

Published by the decision of the Scientific Council of  
The Institute of Philosophy, Sociology and Law of NAS RA

**The POLITNOMOS**  
Journal of Political and Legal Studies

3(1), 2024

YEREVAN – 2024

**POLITICAL STUDIES,  
POLITICAL PHILOSOPHY**

**INSTITUTIONAL IMPLEMENTATION OF CIVIL CONTROL IN THE  
SECURITY SYSTEM: THEORETICAL AND METHODOLOGICAL  
ASSESSMENT**

*Tigran Kocharyan, Colonel, Doctor of Political Science, Professor,  
Deputy Head for Education and Research of the National Defense Research  
University of MOD RA – Head of INSS  
(email: tigranqocharyan2023@gmail.com)*

*Anahit Shahumyan, PhD Student in Political Science,  
Leading Specialist at the International Scientific-educational Center of NAS RA  
(email: anahit.shahumyan@isec.am)*

*Manuscript has been submitted on 26.04.2024, sent for review on 08.05.2024,  
accepted for publication on 14.06.2024.*

**Abstract**

*In the process of establishing democracy by the state, the institution of civil control by the society (non-governmental circles) is one of the modern primary elements. It is carried out by subjects of civil control, in particular, non-governmental organizations, individuals, public organizations, and several other competent authorities. Civil control over the security sector is a more complex and ambiguous process, which, on one hand, ensures the transparency and efficient operation of the sector, but on the other hand, makes it more vulnerable. Among state institutions, the role of parliament in exercising control over the security system is crucial, especially in states with a parliamentary government model, where the government is accountable to the parliament.*

**Keywords:** society, civil control, security sector, non-governmental organizations, parliament.

Ensuring national security is one of the priority tasks of any state. If a state faces problems in terms of ensuring security, it becomes quite difficult, sometimes even impossible, to guarantee developments in other spheres. Unfortunately, the example of the Republic of Armenia illustrates how important the provision of national security is and what severe consequences its disruption can have for the state. And this is where a question arises: is only the state authorized to ensure national security, or is there any mechanism by which society will have the opportunity to control how national security is guaranteed?

In the context of the this issue, it is fundamental to analyze and evaluate what civil control means, by what methods it is carried out, and then what role it has in the process of ensuring the security system.

In general, control is one of the most important functions of management, providing an opportunity to identify deviations, errors, and shortcomings, and to look for new resources, and opportunities (without effective control, it is practically

impossible to effectively implement the other three general functions of management: planning, organization and motivation) (Arshakyan, 2014, p. 200).

The more open the activities of the state's governing bodies and officials are to the public, the smaller are their opportunities to abuse the powers given to them.

The role and importance of control are obvious, but it takes on greater significance when implemented in a “civil control” format. “Civil control” is exercised by “civil society”. In a broad, philosophical sense, civil society is a way of organizing and managing public life, where the central value, the main operating subject, and the ultimate goal is the human citizen with his interests, demands, and rights.

In a narrow sense, emphasizing the role of non-governmental organizations in the processes of organization and management of public life, the notion of civil society is understood as the third sector: non-governmental, non-commercial organizations, foundations, associations of legal entities, creative associations, charitable organizations, civil movements and forms of action (H. Hovhannisyan, 2003, p. 17).

From the point of view of the official administrative process, civil control is the control over the activities of the state, community, and other bodies, as well as the officials. It involves evaluating the legality and effectiveness of their activities. In this format too, civil control is one of the main functions of civil society (Williams, 2021).

In every democratic state, public authorities strive to conduct public administration as openly and transparently as possible. This aspiration is, on the one hand, due to the demands of the citizens of the state, and on the other hand, the awareness of the need to have the trust and support of the citizens towards the public administration system. Considering these two factors, the theory of public administration currently prioritizes the establishment and widespread application of transparency and accountability principles in the security system (Cole, 2015, p. 14).

By transparency, it is customary to understand a situation where citizens, non-governmental organizations, as well as other institutions of civil society can get the information, they need directly from the state body managing it, without resorting to any other means (Hovhannisyan et al., 2005, p. 335). Ensuring transparency is crucial for the effectiveness of public administration, including the administration of the security sector.

Practice shows that public distrust often arises in the absence of information. Upon receiving fragmentary information about certain cases, citizens begin to form their own judgments, which do not always correspond to reality. The situation becomes more complicated when some mass media, taking advantage of the lack of official information, try to “find” sensational materials and publish them without proper professional analysis, thereby aiming to increase their rating. Society, in turn, wants to be fully informed about what is happening in the country.

In the context of the above-mentioned, civil control is emphasized as one of the most important functions of civil society, reflecting how democratically a state operates. In the framework of the institutional study of civil control, it is also important to specify the subjects of civil control. These subjects include organized groups of citizens, proactive citizens, representatives of society, non-governmental

organizations, and public organizations, as well as in several professional-expert circles, they include institutions with some kind of governmental relationship (human rights defenders, some state administration, local self-government) public institutions, chambers, councils, etc (Pishchulin, 2014).

Non-governmental organizations and institutes can participate in the policy-making process in the field of security and exercise control over the activities of state bodies implementing the policy. The interests of non-governmental organizations can include, for example, geographical-public groups studying the activities of local law enforcement agencies or the influence of military structures on nearby settlements, groups protecting the rights of ethnic, racial, religious, sexual minorities, and can also have a substantive nature, for example, environmental groups, peace activists - groups that protect human rights in various fields.

At the level of executive power, non-governmental organizations generally cooperate with responsible organizations more than with special services. The following main measures can be distinguished as the operational influence and involvement of non-governmental organizations in the executive power:

1. conducting research, gathering information, collecting comparative data from other countries, developing theoretical models, and presenting them to competent bodies;
2. preparing reports on specific issues to influence or support the emerging political direction to some extent;
3. general and substantive cooperation with the mass media;
4. sending experts to state institutions and other bodies in the field of security;
5. organizing training courses and programs on human rights protection, security sector control, and other similar topics (Johnston et al., 1996, pp. 14-15).

Apart from the non-governmental mechanisms, the human rights defender's institution or ombudsman, is also one of the important links in ensuring civil control. It has different names in different countries: in Scandinavian countries, it is called "ombudsman"; in Spain and Colombia, "national defender", in France, "mediator"; in Romania, "people's advocate", etc. (McKeon, 2014).

The human rights defender's institution has had its unique place in the legal systems of several countries with stable democracy. The International Bar Association has adopted the following definition of the concept of "ombudsman": "a service provided by the constitution or an act of the legislative authority, managed by a high-ranking public official accountable to the parliament, which accepts applications and complaints from the affected persons against state bodies, employees, employers or acts on its own initiative and is authorized to conduct an investigation, propose directed steps, and submit reports" (International Bar Association, 2020).

Some countries, developing the idea of human rights defender institutions, have created specialized institutions: defenders of children's rights, defenders of the rights of servicemen and their family members, etc. Scientific research institutes, scientific educational institutions, and expert centers, which can analyze the political course

conducted by the state, also play an important role among the entities that exercise civil control over the security system.

Civil control can be exercised in any area in order to ensure a balanced, legal state administration that preserves the fundamental rights and freedoms of citizens. One of the primary tasks of a democratic state is to ensure effective cooperation between the government and civil society. The state should be open to the subjects exercising civil control and support the process of making the actions carried out within the powers of the authorities of the state's governing bodies transparent and controllable.

While all this sounds promising, it is important to assess how beneficial control in the security sector is for the state, and whether transparency in this sphere will not harm the task of ensuring the state's national security. The democratic state must provide security that is effective, transparent, and accountable to its citizens. Therefore, the state is the most legitimate in terms of ensuring security compared to many public institutions. Additionally, civil control over the security system in democratic states also increases citizens' participation in political life (Cole, 2015, p. 15).

In the 21st century, civil control is one of the most essential elements for the establishment of democracy. Therefore, it is important to evaluate how to implement this control over the security sector, maintaining the need for civil control in democratic states while trying not to make this sector vulnerable. Civil control is especially important in ensuring the security of the state because the decisions made by the state in that area directly threaten the interests of the citizens.

Democratic civil control of security forces involves a series of processes, namely:

- Control of civil society in decision-making in the field of security,
- Parliamentary control over defense and security policy,
- Judicial control to ensure security forces adhere to the laws,
- Civil control by non-governmental organizations, mass media, and trade unions.

In their works, many political scientists and analysts have referred to the importance of the role of civil control in the complex path of establishing a state leading to democracy. Their works and analyses highlight the significant role of civil control, especially in the military sphere.

A notable analysis can be found in the work of the famous American political scientist Samuel Huntington. In "The Soldier and the State", Huntington provides a clear definition of civil control. According to Huntington, civil control is the proper subordination of specialized competent armed forces to policies established by civil society (Huntington, 1957, p. 72).

Huntington's definition of civil control is theoretically completely clear. However, from an operational point of view, the military sector of the state should be quite professional and flexible so that it can be subject to civil control regardless of the state's policy, while not making that sector vulnerable.

Giving importance to the role of non-governmental organizations as the subject of civil control, on the way to establishing democracy, nevertheless, the legislative body of the state, the parliament, is significantly distinguished as a subject of civil control.

Being a representative body, that receives a direct mandate from the people, it tries to counterbalance the executive power through control and implements the structures of checks and balances stipulated by the constitution (Harutyunyan, 1997, p. 28).

The role of the parliament is significantly emphasized, especially in states with a parliamentary system, such as the Republic of Armenia. When transitioning to a parliamentary form of government, issues of government stability, parliamentary control powers, parliamentary minorities, as well as the functions and election procedure of the President of the Republic are of particular importance.

In states with a parliamentary form of government, the government headed by the prime minister is responsible to the parliament, which enables the parliament to exercise control over the executive branch, including the field of security.

In every democratic state, parliamentary control over the security system is crucial for maintaining transparency and accountability. This control is based on several key powers that the parliament holds:

- The parliament adopts laws that clearly define the powers of the executive branch. It also sets the budget for state entities responsible for the use of force in both military and civilian government systems.
- The parliament has the authority to declare a state of emergency and state of war. It also has the power to extend and modify these declarations as necessary.
- The parliament determines by law which state body is authorized to decide to send military and civilian forces abroad for peacekeeping operations. It also grants permission for foreign armed forces to be deployed within the national territory (Peters et al., 2008, pp. 14-15).

The National Assembly of RA, as an elected representative body, exercises legislative power and establishes control over government activities (the National Assembly has serious and effective control levers over executive power). It controls the adoption and implementation of the state budget, the work of government and executive power officials, as well as the use of loans and credits received from foreign countries and international organizations (The Constitution of the Republic of Armenia).

As we understood, the role of parliament in ensuring the transparency and efficiency of the security sector is significant. However, the level of democracy within a state greatly influences the effectiveness of civil control by non-governmental organizations and the evaluation of government operations. Merely having a parliament formed through elections does not necessarily indicate a truly democratic state.

Usually, the parliament, as a representative body, regulates its own activities. However, the issue has historical roots. At the time when the parliament was opposed to the monarchy (during the dual monarchy), the executive branch fought to limit the time of the parliament's activity, so that it could at least avoid parliamentary control and gain some powers to carry out legislative activities (Mello, 2016, pp. 4-5).

Basically, it was the aspiration of the monarchical power, as a result of which the parliament worked in a sessional manner, and in the interim stage, the executive power was given the right to adopt temporary legislative acts (decrees, ordinances).

Thus, civil control is not an easy process, because not all states have different levels of democracy. Those states that are on the way to establishing democracy also face the problem of guaranteeing the level of effectiveness of civil control.

International organizations have adopted several resolutions to promote the implementation of civil control. UN General Assembly's resolution 55/96 (2000) "Supporting and Strengthening Democracy" is notable, where the UN General Assembly calls on states to support the establishment of democracy in the following areas: independence and unconstraint of the judiciary, civil servants, law enforcement officers and guaranteeing human rights in the military education system, as well as ensuring accountability of the security system and policies to a democratically elected civilian parliament (Nemitz & Ehm, 2019, pp. 4-5).

Therefore, the more democratic and developed a state is, the more open it is to its citizens. In this context, controlling the security sector is considered primary, because the state's fundamental function is to ensure the security of the state, society, and individuals. An important issue appears here: especially in the case of implementing it in the field of security, the most important thing is that this control tends to establish democracy, rather than the goal of making the given state vulnerable in the field of security by certain forces.

Thus, civil control is mainly carried out by non-governmental organizations. As a result, to understand the above-mentioned issue, the fact of by whose means and by the organizations with what purpose they are financed is also important. That is, how independent and self-sufficient this operation is.

### **Conclusion**

It is necessary to emphasize that during the reforms implemented in the public life of the Republic of Armenia, legal and political reforms of the security system are topical issues, so that they are capable of neutralizing both internal and external threats to the country's security. Naturally, guaranteeing an effective security system of the state, which will ensure the mutual and balanced implementation of the interests of the state and citizens, is one of the most complex issues in the process of establishing a legal state and civil society.

### **References**

- Arshakyan, Q. (2014). *Marketing yev Karavarum* (Marketing and Management). Yerevan: National Institute of Education Press.
- Cole, C. (Ed.). (2015). *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*. Bratislava: Valeur publisher.
- Harutyunan, G. (1997). *Sahmanadrakan Verahskoghutyun* (Constitutional Control). Yerevan: "Nzhar".



Hovhannisyan, H. (2003). *Hasarakakan Hamakargi Zargatsman Himnakhndirneri* (The Basic Problems of the Development of the Social System). Yerevan: “Noravank”.

Hovhannisyan, V., Ghukasyan, Z. & Hakobyan, L. (2005). *Mardu Iravunqneri ev Himnarar Azatutyunneri Pashtpanutyun Masin Evropakan Konvenciayi ev dra Ardanagrutyunneri Meknabanutyun* (Commentary on the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols November 4, 1950). Yerevan: “Tigran Mets”.

Huntington, S. (1957). *The Soldier and the State*. Cambridge: Belknap Press.

Johnston, R., Blais, A., Gidengil, E. & Neviite, N. (1996). *The Challenge of Direct Democracy*. Montrea: McGill Queen’s University Press.

McKeon, J. (2014, February 18). What does the Word Ombudsman Mean? Retrieved March 16, 2024, from: <https://ombudsman.org.mt/what-does-the-word-ombudsman-mean-2/>.

Mello, P. (2016). *Introduction: Parliaments and Security Policy - Control, Legitimacy, and Effectiveness*. Retrived March 16, 2024, from: <https://www.researchgate.net/publication/305263796>.

Nemitz, P. & Ehm, F. (2019). *Strengthening Democracy in Europe and its Resilience against Autocracy: Daring more Democracy and a European Democracy Charter*. (Research Papers in Law). Belgium: European Legal Studies.

Peters, D., Wagner, W. & Deitelhoff, N. (eds.) (2008). *The Parliamentary Control of European Security Policy*. Oslo: ARENA Centre for European Studies University of Oslo

Pishchulin, V. (2014). *Celi, Obekty i Subekty Obshchestvennogo Kontrolya* (Goals, Objects and Subjects of Public Control). Bulletin of Nekrasov Kostroma State University, № 4. 108-110.

International Bar Association. (2020, December 10). *Resolutions and Remedies, from Litigation to Ombudsman, and International Human Rights*. Retrieved March 15, 2024, from: <https://www.ibanet.org/Resolutions-and-remedies>.

The Constitution of the Republic of Armenia. (adapt. 05.07.1995, with amend. 27.11.2005, 06.12.2015). Retrieved March 20, 2024, from: <https://www.president.am/en/constitution/>.

Williams, M. (2021, April 22). *What is Civil Control of the Military?* Retrieved March 15, 2024, from: <https://www.idsemergencymanagement.com/2021/04/22/what-is-civil-control-of-the-military/>.