restructured for NATO integration. But financial resources have greatly constrained Hungary's armed forces restructuring, modernization, and PFP-exercise participation.

Parliament has been effective in exerting control of the defense budget and deploying Hungarian armed forces. The Constitutional Court's decisions have been respected and have led to major defense reforms allowing the government (prime minister and defense minister) to take control of the military in peacetime and emergency. However, Hungary still needs a Constitution (that is not a two-thirds majority victor's mandate) to define the president's wartime powers. Also in light of recent defense ministry and General Staff changes, Hungary needs to reassert effective "civilian" defense ministry oversight of the

military.

Czech Republic: Of the four Central European states, the Czech Republic seems to have made the most progress in developing "effective" civilian defense ministry control of the military. The president and parliament have deemed the armed forces to be reliable and the armed forces have publicly apologized for its previous interferences in Czech society. The Czech Republic though still faces two constitutional tasks: First, what to do with the Senate, the upper house of its parliament; second, and most important, correct a significant constitutional ambiguity. The (German-model) president, as "supreme commander of the armed forces," must get the prime minister's approval for employing forces and to commission and promote generals. Since the president's emergency powers can cause confusion during a crisis, this needs to be rectified.

Slovakia: In contrast to the Czech Republic, political instability has characterized Slovakia, which is now on its third government in less than two years, and has hampered its more daunting military tasks and reform efforts. In many ways Slovakia's January 1993 independence has thrown the country back in time. Slovakia must build its institutions from scratch; a new defense ministry, an Army command (now General Staff), and armed forces.

Whether or not Slovakia is able to advance its initial defense reform efforts, it does need to fix its Constitution, which stresses national rather than civil rights. This exacerbates ethnic tensions within Slovakia as well as with neighboring Hungary. The real question will be whether the Meciar-coalition government will be able to provide enough stability so that Slovakia can continue along the defense reform path established by the Moravcik-coalition government. The first indications are discouraging, particularly if Meciar pursues his efforts to remove the president.

Conclusion

If NATO does determine that "effective" democratic control of the military is a necessary condition for Alliance membership,

then it appears that Central Europe has significant work to do. All four Visegrad states have made notable progress in establishing real Parliamentary oversight of the military and in restoring military prestige to their respective armed forces. The common problem of resource scarcity has uniformly limited the development of Central Europe's armed forces modernization and compatibility with NATO.

Poland and Hungary need new constitutions to address fundamental civil-military problems that still exist, notably presidential and governmental powers in peacetime and war must be clarified. The Czech Republic needs to amend its constitution to clarify the president's role for employing forces during emergency, and Slovakia needs to amend its constitution regarding civil rights. Only with this constitutional clarification, can *real* governmental (civilian defense ministry) control of the military occur in Poland. Hungary must face the question of how to assert "effective" civilian defense ministry control over its armed forces, and Slovakia must actually jump-start its defense reform.

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