

## EDITORIAL

Twenty years ago, foundation was laid for an independent and democratic Slovenia. This was a time of differing views and opinions regarding the national security concept of the future state, a time of defence capability building and a time of peace movements. On 16 May 1990, a new democratic government was formed. In autumn, constitutional amendments were put into force and Slovenia took on the care of arranging defence matters. The presiding entities of the Republic of Slovenia assumed jurisdiction over the Territorial Defence. This established the basis for the formation of new civil-military relations and implementation of democratic civilian control over the armed forces.

Today, twenty years later, Slovenia has rich experience in the implementation of democratic standards in civil-military relations in practice. But how effective is civilian control? How is it realised in practice? What is the legitimacy and legality of the use of the Slovenian Armed Forces? The editorial board devoted the third issue of the Slovenian Armed Forces Bulletin to the aforementioned and other questions relating to civil-military relations after twenty years. With the findings and knowledge of the authors of the articles we wished to contribute to the professional and scientific discussion of current civil-military relations in the Republic of Slovenia.

In the first group of articles, authors determine the way that legislative branch of authority functions and the way that control of the defence sector in the Republic of Slovenia is implemented. In the first article, I establish that Slovenia has a legal framework and all the conditions for an effective exercise of institutional civilian control. Nevertheless, the normative regulation could be better and designates that the first generation of civil-military relations problem is not over. In my estimation, the National Assembly fulfils its role and mission; however, control could be more effective.

In the second article, **Klemen Grošelj** and **Vladimir Prebilič** underline the development and new challenges experienced by the Republic of Slovenia in the field of parliamentary control. They highlight the question of whether quick reforms and development of the defence sector which enables the formation of a modern, rational, flexible and, what is more, highly competent work of Slovenian national security system, are also followed by civilian control.

The second group of articles provides findings regarding the way in which civilian control in the area of executive branch of authority and the use of the Slovenian Armed Forces is realised in practice. **Pavel Vuk** et al. present legal views of participation of the Republic of Slovenia in the international operation in Afghanistan. They also open a question of legality of the operation of the Slovenian Armed Forces in peace forces with regard to the international law of armed conflict, as well as a question of conformity of the operation with the obligations of the Republic of Slovenia arising from international treaties and membership in international organisations.

**Alenka Petek** underlines the legality of the use of the Slovenian Armed Forces by discussing the question of whether in the legal order of the Republic of Slovenia there is an adequate ground for the Slovenian Armed Forces to perform certain tasks in Afghanistan. The author supports the necessity of consistently insisting on the legality of armed forces operation as the basis for civilian control.

**Denis Čaleta** discusses the legality and legitimacy of the use of the Slovenian Armed Forces in the counter-terrorism system. The author establishes that in the process of implementing legal regulations and establishing an adequate counter-terrorism system, there has been some indeterminacy regarding the jurisdiction of key entities in this area, and an insufficiently defined role of the Slovenian Armed Forces.

**Vojko Obrulj** analyses one of the mechanisms for the execution of civilian control. The author underscores the importance of inspection control in order to provide control over the implementation of legal order, and information which enables the executive branch to familiarise itself with the effects of the adopted regulations and design suitable changes and measures. The aim of the article is to present the starting points for the organisation of inspection control in the defence sector and to stimulate reflections about the development of inspection control within the national security system of the Republic of Slovenia.

The third group of articles relates to the implementation of civilian control over security and intelligence activities. In the first article **Andrej Anžič** discusses past and current forms of intertwining, differentiation and gap between declarative political goals and interests of parliamentary control as well as between security reality and practice. The author establishes that up to the year 2000, parliamentary control did not reach the level of political control of intelligence services and police forces in western democracies and that the adoption of the Parliamentary Control

of Intelligence and Security Services Act represented a new milestone or the third phase of civilian security relations theory and practice in the Republic of Slovenia.

**Damir Črnčec** underscores the importance and the need for an appropriate normative regulation of the control of intelligence services in order to ensure quality of control and, consequently, better legal safety of citizens. According to the author, the system of control undeniably works; however it allows for a discussion of how to upgrade and improve it.

In her article, **Nataša Globočnik** presents control mechanisms of police force security and intelligence services in the Republic of Austria. She devotes her attention to external control. More specifically, she makes a detailed presentation of parliamentary control and the Human Rights Advisory Council.

The last article acquaints us with the view of **Tomaž Kladnik** about the special area of civil-military relations, namely the military care for cultural heritage. The author explains the established systematic protection of cultural heritage supervised and directed by competent institutions.

It is our wish that this issue would enlighten certain views of civil-military relations and democratic civilian control over the armed forces and enable you to critically understand the discussions and questions arising as a topical issue not only in Slovenian, but also in wider national security environment.

You, the readers of the Slovenian Armed Forces Bulletin, represent an important group of Slovenian readers, which will be able to estimate whether or not we have managed to achieve our purpose.