



GEORGIAN FOUNDATION FOR  
STRATEGIC AND INTERNATIONAL STUDIES

**NATIONAL SECURITY POLICY:  
PLANNING, COORDINATION AND  
PRACTICE IN GEORGIA**

**TEONA AKUBARDIA**

**110**

**EXPERT OPINION**





საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი  
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## INTRODUCTION

According to the National Security Concept of Georgia, crafting an efficient system of national security is seen to be a national interest and of a vital importance.<sup>1</sup> Consequently, it is in the national interest of the state to form this system in a way that it ensures the development of Georgia as well as the security of its citizens.<sup>2</sup>

Due to the enactment of the amendments to the Constitution of Georgia, there have been many legal and institutional-level changes to the national security system since 2014 to date which has often hindered its efficiency. For example, in 2014-2017 Georgia had two national security policy planning and coordination bodies – a constitutional body in the form of the National Security Council of Georgia under the President and the State Security and Crisis Management Council under the Prime Minister. However, given the situation created by the legislative and constitutional changes undertaken in 2017, Georgia will no longer have either of these structures with the inauguration of the newly-elected president in December 2018.<sup>3</sup>

With the amendments to the law,<sup>4</sup> the government will be responsible for the planning and coordinating of the national security policy of Georgia instead of the former two National Security Councils. Moreover, the Prime Minister no longer has a National Security Advisor as the Secretary of the State Security and Crisis Management Council was at the same time the Advisor to the Prime Minister in issues of national security. In addition, the government also no longer has an inter-agency commission<sup>5</sup> with the function of coordinating national security policy planning which would work on updating the national level conceptual documents in the national security field. Institutional and legal changes have also altered the existing system in the field of the adoption and coordination of high-level political decisions on the management of all types of crisis situations threatening national interests. Apart from the fact that crisis, as a special regime and term, has vanished from the legislation,<sup>6</sup> the issue of the

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<sup>1</sup> Georgia's National Security Concept 2011: "It is vitally important for the country to create an efficient national security system." p. 5: <https://mod.gov.ge/ge/page/70/saqartvelos-erovnuli-us-afrtxoebis-koncefcia>

<sup>2</sup> Ibid.

<sup>3</sup> The State Security and Crisis Management Council was abolished in December of 2017 while the National Security Council will be abolished upon the enactment of the new Constitution from the day when the new President takes the oath.

<sup>4</sup> See the Law of Georgia on the Planning and Coordination Rules of the National Security Policy.

<sup>5</sup> See the January 13, 2017 Decision No. 14 of the Government of Georgia: <https://matsne.gov.ge/document/view/2370987?publication=0>

<sup>6</sup> See the Law on Civic Safety.

institutional subordination of the National Situation Room<sup>7</sup> has also changed and with it, the crisis management system at a strategic level. Until the end of 2017, the National Situation Room was subordinate to the State Security and Crisis Management Council and represented, at strategic and operative levels, a tool in the hands of the Prime Minister to make political decisions in times of crisis. Resulting from the 2017 legislative changes, the situation room moved to the newly-created Emergency Situations Service which was under the immediate authority of the Prime Minister and which ensured the management of crises at an operative and not at strategic level. Despite the changes to the Law on Civil Safety, the political and operative management of reactions to national-level emergency situations was possible through the National Situation Room and the system was sufficiently politically fine-tuned.<sup>8</sup> At this stage, the Emergency Situation Service ultimately returns to the Ministry of Internal Affairs<sup>9</sup> and the issue of political management and coordination of all types of crises once again begs future legislative regulation.

For the first time from 1996 to date, Georgia has a situation when there is a gap in the fields of the planning and the coordination of the national security policy as well as the adoption and the coordination of strategic-level decisions in all types of crisis situations.

During his June 2018 speech<sup>10</sup> at the Parliament of Georgia, the Prime Minister of Georgia, Mamuka Bakhtadze, stated that the creation of a coordinative council is of vital importance and that the government plans to introduce a legislative initiative to the Parliament by September with the aim of creating such an institution. As the Prime Minister stated to the media in August, the working process of creating the council should finish in autumn.<sup>11</sup>

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<sup>7</sup> “In the case of a national-level incident caused by natural, technogenic and/or human generated factors on the whole territory of the country or parts of it, when the lives and health of humans are under threat and a political decision by the government become necessary, a crisis situation is declared – the National Crisis Situation Management Center goes under the full authority of the Prime Minister and the National Situation Room is activated.” <http://crisis.gov.ge/ge/page/krizisebis-martvis-erovnuli-centri>

<sup>8</sup> Law on Civic Safety, Article 16, Point 10: “Strategic (political) and operative management of reactions to national-level emergency situations can be done using the National Situation Room. The Emergency Situation Management Service ensures its functionality.” <https://matsne.gov.ge/document/view/4243170?publication=0>

<sup>9</sup> “Emergency Situation Service will once again be part of the MIA,” Tabula, 3.10.2018 <http://www.tabula.ge/ge/story/137680-sagangebo-situaciebis-samsaxuri-kvlav-shss-s-shemadgenlobashi-iqneba>

<sup>10</sup> It is obligatory to create the security coordination council – Mamuka Bakhtadze, June 21, 2018: <http://saqinform.ge/news/38188/usafriTxoebis+makoordinirebeli+uwyebis+sheqmna+aucilebeli+a+-+mamuka+baxtaZe.html>

<sup>11</sup> Mamuka Bakhtadze: “Consultations are underway for the formation of a security coordination council concept and strategic partners are helping us in this process,” 29.08.18. “We stated that we would work on this issue in summer and the decision should be made in autumn:” <http://www.interpressnews.ge/ka/article/509666-mamuka-baxtaze-usaprtxoebis-makoordinirebeli-sabchos-koncepciis-chamoqalibebaze-konsultaciebi-mimdinareobs-rashic-strategiuli-partniorebi-gvexmarebian/>

In order for the country to have an efficient national security system and, in the given case, a National Security Council as one of the important components of the system, it is important to take several factors into account. Namely, these are: the legal framework within which the structure will have to operate which in our case is the new Constitution and the legislative changes stemming from it; the national security environment and the threats and challenges facing the country and the old institutional or legal experience that the country attained on the road to forming this system as well as best practices of partner countries. Given the fact that there was a previous institutional practice of planning and coordinating the national security policy in the country, this paper will attempt to analyze the institutional and legal experience starting from 1996 to date and present future prospects based on an analysis for the creation of a system for the planning and coordination of a national security policy for the country as well as for the political management of all levels of crises.

## **NATIONAL SECURITY COUNCIL OF GEORGIA**

Georgia's national security architecture and its institutional organization at the strategic level has functioned legally at the constitutional level since 1995 which, on the one hand, was manifested in the constitutional passage about the National Security Council and, on the other hand, was also present in the later adopted legislature and institutional order. In addition, it must be noted that even before the adoption of the Constitution, there was a deliberative body in the form of the Defense Council under the authority of the Head of the Georgian state in 1994 which was created with the initiative of Eduard Shevardnadze. A constitutional structure in the form of the National Security Council became its institutional successor in 1996. The National Security Council was created through Article 99 of the Constitution of Georgia with the purpose of organizing the state defense and military buildup to be chaired by the President of Georgia. The National Security Council's work was regulated through the Organic Law on the National Security Council which laid out its functions in detail including its composition and the inter-agency commissions and issues which it would deliberate.<sup>12</sup> Despite the fact that the Council was a deliberative institution of the President as the head of the executive branch of the government, the Chairman of the Parliament of Georgia as well as the Chairmen of the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara also directly participated in the work of the National Security Council as stipulated by the law.

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<sup>12</sup> Organic Law of Georgia on the National Security Council, 1996 version: <https://matsne.gov.ge/ka/document/view/32938?publication=1>

Every new president reformed the National Security Council according to his views. For example, according to the 1996 law which was abolished in 2004, the status of the Council was set down in the following way: “The National Security Council is a deliberating body of the President of Georgia for the issues of military buildup and organization of defense, domestic and foreign policy related to the country’s security and making decisions on strategic issues of ensuring stability and legal order.” In addition, the Council also had supervisory and coordinating functions with the latter implemented through the inter-structure commission.

In 2004, despite the alteration of the governance system and the establishment of the Cabinet as the structure responsible for executive governance<sup>13</sup> and accountable to the president, the functions of the National Security Council did not change significantly.<sup>14</sup> Hence, according to the new Law on the National Security Council in 2004, apart from the fact that the Prime Minister and the Minister of Finance also became members of the Council, the Chairman of the Parliament retained the power of participating in the work of the Council; however, Chairmen of the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara were no longer members of the Council. The status of the Council remained the same; however, the list of national security fields extended and the highest political level of making decisions on strategic issues was specified.<sup>15</sup>

The new law assigned another additional function among the powers of the National Security Council – more specifically, in the direction of security policy planning and coordination the Council would formulate the National Security Concept at the request of the President and would “organize the formulation of national strategies in the fields of defense, state security, law enforcement, fighting corruption, foreign policy and other fields of the national security.”<sup>16</sup> The Council’s institutional mechanisms were the inter-agency commissions which were being created through the acts of the President and led by the Secretary of National Security Council.

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<sup>13</sup> Georgia’s National Security Review Project, p. 22.

<sup>14</sup> Ibid., p. 23.

<sup>15</sup> See the Law on the National Security Council: “The National Security Council is a deliberating body of the President of Georgia for the issues of military buildup and the organization of defense, domestic and foreign policy connected to the country’s security and making decisions on strategic questions of ensuring stability and legal order. Also for making highest level political decisions in the field of security of the country.”

<sup>16</sup> Organic Law of Georgia on the National Security Council: <https://matsne.gov.ge/ka/document/view/28642?publication=1>

As a result of the 2008 Russia-Georgia war, the Council's office started a review process<sup>17</sup> of national security with the aim to "identify the gaps in the national security architecture. It turned out that the main problem was weak inter-agency coordination and the approach of reacting only after the results in the field of crisis management."<sup>18</sup> The task of the review process was "institutionalization after planning the security policy and strengthening the national security system; assessing the gaps as well as the strong and weak sides of the system and the components of national security planning. Based on the coordination approach, it was supposed to determine the policy that the state would implement and identify the opportunities that needed further development."<sup>19</sup> As a result, the fundamental national level documents were updated,<sup>20</sup> on the one hand, and a new function appeared as a result of the changes in the Organic Law on the Council which was to deal with all types of crises containing threats to national interests on the highest political level and coordinating the high-level political decisions designed for this purpose, on the other hand.<sup>21</sup> Consequently, three main functions were outlined in the work of the National Security Council in the period from 1996 to 2012: planning the national security policy, its coordination and leading the management of all types of crisis situations at the highest political level. The President, as the head of the executive branch of the government, as well as a number of Cabinet Members and the Parliament, represented by its Chairman, were involved in this process.

After the 2012 parliamentary elections and the enactment of constitutional amendments, the new government started making changes to the national security sector's architecture beginning in 2014 which were due to the changes in the Constitution and the change in the presidential system of governance. Given the fact that the President was no longer the head of the executive branch of the government as a result of the changes, tens of laws in the field of national security experienced changes, including the process of making political decisions at the national level and its institutional order. First by the decree of the government and then by law, a deliberative structure subordinate to the Prime Minister – the State Security and Crisis Management Council – was created in parallel to the constitutional structure subordinate to the President – the National Security Council.

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<sup>17</sup> Georgia's National Security Sector Review Project, p. 37.

<sup>18</sup> Ibid., p. 36.

<sup>19</sup> National Security Review Project, pp. 37-39.

<sup>20</sup> National Security Concept 2011 and Threat Assessment document 2010-2013. The formulation of a National Security Strategy was also planned.

<sup>21</sup> Law on the National Security Council: <https://matsne.gov.ge/ka/document/view/1349598>



## **TWO DELIBERATIVE BODIES, 2014-2017 – NATIONAL SECURITY COUNCIL AND STATE SECURITY AND CRISIS MANAGEMENT COUNCIL**

Below, we will discuss the legal and institutional frameworks and the inter-connection of the institutions responsible for the planning and coordination of Georgia’s national security policy – the National Security Council and the State Security and Crisis Management Council.

### **NATIONAL SECURITY COUNCIL, 2014-2018**

The fourth President of Georgia, Giorgi Margvelashvili, who started his tenure as a result of the 2013 presidential elections, published his own views about the National Security Council in August 2014. According to his vision which stemmed from the spirit of the Constitution, he “saw the National Security Council as a structure for producing political agreements regarding the issues connected with the defense and security of the country.”<sup>22</sup> The Council was to become an instrument of direct communication between various branches of the government and institutions – a place for swiftly preparing political decisions at the highest level. The National Security Council was to ensure the formulation of the most important political decisions in a panel format as well as coordination between the highest ranking officials in the fields of defense and security.

In addition, according to the President’s vision, it made sense to add the Chairman of the Parliament of Georgia, the Chairpersons of Defense and Security as well as the Foreign Affairs Committees of the Parliament and the Head of the General Staff as permanent members of the Council. Hence, this constitutional structure would ensure the representation of three state institutions – the President, the Cabinet and the Parliament.<sup>23</sup> In addition, the vision also laid out the President’s view that conceptual documents of national importance, such as the National Security Concept, the Threat Assessment document and the National Military Strategy, were to be discussed by the Council.<sup>24</sup>

Later, the Parliament only reflected on parts of the President’s vision in its October 30, 2014 amendments to the Organic Law of Georgia on the National Security Council which looked like this: “The National Security Council is a de-

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<sup>22</sup> President’s vision on the National Security Council: <http://liberali.ge/news/view/11629/prezidentis-khedva--ushishroebis-sabcho-unda-gafartovdes>

<sup>23</sup> It must be pointed out that state security was still a responsibility of the MIA at that time.

<sup>24</sup> National Security Council of Georgia – Vision of the President of Georgia: <https://nsc.gov.ge/res/docs/2014081919440737759.pdf>

liberative body of the President of Georgia, authorized to discuss issues determined by this law in order to prepare decisions at the highest level.”<sup>25</sup>

1. The Council would discuss issues which were directly connected to military buildup and defense organization and not issues connected to other fields<sup>26</sup> of national security.
2. Instead of discussing all three national-level conceptual documents as laid out in the President’s vision, the Council only discussed the National Military Strategy<sup>27</sup> due to the fact that the President was the Supreme Commander in Chief of the armed forces.<sup>28</sup>
3. The Chairman of the Parliament of Georgia, the Chairpersons of Defense and Security as well as the Foreign Affairs Committees of the Parliament and the Head of the General Staff were added as permanent members of the Council.<sup>29</sup>
4. The rules of procedure for persons invited to the Council were also determined which meant that inviting an additional member of the Cabinet required the agreement of the Prime Minister. The agreement of the Chairman of the Parliament was required for inviting an MP as a non-permanent member.
5. Another novelty in the law was the issue of determining the size of the military forces which was to be decided by the Council and not by the President alone and it would be done by a two-thirds majority of the members, later presented to the Parliament of Georgia for confirmation.<sup>30</sup>
6. The inter-agency commissions would no longer be created in the Council; however, the office had the opportunity to participate in such commissions.
7. It was no longer the competence of the Council to manage all types of crises at the highest political level; however, in the case of war, the Council

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<sup>25</sup> See the amendments to the Law on the National Security Council: <https://matsne.gov.ge/ka/document/view/28642?publication=7>

<sup>26</sup> See the Law on the Planning and Coordination Rules of the National Security Policy where the fields of national security are explained.

<sup>27</sup> It must be pointed out that the Council has not considered the updated military strategy and there are plans to transform the military strategy into a defense strategy which will be adopted by the Cabinet.

<sup>28</sup> In practice, the Council did not need to discuss this document as the document was not updated during President Margvelashvili’s tenure as the supreme Commander in Chief.

<sup>29</sup> Through the 2015 amendment, due to reforms in the MIA, the Head of the State Security Service was also added to the list.

<sup>30</sup> Organic Law on the National Security Council: <https://matsne.gov.ge/ka/document/view/28642?publication=7>

would be the place which would prepare recommendations for the President to make political decisions and also ensuring the coordination of these decisions. According to the Law on Planning and Coordination Rules of the National Security Policy which was formulated in 2015, the coordinating organs for planning the national security policy were the National Security Council and the State Security and Crises Management Council until 2017. The Cabinet later took over the function.<sup>31</sup>

8. According to Sub-Point A of Point 3 of Article 4 of the Organic Law of Georgia on the National Security Council, the Secretary of the National Security Council as a representative of the President of Georgia, participated in the formulation of draft documents for the national security concept<sup>32</sup> of Georgia and the threat assessment document.
9. In addition, the Secretary of the National Security Council could be invited to the State Security and Crisis Management Council<sup>33</sup> as a representative of the President. This was especially important during emergency situations when the need for using the armed forces could arise with the purpose of stopping the emergency situation and also when there could be a need for the situation to be moved to an emergency regime which required presidential action through a legal act.

## STATE SECURITY AND CRISIS MANAGEMENT COUNCIL

Before the amendments to the Law on the National Security Council of Georgia, first by the January 1, 2014 decree of the Government of Georgia and then by law, the government created the Prime Minister's deliberative body in the form of the State Security and Crisis Management Council with the aim of ensuring state security, stability and legal order.<sup>34</sup> The Council used to be convened once per month. In addition, its competences included the function that still legally belonged to the National Security Council – formulating conceptual documents of national importance, leading the management of all crisis situations threatening national interests and making highest-level political decisions with this purpose as well as coordinating them.<sup>35</sup> The Council includ-

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<sup>31</sup> Law on the Planning and Coordination Rules of the National Security Policy: <https://matsne.gov.ge/ka/document/view/2764463?publication=5>

<sup>32</sup> Remark: The National Security Concept of Georgia has not been updated since 2011.

<sup>33</sup> Remark: This depended upon the wish of the Head of the Council; in this case, the Prime Minister, and the Secretary was not automatically invited during an emergency situation.

<sup>34</sup> On Creating the State Security and Crisis Management Council and Confirming its Statute: <https://matsne.gov.ge/ka/document/view/2186268?publication=0>

<sup>35</sup> This situation was righted by the law which recognized both Councils as being responsible for planning and coordinating national security policy within the confines of their competences.

ed the Prime Minister, Minister of Defense, Minister of Foreign Affairs, Minister of Finance, Minister of Internal Affairs and the Secretary of the Council who was simultaneously the National Security Advisor to the Prime Minister. The Council would formulate recommendations to help the Prime Minister in making decisions; however, these recommendations were approved by a simple majority and in the case of an equal division of votes on both sides of the issue, the Prime Minister's vote was decisive as he was the Chairman of the Council.<sup>36</sup> The procedures for making and filing the decisions are also worth noting. Due to the fact that the Cabinet, as a constitutionally collegial structure, was responsible for the security of the country instead of the Prime Minister, the filing of a decision took place through a Cabinet decree. Hence, the issues discussed by the Council were additionally discussed by the Cabinet and the decision would be filed legally by means of its decree.

Another important function of this Council was planning security policy and ensuring coordination between structures in the field of security. The Council coordinated the creation of strategic documents through inter-agency commissions and working groups. The Crisis Situation Management Operative Center created with the Council office was also a novelty. It would transfer direct authority to the Prime Minister in crisis situations (breach of national security, attempt of political destabilization domestically, natural disasters and other crises).<sup>37</sup> Its main functions included formulating plans for handling all types of crisis situations threatening national interests, creating projects for overcoming crises and organizing the coordinated work of state institutions during crisis situations.

It must be pointed out that the creation of the Prime Minister's deliberative structure, parallel to the National Security Council, caused a certain amount of criticism both from politicians<sup>38</sup> as well as from experts working in the field of security. For example, researchers at the Atlantic Council of Georgia, who conducted a study in terms of the national security review project, did not see the need for creating an additional Council. As a reason for this, they stated that it was the Cabinet, as a collegial structure, not the Prime Minister alone, which was responsible for the national security of the country. In addition, their recommendation was that a separate service should be created at the Prime Minister's administration that would work on national security issues within the competences of the Cabinet.<sup>39</sup>

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<sup>36</sup> Article 5 of the Law on Creating the State Security and Crisis Management Council and Confirming its Statute: <https://matsne.gov.ge/ka/document/view/2186268?publication=0>

<sup>37</sup> See Point 7.1 of the Cabinet Decree.

<sup>38</sup> Free Democrats propose an initiative to make the so-called State Security and Crisis Management Council subordinate to the National Security Council: <http://www.newposts.ge/?id=98841>

<sup>39</sup> Georgian National Security Sector Review Project, Final Report, 2014. Atlantic Council of Georgia, pp. 52-54.

On March 23, 2015, the Cabinet formulated a new Law on the Rules for Planning and Coordinating the National Security Policy as confirmed by the Parliament. This law determined the fields of national security policy, the process of planning and coordinating this policy and the powers of the structures coordinating its planning.<sup>40</sup> Articles 4 and 5 of the same law also determined the functions and powers of the Prime Minister's deliberative body as well as its office until December 2017.<sup>41</sup> The law specified the mandate of the State Security and Crisis Management Council which would be the issues of national security belonging to the competences of the Cabinet. In terms of crisis situations, the competences of the Council included: identifying domestic and external threats, assessing and avoiding them; analyzing the domestic and external threats that are directly connected to ensuring national security; formulating strategies in the fields of domestic and external policy, defense and legal order in terms of security, as well as formulating necessary actions for the implementation of these strategies; presenting proposals for Georgia's cooperation in the field of international security, preparing draft bills and normative acts in the fields of defense, security and ensuring legal order and leading the management of all types of crisis situations threatening the national interests of Georgia at the political level.<sup>42</sup>

The inter-relations of the National Security Council and the State Security and Crisis Management Council were also established to a certain extent. By law, the structures coordinating the planning of the national security policy were the National Security Council and the State Security and Crisis Management Council within the specific competences granted to them by the organic law. Despite this, it was difficult to determine the legal inter-relations of these two Councils.

The overlap in terms of the inter-relations of the two Councils was noticeable in two main directions: the national security policy planning and the dealing with the political decision-making process in all types of crisis. The National Security Council was planning the national security policy within its competences of defense organization and military buildup. Organizing defense, as defined by the Law on Defense, was the following:<sup>43</sup> Forecasting and assessing the threat

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<sup>40</sup> Law on the Rules of Planning and Coordination of the National Security Policy, Article 1: <https://matsne.gov.ge/ka/document/view/2764463?publication=5>

<sup>41</sup> As a result of amendments to the law in December 2017, the State Security and Crisis Management Council was abolished.

<sup>42</sup> Remark: It must be noted that stemming from the version of the Constitution at that time, the State Security and Crisis Management Council would not be able to lead the management of all types of crisis situations posing threats to Georgia's national interests as the time of war was exclusively a Presidential competence and, hence, was covered by the National Security Council.

<sup>43</sup> Law on Defense of Georgia, Article 3: [https://mod.gov.ge/uploads/public/normatiuli\\_aqtebi/saqartvelos\\_tavdacvis\\_shesaxeb.pdf](https://mod.gov.ge/uploads/public/normatiuli_aqtebi/saqartvelos_tavdacvis_shesaxeb.pdf)

of war, building up military forces, their training and combat readiness; planning and implementation of defense measures, international cooperation with the purpose of state defense and etc. Given the fact that the State Security and Crisis Management Council was also planning policy in the field of defense organization, there was an overlap in this direction.

As for managing all types of crises collectively, the system was also not flexible here either and did not correspond to the threats and challenges facing the country as the competences between the two Councils were distributed mainly in terms of wartime situations and other crises.<sup>44</sup> In the case of hybrid type of warfare, when four states of emergency regimes (wartime situation, state of emergency, crisis situation and emergency situation) could arise one after the other within a short period of time, the efficiency of managing all types of risks would not correspond to the national interests of the country.

In the context of hybrid threats, the most interesting example of the inter-relationships between the two Councils in terms of the efficiency of the security system was the command-headquarter training, Didgori, which was being held at the national level from 2013 and envisaged defensive action. The training was held every year and its purpose was to refine interactions between various government structures in times of crises and wartime situations.<sup>45</sup> In addition, one of the tasks of the training was to identify institutional flaws and correct them.<sup>46</sup>

However, instead of correcting the systemic flaws, the clause regarding the National Security Council was first removed from the Constitution through constitutional amendments and then the Cabinet's decision on abolishing the Prime Minister's deliberative body was symbolically announced<sup>47</sup> on the day<sup>48</sup> of the beginning of the Didgori 2017 training which was later confirmed by the Parliament with the purpose of making amendments to the legislation.

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<sup>44</sup> Remark: Georgian legislature determined four regimes of "abnormal" situations: wartime situation, state of emergency, crisis situation and emergency situation. The management of these regimes was distributed between the President and the Cabinet. In the case of hybrid warfare, when several of these regimes could be present within a short period of time, timely reaction would have been more difficult due to the existing national security system.

<sup>45</sup> Inter-structure training Didgori: <https://mod.gov.ge/ge/news/read/6196/didgori-senkai>

<sup>46</sup> Inter-structure training "Didgori", Open Door Day: <https://mod.gov.ge/ge/news/read/5202/„didgori%202016“-is%20Ria%20karis%20dRe>

<sup>47</sup> <https://1tv.ge/news/saministroebis-raodenoba-14-mde-mtsirdeba/> See also: <https://on.ge/story/16065-%E1%83%A3%E1%83%A1%E1%83%90%E1%83%A4%E1%83%A0%E1%83%97%E1%83%AE%E1%83%9D%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%E1%83%90-%E1%83%93%E1%83%90-%E1%83%99%E1%83%A0%E1%83%98%E1%83%96%E1%83%98%E1%83%A1%E1%83%94%E1%83%91%E1%83%98%E1%83%A1-%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%98%E1%83%A1-%E1%83%A1%E1%83%90%E1%83%91%E1%83%AD%E1%83%9D-%E1%83%A3%E1%83%A5%E1%83%9B%E1%83%93%E1%83%94%E1%83%91%E1%83%90>

<sup>48</sup> Inter-structure training Didgori begins: <https://mod.gov.ge/ge/news/read/6190/DIDGORI-DAIWYO>

The last change that followed the abolition of the State Security and Crisis Management Council was the abolition of the permanent inter-agency commission created with the purpose of formulating national conceptual documents about the issues of national security. By law,<sup>49</sup> the work and structure of these types of inter-agency commissions was determined by a decree of the Cabinet. By the decree, a permanent inter-structure commission designed to coordinate the formulation of conceptual documents regarding national security was created on July 11, 2014 within the confines of the State Security and Crisis Management Council.<sup>50</sup> According to the statute, it was led by the Secretary of the State Security and Crisis Management Council and members included the Deputy Ministers of Internal Affairs, Foreign Affairs, Defense, Justice and Finance as well as the Head of the Intelligence Service. The functions of the commission were the following: a) formulating respective proposals regarding the implementation of state policy in terms of reforming the national security system of Georgia and presenting them to the Cabinet, b) preparing respective proposals regarding the formulation and updating the conceptual national security documents and presenting them to the Cabinet and c) coordination of the work conducted by the institutions within the executive branch of the government in the process of reforming the national security system of Georgia with the aim of fostering the implementation of respective measures.

As for the responsibilities, the commission ensured studying and analyzing the problems in the national security field of Georgia and formulating respective recommendations. It would also formulate proposals regarding the reform of Georgia's national security system and refining the respective legislative base. The commission was authorized to invite experts, representatives of state institutions, commercial organizations and the local non-governmental sector in order to formulate recommendations regarding Georgia's national security.<sup>51</sup> The commission would present the report of its work to the government every six months.

According to the August 11, 2015 changes, the number of commission members was extended with the Deputy Secretary of the Council being added and performing the role of the Chairman of the Commission with the Deputy Head of the State Security Service also being added. The Commission updated the

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<sup>49</sup> Law on the Rules of Planning and Coordination of the National Security Policy.

<sup>50</sup> Decree of the Cabinet on the creation of a permanent inter-structure commission designed to coordinate the formulation of conceptual documents regarding national security, within the confines of the State Security and Crisis Management Council, and approval of its statute: <https://matsne.gov.ge/document/view/2370987?publication=0>

<sup>51</sup> <https://matsne.gov.ge/document/view/2370987?publication=0>



Cyber Security Strategy<sup>52</sup> as well as Georgia's Threat Assessment document.<sup>53</sup> The State Security and Crisis Management Council also featured working groups. One of these groups was also working on the National Military Strategy project<sup>54</sup> which was abolished before the adoption of the document because of the termination of the Council. After the State Security and Crisis Management Council was terminated with the Cabinet's initiative, with Prime Minister Giorgi Kvirikashvili's signature, a change was made to the June 11, 2014 decision No. 392 of the Cabinet on April 10, 2018 which meant the creation of a permanent inter-structure commission for planning and coordinating state defense policy with the aim of fostering the planning and coordinating of this policy, replacing the permanent inter-structure commission for the coordination of formulating the national security conceptual documents existing at the State Security and Crisis Management Council.<sup>55</sup> Hence, as a result of these changes, the Cabinet no longer coordinates the formulation of national security documents and its work is only concentrated on discussing the projects of conceptual documents of national importance in the field of defense and planning and coordinating the implementation of defense policy.<sup>56</sup> Such a situation causes the following problem: given the fact that the Cabinet no longer possesses a permanent inter-structure coordination mechanism for the issues of national security (be it a commission or a deliberative body and its apparatus), Georgia's Threat Assessment document, which expires in 2018, cannot be updated and the Cyber Security Strategy will also not be updated in the beginning of 2019.

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<sup>52</sup> Decree of the Cabinet: <https://matsne.gov.ge/document/view/3548407?publication=0>

<sup>53</sup> It must be noted that despite the existing practice, when the documents regarding the adoption of a legislative act were public and the dates of adoption and expiry of the documents were known, as well as a short public versions of the threats being available, the new document could not be found on the website of the legislative acts. However, the text of the document of the strategic defense review says that these documents are based on the renewed threat assessment document of 2015-2018: <https://mod.gov.ge/uploads/archive/pdf/SDR-GEO.pdf>

<sup>54</sup> Work on updating the National Military Strategy continues: <http://crisis.gov.ge/ge/post/erovnuli-samkhedro-strategiis-ganakhlebaze-mushaoba-grdzeldeba>

<sup>55</sup> Decision No. 172 of the Cabinet on Establishing the Permanent Inter-Structure Commission for Defense Policy Planning as well as Adopting its Statute: <https://matsne.gov.ge/ka/document/view/4140434?publication=0>

<sup>56</sup> The Commission consists of the leaders of the following government structures or, in the case of their absence, their deputies. The Commission is led by the Minister of Defense and the working group by the head of the respective department of the Ministry of Defense of Georgia. The tasks of the working group include: a) formulation of projects for national level conceptual documents in the field of state defense and presenting them to the Commission for consideration, b) formulating the project of readiness of national defense for ensuring the coordination of state defense policy and presenting it to the Commission for consideration and c) monitoring the implementation of action plans of national strategies in the field of state defense. See decree: <https://matsne.gov.ge/ka/document/view/4140434>



## CONCLUSION

This paper sought to review the legal and institutional experience from 1996 to 2018 related to the planning and coordination of Georgia's national security policy as well as the process of making political decisions in all types of crisis situations. The analysis identified the flaws caused by the creation of two structures designed to formulate and coordinate national security policy – the National Security Council and the State Security and Crisis Management Council – and then by their abolition. Duplications and parallelism, imposed on them by the law and present conditions, caused flaws in planning and coordinating the national security policy which was inadequate for dealing with threats facing the country. In addition, the system of making immediate political decisions in all types of crises in the field of national security did not correspond to the challenges of hybrid type of warfare. The reason for this was that making political decisions was divided between the President and the deliberative bodies subordinate to the Cabinet and no relevant deliberative space, communication or coordination mechanisms were provided in the case of moving from one emergency state to another. Hence, all of the aforementioned could not ensure the national interests of the country – the creation of an efficient national security system. Instead of eradicating the systemic flaws and making the system adequate to the threats and challenges facing the country, two deliberative bodies appeared whose work overlapped in certain ways and then, ultimately, none of them remained. As a result of all this, the process of the formulation of conceptual strategic documents in the field of national security stopped, not to mention the outflow of qualified personnel from the offices of the Councils as well as the resources spent from the budget on these Councils.

Now, when the issue of creating a new National Security Council under the authority of the Cabinet is being actively discussed, it is very important to analyze and share the existing system and its flaws, on the one hand, and to recognize that it is of vital importance for the national security system of the country to be developed from the threats and challenges facing it, on the other hand. Thereafter, it can then be approximated to the new legislative framework and the Constitution as well as sharing the best modern approaches and experience of partner countries, ensuring efficient civil oversight over the field of national security. For this, it is important to not only formulate a new Law on the National Security Council but also to analyze the national security system of Georgia through the lens of the new Constitution with the risks and challenges assessed and the experiences of partner countries shared and only after this formulating a respective vision and legislative changes.

And finally, given the fact that national security stands much higher than the interests of political parties or the narrow interest groups and further given the fact that there is no longer a clause in the Constitution regarding the National Security Council, it is important for the sustainability of the system for a consensus to be reached among political parties in the Parliament with the involvement of the civil sector and efficient parliamentary control in the process of reforming the national security sector.