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**DEMOCRATIC OVERSIGHT OF THE SECURITY  
SECTOR. WHAT DOES IT MEAN?**

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# DEMOCRATIC OVERSIGHT OF THE SECURITY SECTOR

## WHAT DOES IT MEAN?<sup>1</sup>

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Democracy always implicitly presumes unlimited civilian supremacy over the command of the armed forces – anything short of that defines an incomplete democracy<sup>2</sup>. But what exactly is democratic oversight, and how can we conceptualise it? Generally speaking, we see a state's system of democratic oversight as being a product of its system of government, politics, history and culture. Additionally, as there are many different cultures and political systems, many different norms and practices of democratic oversight also exist. Consequently, and for better or worse, there is no single, definitive normative model for democratic oversight. At least several models are present, some of which appear to contradict others. Keeping this in mind, the main question of this chapter is 'how can democratic oversight be conceptualised?' The following questions relating to the issue will be addressed:

1. Why is democratic oversight currently becoming an issue of political relevance?
2. What is democratic oversight?
3. The democratic oversight of what?
4. Who carries out democratic oversight?
5. How can democratic oversight be achieved?
6. Recap: what is the essence of contemporary democratic oversight?

### **1. Why is Democratic Oversight Becoming a Current Political Issue?**

The issue of democratic and parliamentary oversight of the armed forces is undergoing a renaissance in new and old democracies. The topic is on the political and scientific agenda of several European countries for numerous reasons. Firstly, the abolition of military conscription in several European countries (the Netherlands,

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<sup>2</sup> Edward N. Luttwak. 'From Vietnam to Desert Fox: civil-military relations in modern democracies'. In: *Survival*, vol. 41, 1999, no. 1, Spring, p. 99.

Belgium, France, Italy, Spain, Portugal) raised a critical debate on the democratic oversight of the armed forces. Many commentators are afraid that an all-volunteer force is more difficult to overview democratically, than a conscript army. Secondly, during the last decade, on the one hand all European countries have been involved in the downsizing of the armed forces. Yet on the other hand, these same countries have seen an amplification of the tasks assigned to the military with the addition of peace missions. These processes of restructuring and downsizing the military result in less budget and more tasks for the military and consequently put the political-military relations under high pressure. Thirdly, as military activity increasingly takes place at the international level, the democratic and parliamentary oversight of international military cooperation and institutions is also becoming increasingly relevant. This is especially true for smaller member states of, for example, the EU and NATO. Fourthly, at the demand of international organisations such as NATO and the OSCE<sup>3</sup>, post-communist countries in Central and Eastern Europe have had to restyle civil-military relations according to democratic principles. Without the democratic oversight of the military, these countries were not permitted to become members of western international organisations. Moreover, in most transition societies, political democratic reform preceded security sector reform. Before reforming the security sector, transition societies adopted new constitutions, gave powers to legislatures and installed civilian ministerial oversight over the military. This was important, as security sector should be reformed in a democratic manner, not only meeting functional military demands but also attaining the demands of societies, such as the economic sustainability of the military or the integration of the military in society. Only in this way it can be guaranteed that the security sector agencies, especially the military, do not obstruct a country's future social and economic development. These four developments resulted in a renaissance of the democratic oversight in both old and new democracies in Europe.

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<sup>3</sup> The OSCE member states adopted the Code of Conduct on politico-military aspects of security, stressing, among others issues, that democratic oversight of the security sector agencies are indispensable elements of stability, security and democracy.

## 2. What is Democratic Oversight?

The literature on democratic oversight of the security sector is available in abundance<sup>4</sup>. It turns out that different concepts refer to democratic oversight of the security sector. The first commonly used concept is 'oversight', referring to overviewing and setting broad guidelines for the executive and its agencies. A second concept is 'good governance', referring to a whole system of democratic management of the security sector, in which parliament and government play a significant role. A third concept is 'control' which means in the English language to manage, to rule or to instruct check<sup>5</sup>. In other languages, however, control has only the narrow meaning of 'to check'.

Each concept has its own advantages: good governance refers to a systematic approach, oversight stands for a broad approach and control signifies a powerful approach by the parliament and government as it refers to the management of the security sector. We have used the concept of oversight in this case, because governance has too broad a meaning (referring to the entire political system). The concept of control is not used as it has in other languages the narrow connotation of to check.

A second remark on oversight deals with the distinction between democratic and civilian oversight. Civilian oversight is a pre-requisite, but insufficient condition for democratic oversight. This is what the tragic history of authoritarian regimes in the 20<sup>th</sup> century are teaching us. For example, Hitler and Stalin had very strong civilian control over their military, but their type of oversight is not really desirable in a democratic society. Oversight should be carried out by the elected political authorities such as parliamentarians and cabinet ministers.

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<sup>4</sup> For an overview of the literature, see, for example Hans Born, "Democratic Control Of Armed Forces: issues, problems and agenda", in. Guiseppe Caforio (2002). *Handbook of the Sociology of the Military*. Kluwer Academic/Plenum Publishers: New York.

<sup>5</sup> According to the Cambridge Dictionary of English.

### **3. The Democratic Oversight of What?**

Until recently, the military was regarded as the sole organisation to possess a monopoly in the use of force for the protection of both state and society. In fact, the terms 'defence' and 'security' were often used synonymously. Recent developments in security, however, emphasise the need for a broader understanding of security and there are at least two reasons for this. The first reason is that the borders between internal and external security are becoming increasingly blurred. Indeed, the terrorist attacks of the 11<sup>th</sup> of September show that external security threats can have consequences for internal security. The opposite is also true in that internal security problems in one state can affect the security of a whole region. For example, the internal civil war in Yugoslavia had a destabilising effect on the entire Balkan region. Secondly, the new threats cannot be addressed by military responses alone. Most of the new threats require the action of other security sector organisations, such as the police, border guards or intelligence agencies. Therefore, it is better to take into account the democratic oversight of the security sector rather than that of the armed forces. *The security sector can be defined as the collection of all those organisations that have the legitimate authority to use force, to order force or to threaten with the use of force in order to protect the state and its citizens*, that is, the military, police structures, intelligence agencies, border guards, paramilitary units and private security actors.

### **4. Who Exercises Oversight?**

According to the most country's constitutions, three state institutions are involved in the oversight of the security sector: legislative, executive and judiciary. The legislative and the executive are the two major players in exercising democratic oversight. The main function of the legislative (or parliament) is the oversight of the executive and its security services. The legislative oversight includes activities issues such as (dis-)approving the budget, adopting new laws, overseeing the defence procurement processes and adopting/discussing the security policy of all security services. The executive is responsible for the effective, efficient and transparent management of the security services. The judiciary plays a different but important role. In most countries, the judiciary, especially the constitutional court, checks the constitutionality of the activities and laws of the legislative and the executive. For

example, in many countries the judiciary interprets the constitutionally of new defence laws, the lawfulness of defence procedures as well as the behaviour of military personnel. The three state institutions are essential for any democratic 'Rechtstaat'. In most countries, these institutions, and in particular the legislative and executive, are often supported by independent auditing institutions, such as the national budget office or the national ombudsman. In addition, organisations that are present in society play a vital role too, such as the media, NGOs, research institutes and universities. In some countries, even churches and military unions/associations play an important role too.

Last but not least, professional military respect and willing compliance (or self-control) to the state institutions and constitution is an important element and condition for democratic oversight of the security sector. Professional servicemen, like those in other professional vocations in society (medical professionals, lawyers or professors) must apply respect and willing compliance to their own professional standards. The obedience of professional soldiers to the state institutions and the constitution is at the heart and essence of the professional soldier. All professional armies ensure that democratic values, civil rights and the fundamentals of international humanitarian law form an intrinsic part of the education and training of young officers. Moreover, respect and willing-compliance not only refers to obedience, but also to internalisation of democratic values and the political neutrality of the military officers corp. In this way, the professionalism of the military ensures that the military does not take sides during internal political conflicts.

## **5. How Can Democratic Oversight Be Achieved?**

The answer to the question 'How can democratic oversight be achieved?' is simultaneously the answer to the problem of the civil-military paradox<sup>6</sup>. This paradox refers to the question 'How can a democracy be defended with an undemocratic organization?' Several answers or models have been developed for solving this paradox. I start with three classic authors in the field: Samuel Huntington's "objective civil control" (as opposed to "subjective civilian control"), Morris Janowitz's approach

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<sup>6</sup> Hans Born and Max Metselaar (1999). 'Politiek-militaire betrekkingen (Political-military relations)'. In: Hans Born, Rene Moelker and Joseph Soeters (eds.). *Krijgsmacht en samenleving: klassieke en eigentijds inzichten (Military and society: classical and contemporary viewpoints)*. Tilburg: University Press, p. 87. See also: Peter D. Feaver (1996). *Delegation, monitoring and civilian control of the military: agency theory and American civil-military relations*. Cambridge (MA): John M. Olin Institute for Strategic Studies at Harvard University, p. 3-8.

of integrating the military in society and, thirdly, Jacques van Doorn's ideas on achieving democratic oversight in transition or radically changing countries. After discussing these general models, some more practical approaches and instruments will be addressed.

### ***Huntington: Separation of Political and Military Decision-Making***

In his classical book, *The soldier and the state* Samuel Huntington<sup>7</sup> perceives "objective civilian control" as the only proper type of democratic oversight. This type of oversight is aimed at the maximisation of professionalism within the military by separating the political and the military decision-making. The political leaders formulate the goals and some broad conditions for military operations and the military commanders carry out the military operations. The political leaders do not interfere in military operations, while military commanders do not influence the policy. With this outlook, the military officer is a neutral and autonomous professional who carries out the political goals *sine ira at studio*. "Subjective control" aims to maximise the power of a political party that is in government. Political leaders try to overview the armed forces by appointing high-ranking generals who are political friends of the political party in power. The criteria for occupying a high military position are not so much military professionalism, but political loyalty. Huntington rejects "subjective civilian control" of the armed forces.

Huntington influenced how Americans think about civil-military relations to a large extent. For decades, officers of the US armed forces had to learn Huntington's ideas by heart. As the USA is a superpower, they influenced the way of thinking about civil-military relations in many (Western) countries as well. It seems that objective civilian control is put forward as the only objective way of looking at civil-military relations. However, Karl Haltiner showed that the Swiss civil-military relations model makes use of subjective control. Switzerland is a federal state, one of the oldest democratic and civil societies in Europe, where the people have traditionally had an aversion against centralised state power and a 'deeply rooted mistrust of military professionalism'<sup>8</sup>. During peacetime, Switzerland doesn't have a military commander-in-chief at all. In times of crisis the Parliament appoints a General and it 'is almost evident that not only military but also political and lingo-cultural aspects

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<sup>7</sup> Samuel Huntington (1964, 1st edition in 1957). *The soldier and the state: the theory and politics of civil-military relations*. New York: Vintage books.

<sup>8</sup> Karl Haltiner (1999). Civil-military relations: separation or concordance? –The case of Switzerland-. Paper presented at the ERGOMAS interim meeting, Birmingham, p. 4.

play a role in the parliament's election of the military commander-in-chief<sup>9</sup>. The Swiss case of political-military relations illustrates that "subjective civilian control" can be a justified way of dealing with the military. Hence, there is no best model for political-military relations, but specific political and cultural factors determine the choice of model.

### ***Janowitz: Integration of Political and Military Decision Making***

Another approach is the integration approach formulated by Morris Janowitz<sup>10</sup>, who focuses on attitudes and values of the military. According to Janowitz, the civilian oversight of the constabulary force (the armed forces as an international police force, as one of the instruments of the government for international policy) can be achieved by integrating the soldier as much as possible in society. Janowitz states that the officer in the constabulary force "is sensitive to the political and social impact of the military establishment on international security affairs. He is subject to civilian oversight, not only because of the 'rule of law' and tradition, but also because of self-imposed professional standards and meaningful integration with civilian values"<sup>11</sup>. In this view, democratic oversight is carried out by committing the military leaders to the political goals. In addition, it is not realistic to make a distinction between policy and implementation or between government and administration. The reason is that during military operations and especially peace missions, military commanders have to make many military decisions with political implications. For example, the way that military field commanders in Bosnia are carrying out the peace agreements regarding contacts with local authorities or dealing with war crimes influences the policy. Janowitz' integration approach does not seek to separate politics from military affairs, but to search for the complementary roles of the political and military leaders. Such an integration approach strives to bridge the gap between the military and the society as well as the political system.

### ***Van Doorn: Oversight of the Armed Forces in Radically Changing Societies***

Special attention should be given to democratic oversight in countries that are involved in radical social changes, such as post-colonial and communist states.

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<sup>9</sup> Karl Haltiner o.c., p. 5. The commander in chief is called a 'general-elect.'

<sup>10</sup> Morris Janowitz (1960). *The professional soldier: a social and political portrait*. New York: Free Press of Glencoe.

<sup>11</sup> Morris Janowitz o.c. p. 420.



Jacques van Doorn<sup>12</sup> researched some communist states in Central and Eastern Europe after the Second World War as well as African states during the decolonization era. He concluded that these states used three ways to ensure political oversight of the armed forces. The first mechanism is the 'control by recruitment and selection'. The political leadership tries to ensure that only soldiers with the desired social/political qualifications are selected. For example, in former colonial countries the white officers were replaced by officers who were born in Africa or India. The second mechanism is called 'control by indoctrination'. The political loyalty of the political officer (one party states) is guaranteed by the membership of the military professionals to the party. In addition, in military academies considerable time is devoted to political studies. The third mechanism mentioned by Jacques van Doorn is called 'control by organisation'. This is achieved by the integration of the army organisation and the political party organisation. The elite who rules the party (in a one party state) simultaneously rules the army.

The three mechanisms mentioned by Jacques van Doorn can be labeled as subjective civilian oversight. Constantine Danopoulos argues that the implementation of democratic oversight in the former communist states after 1989 was achieved by four different ways<sup>13</sup>, which can be qualified as instruments of objective civilian oversight. The first instrument is the depoliticization of the armed forces, referring to removing and keeping the military away from everyday party politics. Secondly, the armed forces were departyized. This involves the severing of the once close and often symbiotic relationship between the military and the communist party. Thirdly, Danopoulos mentions democratization, related to defining the military's role and mission as well as activities, and bringing the military under the oversight of the legitimate and democratically elected politicians. Democratization is achieved by setting up clear lines of command and responsibility between the government, the president and the military leaders. Professionalization is the fourth element of the implementation of democratic oversight. Professionalization means that the military carry out their political leader's orders in a neutral way.

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<sup>12</sup> Jacques van Doorn ed., (1969). *Military profession and military regimes*. The Hague: Mouton, p. 12.

<sup>13</sup> Constantine Danopoulos and Daniel Zirker (1999). *The Military and Society in the Former Eastern Block*. Boulder, Colorado: Westview press, p. 2-7.

### ***Conclusion: Democratic Oversight as Shared Responsibility***

With regard to democratic oversight, the essence is to grasp the 'dividing line' between the political and military leaders: to what extent should the political leadership be involved in the decision-making within the military and other security sector organisations and to what extent should commanders be involved in political decision-making? It is, of course, clear that parliamentarians and the minister of defence are NOT leading the troops on the battlefield, but it must be equally clear that political and military leaders have a shared responsibility concerning the security sector. The political leaders are dependant on the commanders of the security sector to carry out an effective and efficient security policy. In turn, the military and other commanders of the security sector rely on the political leadership to acquire resources (budget) and political legitimacy. Therefore, the political and military leaders should not be regarded as adversaries with antagonistic goals. On the contrary, political and military leaders need each other in order to achieve an effective security policy that meets both the functional and societal requirements. They have shared responsibilities<sup>14</sup> in developing and implementing an effective and sustainable security policy. Therefore, democratic oversight not only means commands and orders, but also incorporates dialogue and communication between political leaders and generals and, with some luck, a reasonable degree of mutual respect.

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<sup>14</sup> Douglas L. Bland, 'A unified theory of civil-military relations', in: *Armed Forces and Society*, Fall 1999, vol. 26.



Established in 2000 on the initiative of the Swiss government, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), encourages and supports States and non-State governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes international cooperation within this field, initially targeting the Euro-Atlantic regions.

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