

CIVILIAN SUPERVISION OF THE MILITARY IN SLOVENIA

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Introduction

Since the end of the Cold War, with the arrival of new deterrents and instability in some regions, contemporary society has faced a new dilemma: how to achieve a balance within the modern political state that ensures both national security and the freedom of the individual. Experience indicates the existence of a discrepancy in the relationship between individual and national security that is rooted in the very nature of the modern political community (Buzan 1991, 51) and, thus, neither can be solved nor abolished. An ever-present danger exists that the political state as a whole, or its military institutions, will jeopardise individual and civil freedom in the organisation of its national security. One of the key elements in regulation of this relationship is civil supervision of the state military organisation.

The military organisation of the contemporary state is an important manifestation of its power within society as well as an instrument of its policy (Grizold 1990, 231). Hence the army is not merely a "blind tool", but a specific agency that helps define the way a state can make decisions as well as provide the necessary means for organised armed coercion (Wiatr 1987, 263). This ambivalence within any state-military relationship always poses the threat that the military will intervene in state policy and so overstep the boundaries of its duty, as defined by the laws and social values of civil society (Edmons 1988, 93-112). Such an intervention can "push the military towards collision with civil authorities" (Finer 1988, 24). Although means of restraint do exist within the military, such as "the anxiety not to lose its identity as a military power or to be supplemented by police forces" (Finer 1988, 26-28), the modern liberal democratic state has developed several mechanisms to ensure civil supervision of the military. They are manifested in both institutional and non institutional forms, and are the best guarantees to prevent the military from making any decisive interference in the political sphere.

The institutional mechanism that ensures civilian ascendancy derives from the very organisation of the modern state. The final decisions on military and security matters are the exclusive preserve of civil authority. To meet this requirement, the following must be

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observed:

- (1) that competence and responsibility in the area of military and defence issues be clearly defined by constitution and law;
- (2) that these responsibilities are under parliamentary and public supervision;
- (3) that the convention of state and military secrets be used rationally;
- (4) that civilian politicians be appointed to the highest posts, and accountable for decision making;
- (5) that the professional ethics of conduct within the state military organisation ensure the supremacy of civilian authority and the political neutrality of its professional staff, whose allegiance should be to the state and above political parties.

Public opinion is the principal non-institutional form of supervision, as represented by individuals or organisations. In most of the developed countries, the principle of democratic control of the military has prevailed. This means, in practice, that:

- (1) armed forces are subordinated to democratically elected political authorities and
- (2) that all decisions concerning security are taken by those elected to manage the country's affairs (Rose 1994, 13).

At present, most countries ensure democratic political control of the military in consistency with their historical and cultural traditions as well as broad context of international security environment. While there is no single model of such a control, there are several fundamental characteristics to be met:

- (1) a legal and constitutional framework,
- (2) the hierarchical responsibility of the military to the government through a civilian Minister of Defence,
- (3) in the estimation of defence requirements, policy and budget, the military co-operate with qualified civilians,
- (4) the division of professional responsibility between the civilian and the military, and
- (5) the incontestable supremacy and scrutiny of the parliament (Rose 1994,15).

The purpose of this essay is to outline the system of civilian supervision of the military as it exists in Slovenia, a small and newly established European country. The emphasis will be on the analysis of civil-military relations as they have emerged since independence, within the broader context of security issues in the 90's.

Security in the 1990's

The recent past has seen important and positive changes in international relations around the world, and especially in Europe. Most significant perhaps is the fall of the Soviet empire which, ending the bipolar division of the world and of Europe, has reunited Germany and irrevocably altered the values and ideas that have determined international stability since 1945. States of the former Eastern block and the Soviet Union have undergone fundamental changes; the effort to integrate Western Europe has become more thorough; and there has been a notable attempt to redefine the function of international organisations, such as NATO, UNO, the European Union, the Western European Union and the Conference on Security and Co-operation in Europe among others (see Keohane, Nye and Hofmann 1993, 23-148).

These positive moves in Europe have been echoed in parallel changes elsewhere in the world. In spite of seriously strained relations, the two Koreas have started a dialogue. Significant steps have been taken to abolish apartheid in South Africa. After many years of conflict, Palestine and the Arab states have started to negotiate with Israel. Alliance forces compelled Iraq to respect UN Security Council resolutions to withdraw from Kuwait, and to destroy weapons of mass destruction and the means for their production. Significant

steps have been made to control the production of arms and, at the same time, important disarmament agreements have been reached.

These changes have established a new climate of co-operation in international relations. The resolution of old conflicts has signalled an opportunity to redefine the approach to security questions, and to avoid hostile competition between states. Nevertheless the expectation that there would be no need to resort to force to achieve national targets in the world since the cold war, has proved too optimistic (Grizold 1990, 34). To solve the conflicting interstate and interethnic processes, a destructive and force-based approach has been taken, which reduced, threatened or entirely annulled the positive trends outlined above (see Munera 1994, 1-105). Therefore, in the contemporary field of national and international security, we must qualify the progress made with some explanation of the new tensions and threats that have emerged. Most significant are:

- The problems that have interrupted West European integration,
- The escalating complexity of socio-economic, national and other matters in the post-socialist states,
- Global shifts of economic and political power,
- The resort to military force by newly formed states in the former Soviet Union and Yugoslavia,
- The nascent competition for new spheres of influence among the emergent economic super-powers, a united Europe and particularly Germany and Japan,
- A deepening gulf between the North and the South, and
- A proliferation of arms in local conflicts, both conventional and mass destructive.

Beside these new or potential security problems, the contemporary world increasingly presents us with new threats: economic crises, ethnic conflicts, mass migrations, international terrorism, and global pollution of the environment (Rotfeld 1992, 6). Today, the environment, society and the individual are subject to a bewildering number of threats that are increasingly difficult to contain, despite the attempts to eradicate or limit the dangers.

The perception of these problems as global threats has increasingly linked the international community and emphasised the importance of global security. Consequently, questions of defence and protection have shifted from the military-political to the civil sphere of activity (Javorović 1992, 14). The issue of security at this stage of human material and mental development is multi-dimensional and cannot be reduced to its military component. Organised armed force must be seen as only one among many elements within the establishment of "integral security".¹

In spite of the presence of contemporary military conflicts, this new world order demands the redefinition of the substance of security from two perspectives: the universal, and the demilitarising. Hitherto, most states have taken a narrow, military point of view, a classic reduction of the security issue that neglects a whole new set of threats and uncertainties for the individual, society and the environment, such as backwardness in development, socio-economic threats, egoistic and pathological behaviour, technological or industrial accidents, ecological, cultural and intellectual crises, changes and needs within contemporary security (Grizold 1991, 15).

One further redefinition of security in this new world context must be taken into account, namely the globalisation of contemporary security problems. If universalism refers to the perception of the interconnectedness of security issues, and demilitarisation aims to shift the emphasis from military to non-military sources of threat, globalisation aims to end the illusion that security problems can be limited to local or national areas. Contemporary security has become internationalised and based on interdependency. In the future, despite military-political events in the international community and whether

it refers to natural, ecological, military or any other kind of threat, contemporary security can only be global, and increasingly interdependent. Such is the logic if its internal development. To ignore seemingly distant security problems is short-sighted, to say the least. And against the background of the development of military technology, easily used or misused to cause mass destruction, these considerations can only become more relevant.

Given the existence and development of new security mechanisms, the important question is whether the kind of crises that currently exist on the territories of the former Soviet Union and Yugoslavia, could be avoided or resolved differently. If the positive developments within international security are exploited, then it is hoped that the international community can successfully apply a new approach to ensure security. It will be necessary to overcome ideological and political antagonisms that have divided states for decades, to tame existing military conflicts, and to create new structures that will express the peaceful resolution of conflicts within and between states, to ensure national and international security. The important initiative is one hitherto considered utopian, to modernise military defence systems that, since the Second World War have been founded merely on anachronistic doctrines of armed threat and defence. This possibility, if materialised, can only strengthen civilised relations in a world where military power, traditionally the keystone of the state, is being replaced by other means, the power of communication, organisation and institutional capability (Nye 1991, 4).

The System of Civilian Supervision Over the Military in Slovenia After the Independence

On June 25, 1991, Slovene Parliament passed the Declaration of Independence of Slovenia, by means of which Slovenia was politically and legally obliged to take over all functions of state authority on its territory. This virtually meant separation from the common SFRY. The day following the proclamation, the Yugoslav People's Army (YPA) invaded Slovenia, but the employment of the YPA for internal purposes proved to be inefficient. As a multinational conscript army it was not able to establish the necessary cohesion and motivation to intervene, which is why the lower units of YPA disintegrated when they engaged with Slovene Territorial Defence (TD) units. They surrendered after being urged to comply by the Slovene authorities.

After the YPA departed from Slovenia in October 1991, the supervision of Slovene territory was taken over by the Slovene TD and police forces. And from that point onwards, the ongoing necessity to develop a new model of civil-military relations has been intensified. It is worthwhile to mention that after the first multiparty elections in Slovenia (in 1990) the necessity that the Slovene liberation process be legally regulated was emphatically expressed by various parties (Grad 1993, 49). It was clear that the broadest common interest of all the new parliamentary political parties was a thoroughgoing change of social system, including the development of a new national security system. The latter aspect was even emphasised in the programmes of most Slovene political parties. Most of the parties' programmes spoke of military organisation, even though the notion of a demilitarised Slovenia was strongly expressed before the elections. The twin poles in this debate expressed diametrically opposite and extreme positions, and this has undermined the practicable application of either of them. Trying to choose between a new Slovene army, and a Slovene demilitarised zone, schisms have opened within the parties themselves, as well as public opinion (Jelušič 1992, 233).

After the elections, the new Slovene government legislated some very important changes to the former authoritarian Yugoslav system.² The adoption of the new Slovene constitution in December 1991 established the widest possible legal frame for

implementation of the following changes that affected the Slovene national security system:

- (1) The legalisation of a multi-party parliamentary democracy;
- (2) The principle of the division of power of the executive, legislative and judicial branches is enshrined by constitution;
- (3) The legislative function of government, and the control of national security policy is now performed by parliament;
- (4) The influence of government to regulate national security and, especially, defence has been increased. The government both proposes all defence expenditure, and defines and regulates the defence capacity of the military;
- (5) All responsibilities relating to defence are invested in a single body, the Defence Ministry, which takes all responsibility for the management of the military and its logistics; the Territorial Defence Headquarters itself has become a constituent part of the Defence Ministry, and its Chief of Staff directly answerable to the Defence Minister;
- (6) Territorial defence units, formerly under the authority of the communes, have now become the responsibility of the State (the Defence Ministry), which, in this way, lays the foundation for the future shape of all Slovene armed forces;
- (7) The TD is now the only regular military force in the state containing elements of a standing army and of dispersed territorial units; the highest ranking organ of the TD hierarchy, in military and professional terms is the TD headquarters: professional officers, NCOs and soldiers are employed to perform the most responsible tasks;
- (8) All the laws that had enabled the army to regulate its affairs autonomously (for example, relating to education, social security and health care) have been abolished. The status of professional soldiers, officers, NCOs and private soldiers is now the same as that of civil servants, with exceptions, like the prohibition to strike, that only relate to the special nature of a military organisation;
- (9) All former special military schools have been abolished. Professional soldiers are now recruited from high schools and Universities before receiving their professional military education at a new military education centre, which is the responsibility of the Defence Ministry.

These changes in both the political system and defence subsystem have enabled qualitative changes in civil-military relations in Slovenia. The former symbiotic relationship between the military and the party has been abolished, together with the requirement for party membership of professional military personnel. All party activities have been prohibited and religion-related restrictions and discriminations within the military have been abolished. The entire military corps has become more socially representative from the stand-point of gender, social origin and religion, and more nationally and culturally homogenous. Professional officers and NCO ranks are more accessible to women. The military is now under strict civilian control: the Defence Minister is a civilian, who is directly answerable to parliament and to the Government. The National Security system as a whole is more transparent and accessible to parliamentary scrutiny, to the mass media, empirical social science and public criticism. The entire interface between the military and civil society has been subjected to the spirit of pluralist democratic values, which have become the explicitly stipulated frame of reference for the military, coupled with the assured professional autonomy (Bebler 1993, 67).

Unlike the previous system in SFRY, as the new Slovene state evolves, relations between civilian and military institutions have been organised along the lines similar to the model of developed parliamentary states, which assures that:

- In the division between civil and military power, the former prevails over the latter;
- the military leadership is put in the hands of the highest representative power;
- All decisions concerning national security are passed by the parliament;

- The military is restricted to a purely executive role;
- The military is depoliticised.

Despite this, as civil-military relations have been transforming in Slovenia, definite problems have arisen which have slowed down the development of a democratic system. These problems primarily derive from two sources:

(1) The incomplete establishment of the overall legal order of the Slovene State. Many new laws that affect the rearrangement of various fields of Slovene public life are still to be adopted under the new constitution.

(2) The decisively different degree of institutionalisation between existing national security arrangements, and the accountability of legal organs to the parliament and the public.

These facts principally indicate a state of vagueness and ambiguity between the responsibility for state institutions and the new legal order in matters relating to national security. This can be clearly seen in the way that existing laws for defence and protection fail to conform with the new constitution, and in the way that state organs fail to fulfil their peacetime function of defence in the same way. Such difficulties arise easily in the present situation in Slovenia, whose basic characteristics are a high degree of politicisation, a marked failure by civil society and its professional associations to influence vital political decisions, and a negative separations within the Slovene political elite which exhausts political life with personal and party squabbling over irregularities, ideology and **faux pas**, as the emerging parliamentary democracy establishes itself. The fact is that the Slovene political sphere has become more fragmented since independence, and more antagonistic. This is particularly true in the case of the former communist politicians and "new" politicians who were to a significant extent both engaged in Party activities in the past.

In such circumstances, many politicians who hold the most important offices are acting on behalf of their private and party interests, instead of representing the interest of Slovenian society as a whole. Consequently, since the elections of 1990, a negative dividedness has come to dominate Slovene politics, almost to the exclusion of civil society.

During the 1990-94 period, the most influential position in the sphere of national security was held by the Defence Minister. There were three main reasons for which the Defence Minister enjoyed disproportionate power:

(1) Responsibility for defence was defined in a vague and generalised way in the new Slovene constitution; the President of the Republic was given only titular responsibilities as the official "Commander-in-chief", and the prime minister was denied any defined or direct competence in the sphere of Defence.

(2) The establishment and organisation of the Defence Ministry was led by the Defence Minister himself, who, after the integration of the Headquarters of the Territorial Defence into the Defence Ministry, became the effective commander of both the army and its logistic support systems.

(3) The Defence Ministry was led by Janez Janša who made considerable political capital for himself out of the so-called "Gang of Four" trials. Janša himself was one of the four opponents of the regime whose co-operation with the magazine Mladina brought an accusation of treachery from the Military Court of former Yugoslavia. Janša had played an important role in the liberation of Slovenia, and the "Gang of Four" trial gave him grounds for a personal grudge against the new President of the Republic, Milan Kučan. Janša escalated this tension by publicly accusing Kučan of complicity in his arrest, and a deep rift opened between the defence minister, and the titular Commander-in-chief.

This political climate facilitated a regressive trend - the re-centralisation and personification of political power in the sphere of national security as well as more widely in Slovene society. The creation of the necessary social and cultural conditions for the

establishment of Slovene statehood became critically impaired, as did the process for the implementation of a democratic model for civil-military relations whose sine qua non is civilian supervision over the military. To achieve both vital goals, it is of fundamental importance that the present political elite in Slovenia comes to a consensus regarding the fundamental national interests for internal social development and foreign policy. Without such a consensus, Slovenia has, in my opinion, no chance to fulfil the aspirations expressed in its programme for independence.

Conclusion

The newly emerging situation in Europe, following the end of the “cold war” has created many shifts and changes in inter-state relationships as well as within the socio-political systems of individual states. The latter is most obvious in the states that have abandoned their authoritarian communist models in favour of a democratic socio-political system. One of the fundamental elements of this system is the regulation of civil-military relations. The relation between the political regime, the state military organisation and a civil society based on liberal democratic principles ensures the supremacy of civil authority and its control over the military. The regulation of democratic political control over the military in modern states depends on the level of political culture, economic and scientific-technological development, as well as the level of international security.

At present, the process of reforming the structure of the international community and of reshaping the mechanisms and instruments for ensuring national and international security could- in contrast to the past in which the logic of ideological and geopolitical globalism of two continuously antagonistic super powers prevailed- to a greater extent be geared towards the assertion of some of the common security interests of the members of international community. The security endeavours of many states nowadays seem to derive from an awareness that modern security is a complex phenomenon that can be effectively resolved only if the security interests of individual states are harmonised, adjusted and linked to the interests of other states. In this respect it is of great importance that developed traditionally democratic states back up the positive processes in states in transition from authoritarian to democratic society.

Slovenia, as a newly established state after the end of the “cold war” on the territory of the former Yugoslavia, directed the development of its society toward democratisation. An important aspect of this transformation process is the formation of a new democratic model of civil-military relations. In contrast to the former Yugoslav system, the relations between civilian and military institutions in Slovenia have been organised similarly as in developed parliamentary democracies. However, like many other Central-Eastern European countries, Slovenia has not succeeded yet in developing a modern national security system as well as a comprehensive democratic framework of civil-military relations.

The main reasons for this can be found in the following:

(1) The objective conflictive and contradictory nature of the different components of the process of radical social, political and economic changes;

(2) The Slovene political sphere has become after independence more fragmented and, to certain extent even antagonistic (this is particularly true in the case of former communists and “new” actors on the political stage);

(3) The Slovene political elite, internally differentiated and antagonistic, is exhausting itself in personal and party squabbling about irregularities and *faux pas*, emerging in the process of the establishment of parliamentary democracy;

(4) A notable lack of criticism on the part of individuals, groups and organisations, previously involved in the civil society movement, in respect to “new” politicians.

The above mentioned reasons generate significant difficulties in the establishment of the Slovene statehood. This social and cultural framework, characteristic for developed states, is imperative for the building a wholesome and democratic (institutional and non-institutional) civilian supervision of the whole administrative-political subsystem of the Slovene state, and, herewith, of the Slovene military.

Notes:

1. In spite of cognisance on the complexity of contemporary security, Buzan explicitly defines the multilevel system framework for studying the idea of contemporary security. See: Barry Buzan, *People, States Fear*, Harvest Wheatsheaf, New York, 1991, 3-25. On the importance of non-military elements of contemporary security see also: Wolfgang R. Voght, "Warless" or "Armyless" Society, *German Armed Forces Institute for Social Research (SOWI)*, 13(1992), pp. 18-32.

2. The basic acts adopted by the Slovenian Parliament are:

- The Law on Defence and Protection. *Official Gazette of R Slovenia*, No. 15/1991.
- The Law on Military Service. *Official Gazette of R Slovenia*, No. 18/1991.
- The Law on Internal Affairs. *Official Gazette of R Slovenia*, No. 28/1980.

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CIVILNI NADZOR NAD VOJSKO V SLOVENIJI

POVZETEK

Sodobne družbe imajo na razpolago različne institucionalne in neinstitucionalne mehanizme in instrumente za zagotavljanje varnosti. Od urejenosti odnosa med družbo in politično državo sta odvisni njihova (ne)skladnost in učinkovitost v celotni družbi oz. državi. Dosedanji razvoj liberalne demokratične države v veliki meri potrjuje prepričanje, da bolj kot je politična država servis civilni družbi za zagotavljanje varnosti, manjša je nevarnost, da se država spremeni v vir ogrožanja. Novi viri ogrožanja in nestabilna območja ponovno aktualizirajo v sodobni družbi dilemo, kako uravnotežiti delovanje sodobne politične države, ki mora s svojim varnostnim sistemom zagotoviti vse plati nacionalne varnosti, s svobodnim delovanjem posameznikov oz. civilne družbe. Praksa v današnjem svetu potrjuje spoznanje, da obstaja temeljno protislovje med individualno in nacionalno varnostjo, ki izhaja iz same narave sodobne politične skupnosti in je zato nerazrešljivo. Prav tako obstaja v sodobni družbi nenehna nevarnost, da postane politična država v celoti ali s posameznimi deli (npr. z vojaško organizacijo) pri zagotavljanju nacionalne varnosti obenem tudi vir ogrožanja sobode posameznika in civilne družbe. Ta paradoks se razrešuje v vsaki konkretni državi posebej v okviru civilno-vojaških razmerij, t.j. razmerij med političnim režimom, državno vojaško organizacijo in civilno družbo. Ena od ključnih zadev urejanja civilno-vojaških razmerij v sodobni družbi je civilni nadzor nad državno vojaško organizacijo. Konec hladne vojne je sprožil mnoge premike in spremembe tako v odnosih med državami kot tudi znotraj njihovih družbenih ustrojev. Slednje se najbolj očitno nanaša na države, ki so v tem času odpravile avtoritarno socialistično/komunistično organizacijo družbe in se usmerile v razvoj demokratičnega družbenega sistema in rejanje razmerij med vojaškimi in civilnimi institucijami na načelih, ki so se uveljavila v dosedanjem razvoju liberalne demokratične države in ki zagotavljajo primat civilne oblasti nad vojaško. Za učinkovito zagotavljanje nacionalne in mednarodne varnosti po koncu hladne vojne je bistvenega pomena, da razvite države z demokratičnimi tradicijami razvoja podprejo pozitivne procese v državah, ki so na prehodu iz avtoritarnih v demokratične ureditve, kamor sodi tudi zagotavljanje civilnega nadzora nad vojsko. Slovenija kot novonastala država po koncu hladne vojne na ozemlju nekdanje

SFRJ je usmerila razvoj svoje družbe v smeri demokratizacije. Pomemben vidik demokratičnega preoblikovanja slovenske družbe je tudi oblikovanje novih civilno-vojaških razmerij na načelih, ki veljajo v razvitih parlamentarnih državah. Pri tem se sooča z bremenom nekdanjega skupnega (jugoslovanskega) avtoritarnega družbenega sistema in s težavami, ki izvirajo iz protislovij samega prehoda. Najpomembnejša ovira za oblikovanje celovitega socialno-političnega okvira moderne slovenske države z demokratičnimi institucionalnimi in neinstitucionalnimi mehanizmi za nadzor nad politično državo in vojsko je nemoč in nesposobnost "nove" slovenske politične elite, da bi dosegla splošno soglasje o temeljnih interesih slovenske države na notranjem in mednarodnem področju. Brez tovrstnega soglasja se Slovenija le počasi lahko približuje razvitim demokratičnim državam.