GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)

WORKING PAPER NO. 85

EVALUATION OF SECURITY SECTOR REFORM AND CRITERIA OF SUCCESS: PRACTICAL NEEDS AND METHODOLOGICAL PROBLEMS

Dr. Wilhelm N. Germann

Senior Fellow, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, Switzerland

w.germann@dcaf.ch

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EVALUATION OF SECURITY SECTOR REFORM AND CRITERIA OF SUCCESS: PRACTICAL NEEDS AND METHODOLOGICAL PROBLEMS[1]

Wilhelm N. Germann

Contents

[1] Paper prepared for the Workshop "Criteria for Success and Failure in Security Sector Reform," held on 5-7 September 2002, in Geneva, Switzerland. The Workshop is organized by the Geneva Centre for Democratic Control of Armed Forces (DCAF). This paper is a revised and updated version of initial reflections summarized in: W.N. Germann, Assessing Success and Failure: Practical Needs and Theoretical Responses, Geneva, November 2001. The views expressed in the following are those of the author and do not necessarily represent the position of DCAF as an institution.

A. Introduction

This paper intends to contribute to a systematic consideration of what constitutes success (or failure) in the conduct of Security Sector Reform (SSR).[2] It deliberately refrains from commenting on the substance of the latter.[3] Starting from the premise that realizing the principle of democratic control of armed forces in democratizing and developing countries represents the Archimedean Point and driving element within the overall reform of their respective security sectors the purpose of this paper is to

- review the need for a normative and methodological framework for evaluation of progress and assessment of success or failure and to
- consider the problems involved in determining, assessing, evaluating and verifying criteria, conditions and factors that are supposed to be instrumental for the achievement of related results.

With a view to the complexity of the overall reform endeavours the paper limits its field of consideration to the Euro-Atlantic context as an area with comparable shared or at least compatible normative views and objectives.

The ultimate objective to which these initial steps should contribute is to set up a target oriented conceptual framework or, as a pertinent operational tool, a "system of coordinates" for a systematic determination and operationalization of criteria for success and failure that are of particular importance within a given regional context and/or bear the potential of general applicability. [4]

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[2] As a general framework for a structured debate/detailed discussion of the role and importance of inherent actors, issues and mechanisms this paper follows the broad understanding of SSR as a deliberate concept for significant changes in a country's security architecture leading towards a situation more suited to that country's needs. This concept involves all governmental and societal actors and institutions having a legitimate share in the State's monopoly on exercising power.

[3] Related comments can be drawn from two background papers attached to the collection of contributions to the workshop at issue: W.N. Germann, Responding to Post Cold War Security Challenges: Conceptualizing Security Sector Reform, DCAF, Geneva, August 2002, and Edmunds, T., Security Sector Reform: Concepts and Implementation, DCAF, Geneva, Nov. 2001.

[4] This will be the task of a Working Group on "Criteria of Success and Failure of Democratic Control of Armed Forces" (CSF) within the framework of DCAF's Think Tank. This Working Group is supposed to focus mainly on four interrelated areas: It will a) conduct a systematic review and heuristic historical analysis of the experience gained from countries that have successfully managed the transition to democratic structures and oversight in their security environment or obviously failed (partly or entirely) in their efforts (determining criteria for success or failure by lessons learnt). It will b) strive to elaborate an agreed and consolidated normative set of generally applicable principles and criteria for the establishment of a stable and reliable system of democratic oversight of the security sector against which progress, adequacy and efficiency can be evaluated. (What is "good" in normative and functional terms and what is not? What are the "minimum criteria" for the relative guarantee of success? What has to be avoided in order to prevent failure? Is the elaboration of a refined standardized checklist of generally applicable

B. The Need for Assessment and Evaluation

1. Theoretical Requirements

There are a number of logical reasons for engaging in setting up and applying pertinent mechanisms for assessment and evaluation of progress and success[5] in Security Sector Reform: Security Sector Reform is a complex, interrelated, cooperative endeavour integrating a variety of actors and components. It is not an end state but a process. This process needs guidance, review and wherever required – intervention and revision. It needs cooperation and coordination to ensure complementarity based on common objectives and related criteria and conditions including agreed standards and minimum levels of performance. Assessment and evaluation are indispensable performance management tools in this regard that reflect the view that if performance is not measurable, then it is not manageable.

Evaluation is necessary to set and steer the course,[6] to support mechanisms of political and public accountability, and to facilitate process improvement. It furthers accountability and transparency, allows assessments to be made in areas such as organizational objectives, value for money, and impact and points to where things can be done better in future. It is a precondition for budgetary oversight and thus a political obligation in an area of extreme costs in particular for transforming states with simultaneous and competing priorities. Continual evaluation of the successes and failures of inherent policies and postures is indispensable for enabling adjustments to be made to improve the policies of donor countries providing assistance in support of democratizing and developing countries. And it is also a prerequisite in the context of conditions set by

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criteria feasible? Would it be useful…). It will c) look into the methodologies, tools and criteria for evaluating progress, assessing discrepancies, gauging and auditing effectiveness of control and designing practical indicators (yardsticks) against which effectiveness (of elements or the system of oversight as a whole) is to be measured. It will d) also conduct an empirical review and analysis of past and current implementation processes and procedures with the aim of establishing mechanisms for tracing and determining those substantial, organizational and attitudinal criteria that have hampered or are hindering the realization of the normative principles and criteria elaborated under a-c above.
It goes without saying that the inherent objectives can only be achieved by a complex, integrated and interrelated and, where necessary and appropriate, phased approach.

[5] "Success" in this context is to be understood as premeditated and initiated change of the status quo and as a move towards a deliberate objective (of a normative nature) and its partial, tendential or final achievement. "Progress" would mean a perceptible or evident move towards this objective. "Criteria" are generally understood as standards or characteristics on which a judgment can be made.

[6] Translating goals into concrete benefits and measuring the effectiveness of the way towards expected or anticipated results depend largely on the operationalization of the long-term goals into concrete objectives.

organizations such as international agencies involved in development related assistance and security alliances such as NATO and the EU CSFP with regard to conditions for membership in their organizations. And what is the case for the overall goals and objectives associated with Security Sector Reform holds also true for their integral normative elements and agendas such as democratization, democratic control of the armed services, promotion of an independent civil society etc. This assumption is empirically supported by the current reform realities.

2. Reform Realities and Practical Needs

Over the past decade CEE and other countries in transition towards democracy have undertaken considerable efforts in realizing democratic force structures and political oversight of the security sector as principal objectives of their inherent reforms. Much has been done to advance civilian control in the security field: constitutional reform clarifying parliamentary and presidential powers; legislation providing for higher direction of the military by a civilian minister rather than a top uniformed officer and by defense ministries rather than General Staffs. Much has been done also to put in place formal structures and procedures for democratic control: the creation of parliamentary commissions to oversee defense policy making and planning, programming and budgeting; the introduction of routine procedures for legislative oversight in these areas, etc. However, more has been done in some states than in others, and the results achieved so far differ considerably in scope and intensity, even not fulfilling perceived “minimum criteria” for the relative guarantee for success in many cases.

Critical assessments of the reform process in C&EE like the latest report on reform realities by NATO's Special Advisor, tend to suggest that more immediate attention should be given to the factors and criteria responsible for the considerable backlogs and deficiencies. With regard to these the report maintains: “…much attention has been given in all Central and Eastern European countries to the issue of democratic control of armed forces. But a frequently neglected aspect of democratic control is the issue of whether the government is actually competent to decide on and implement a defense policy and direct the course of military reform. This is a common failing, with disastrous results. The fact is that Central and East European countries have not yet been able to develop the body of civilian expertise in defense issues, which is needed to ensure

balance and to provide dispassionate advice. The rapid turnover of governments in Central and Eastern Europe compounded this lack of expertise. When governments are reliant on the military for advice on defense issues, it is the armed forces, and not the government, which effectively decide policy. This state of affairs still persists in some Central and East European countries, despite the existence on paper – and in law – of what would otherwise be adequate mechanisms for democratic control."[7]

A similar disappointing picture has to be drawn from the development side. "The confidence with which the objectives of the Security Sector Reform agenda are proclaimed contrasts …with the rather limited nature of reform successes so far."[8] While the objectives of Security Sector Reform and its general motivations are considered as laudable, there exists a critical policy vacuum when it comes to engaging effectively with the key issues raised by these objectives and the reform agenda as a whole. Despite the cogency with which the SSR agenda is presented, operational success has so far occurred only in relative exceptional circumstances.[9]

Against this background it seems to be difficult to decide on what to start with. From today's perspective it is regrettable that all related reform efforts have been undertaken in the absence of international consensus on the normative and operational criteria for the successful realization of democratic structures and oversight and the required effectiveness of control. Fitting armed forces within modern societies (and, in particular, in transition and reform countries) is not just a matter of establishing a few constitutional rules. It has to be seen as a process requiring considerable time, careful thought, and sustained effort by many partners sharing duties and responsibilities in a joint exercise. Although there are basic principles common to all democracies for establishing the proper place and role or their armed forces, it has to be acknowledged that the ways in which democratic political control of the armed forces is ensured and the inherent potential for conflict between democratic governance and military hierarchical order is reconciled vary from country to country commensurate with the specific political, economic, cultural and other conditions and realities of any given case. Thus there is *a priori* only a small chance for the elaboration of a single theoretical or empirical paradigm

[7] Chris Donnelly, Reform Realities, NATO Review – Volume 49-No 3- Autumn 2001, p. 13-15.
[8] Jane Chanaa, Security Sector Reform: Issues, Challenges and Prospects, IISS, Adelphi Paper 344, London Summer 2002, p. 8.
[9] See Chanaa, op cit, pp. 10 and 33.

that could serve as generally applicable model for analysis, guidance and assistance. Each individual case has to be examined commensurate with the specificities and realities involved.

3. Urgency of Action

Yet it has also to be recognized that the failure in pragmatically coordinating and consolidating inherent donor and recipient strategies on the basis of an agreed set of pertinent criteria has hampered and continues to hamper the optimal design and application of problem related advice and support, neglecting the importance of the efforts involved and the potential of coordinated action and systematic use of synergies in this regard. There is a clear need to think more carefully about assessing and auditing respective programs and outreach activities and to ask which concepts and strategies have been most successful or inadequate and according to which criteria.

Furthermore the obvious diversities in the extent to which powers and procedures established in principle are exercised in practice and the resulting considerable differences in the effectiveness of intended control call for an undelayed improvement of methods and tools. Further it is necessary to determine and implement pertinent criteria for assessment and evaluation of progress made and for gauging effectiveness of the established control mechanisms. Continuous evaluation of the successes and failures in implementing adequate norms, structures, mechanisms and procedures has become a prerequisite for enabling appropriate adjustments and for adequately guiding and screening further processes. The availability of a pertinent set of normative objectives and qualitative and quantitative criteria should serve to clarify the requirements and expectations of both donors and recipients of advice and assistance, and provide a yardstick for regular evaluation of reform and progress achieved.

The 11 September events have drastically increased the awareness of the urgent need for additional efforts in this regard. The terrorist attack on the United States has amply demonstrated that advice with regard to SSR in general and the consequences for civil-military relations and democratic control of armed and security forces has been based so far on inadequate assumptions about today’s security requirements. These can no longer be coped with by traditional, yet outdated defense concepts. Security and

defense can no longer be used as synonyms and the forces that are suitable to meet most of the threats to security Europe faces today are quite different from those maintained in the arsenals. All European countries, established and emerging democracies, "donors" and "recipients" alike are striving to deal with this dilemma.[10] A review of appropriate mechanisms for democratic control of the Security Sector under the changed circumstances (*i.a.* resulting in more executive rights, mutually contradicting transparency requirements and further limitations of individual freedoms) has become a must for the "donor" countries too. And as SSR, and in particular its democratization aspects have to be understood as a process and not as an end point, the related evaluation and assessment of success or failure will remain integral part of the permanent agenda for review and adjustment.

It is against this background that supplementary analytical and operational efforts have to be undertaken in order to provide succinct guidance and orientation as well as an improved practical road map for the way ahead in related SSR.

C. The Need for Agreement an Terms and Objectives

1. Preliminary Questions: What, What for, Why and How ?

Any attempt to adequately assess success or failure of SSR and to determine the criteria that are supposed/ assumed to be instrumental for positive or negative results finds itself confronted with a range of preliminary operational and definitional questions such as *inter alia*: What exactly do we understand by Security Sector Reform with regard to the context and the overall objectives? Who is involved with what primary interest and general aspirations? Who aims at what? Whose perception and perspective is involved, the donor's, the recipient's, others'? What are the driving normative and functional factors? What are the priorities? What are the requirements and conditions? What are the levels of performance and efficiency? Who benefits, who loses? What do we understand by SSR reform as such? What are the issues and criteria for realizing the principle of democratic control of armed forces? What are the implications of SSR for

[10] See W.N. Germann, Responding to Post Cold War Security Challenges, op. cit. 3

individual CEE (and other) countries in transition? What does “success” mean in the various contexts? What are the reference criteria for comparison and evaluation? What qualitative and quantitative criteria are of relevance for the creation of yardsticks in order to measure progress and assess ultimate success? Is it feasible to determine - and assess – a clear end state of reform? What is the relationship of progress in one reform area and failure in others with regard to success of the overall endeavours?

This illustrative list of preliminary reflections provides an impression of the complexity and interrelationship of norms, objectives, actors, conditions etc. It also sheds some light on the problem of solving the inherent tensions between objectivity and subjectivity, facts and judgment. Without clearly defined objectives, goals and targets (which are not static !) and clear references to inherent normative criteria and required levels of performance and effectivity of their realization (which vary and are of a dynamic nature, too) it is difficult (if not impossible) to conclude or assess what represents success or failure. What is needed in this respect is a methodological “reduction of complexity” by prioritization and systematization and the application of models and pertinent tools.

Despite the interest political science has invested so far in sketching related approaches and concepts there is no common and standard set of definitions and methodologies available that would be helpful in finding comprehensive answers. The empirical basis for the establishment of a concise conceptual framework for systematic analysis of all SSR related components and their interrelationships continue to be too limited for generally applicable definitions and theory building. The designation of reference criteria for assessing what is assumed to represent a partial or ultimate success is still limited to the judgment of value or interest driven political or politico-military judgment. Criteria of success are hardly the result of objective scientific consideration. Progress in this regard appears to be stuck in unnecessary perfectionist attempts to further improve definitions where simple “operationalization” of the terms used could be sufficient.

It is against this background that in the following the attempt is made to contribute to delineate meaning and scope of inherent terms and tasks in order to provide for a shared view on the issues at stake. The paper deliberately refrains from trying to re-define the concept of SSR and to establish a coherent hierarchy of normative categories and criteria involved. It rather suggests to start – for the purpose of preliminary

clarifications at issue – from premises and general understandings as discussed below.[11]

2. Security Sector Reform and Criteria of Success

"Security Sector Reform" has to be seen as a broad concept, concerned with developing and maintaining appropriate national security architectures for particular national situations and contexts[12]. It is not an end in itself but rather a means of systematic, problem driven thinking about security issues and their interrelationships. It provides analysts and policy makers with a framework for targeting what has to be addressed within SSR in qualitative and quantitative terms. This framework varies commensurately with contexts and circumstances. Thus there is no concept as such that lends itself to a precise definition or model. What in practice is meant by SSR in a given context and what policies may be effective and successful in internally or externally driven reform has to be defined in accordance with the realities of every given case.

Security Sector Reform is not just a "tool," but a broad and ambitious notion concerned with developing and maintaining certain types of security relationships and architecture most commonly associated with liberal democracy. It is closely linked with other normative agendas such as democratization, civilian control of the armed forces and other security services, protection of human rights, independent judiciary, importance of independent civil society etc.

This notion of 'Security Sector Reform' "typically involves a number of different elements that together constitute an attempt to reform the security sector in the countries under discussion towards an 'ideal type.' Room for tactical variation and adaptation to individual circumstances is accepted, but at the heart of the SSR project as commonly understood is an acceptance of universal norms. When we talk of 'security sector

[11] This chapter profits from the discussion at a workshop on SSR held at the Centre for Defense Studies, London; on 8th October 2001 and draws on the related report by Dr. Tim Edmunds.

[12] With regard to substance and scope of what constitutes the "Security Sector" this paper follows the more precise operationalization of the term by Malcolm Chalmers, SSR in developing countries: an EU perspective, Saferworld/University of Bradford, January 2000) taking " Security Sector to mean all those organizations which have authority to use, or order to the use of, force, or the threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. It includes: (a) military and paramilitary forces; (b) intelligence services; (c) police forces, border guards and customs services; (d) judicial and penal systems; (e) civil structures that are responsible for the management and oversight of the above."

reform,' we typically do not mean just any reform, but specific types of reform - good reforms. Reforms that move societies closer to norms that are usually quite explicit."[13]

One of the main normative objectives of SSR is to optimize the protective power of a country's armed forces and, at the same time, to minimize the inherent coercive risks by establishing and implementing adequate mechanisms for democratic political control. The task involved is to adequately conceptualize and address the relationship state-legitimized force has with issues of governance and security. With regard to the scope of such an undertaking it is recognized that international and internal security problems relate to and depend on not just (and often not even primarily) regular armed forces but also involve paramilitary and irregular armed forces, police and other law enforcement forces, the judiciary and a wider security decision- making bureaucracy. Each of these elements needs to be addressed as such (e.g. police reform; command structure reform for the regular forces etc.). However, efforts to reform individual components of these integral parts are unlikely to be effective/successful in the absence of comprehensive approaches tackling the sector as a whole and its relationship to others. This is an important prerequisite for establishing and keeping a solid structure of the entire architecture supported by appropriate transformation and reform and continued adjustments.

Security Sector Reform in transition countries is of specific complexity. The problems of defense transformation for all European countries today are both great and urgent. But for CEE countries with WP or Soviet heritage, they are extreme. It is not just the adjustment and adaptation of doctrines and force structures that is at stake but the establishment of a new and different architecture for national security provisions as a whole. CEE countries carry out the implementation and consolidation of democratic structures and mechanisms simultaneously with all other fundamental reforms in the political, economic, cultural and societal fields. This complicates the process, increases the time pressure for results, raises intra-governmental competition for already scarce resources and reduces further the political and societal courage for the design and implementation of broad and costly concepts of SSR. Consensus on such an approach

[13] Malcolm Chalmers (University of Bradford), Structural Impediments to Security Sector Reform, Working Paper introduced at the IISS/DCAF Conference on SSR, Geneva, April 2001.

is needed in order to avoid societal tensions and crucial phases of instability in the transformation process itself.[14]

For the CEE countries it is indispensable to pursue an interrelated comprehensive approach in order to reform - successfully and lastingly – their Security Sector in accordance with

- internal goals and objectives, functional needs and available resources
- normative conditions and prerequisites as set up by those institutions under whose auspices the reform and transition countries are supposed to change and adapt.[15]

It is the explicitly expressed or even codified expectation of concrete reform objectives towards transparency, good governance and democratic political control of the entire Security Sector that sets issues and scope for the related reform. In this regard the NATO Partnership for Peace Work Program, EAPC Action Plan and the various Membership Action Plans have been and continue to be key tools in both promoting and shaping relevant SSR efforts. As a result NATO Allies and CEE partners work together towards transparency in national defense planning and budgeting, democratic control of armed forces etc. Explicitly refraining from setting up detailed criteria for democratic control (which would not be feasible for political and other reasons) the corresponding work programs only list a number of specific activities to be conducted under this topic including political and legal concepts, defense and security related education for civil cadres and staffs in Government and Parliament, development of balanced civil-military

[14] Corresponding efforts of the CEE countries have considerably suffered from the complexity of SSR requirements and the simultaneousness of challenges involved in the transformation process as a whole. Notwithstanding the corresponding differences in size and composition of their armed forces, the path of military reform has followed a remarkably similar pattern everywhere. Besides a number of inadequate decisions with regard to the maintenance of massive but obsolete force structures, unsuitable administrative, command and military education infrastructures and ineffective, non transparent personnel systems, it was mainly the total lack of national governmental capacity for defense policy formulation, defense planning and crisis management that particularly affected the effectiveness of nationally led reform in a negative way and further reduced the degree of real political control over the armed forces.- See Chris Donnelly, Reshaping European Armed Forces for the 21rst Century, NATO think piece, October 2001, NATO On-line-library.

[15] These are in particular the EU, the OSCE and the Atlantic Alliance/EAPC whose declared preconditions and criteria for membership are assumed to guide the appropriate democratization processes within the reform countries.

relations, progress in the implementation of the Code of Conduct on Politico-Military Aspects of Security (see below) and information on concepts of defense structures.[16]

Furthermore all CEE countries have committed themselves to reform their Security Sector in accordance with the provisions of the OSCE Code of Conduct on Politico-Military Aspects of Security of 1994 stipulating a comprehensive set of rules on political control, democracy and the use of military, paramilitary and internal security forces, as well as the information services and the police. The Code basically aims to ensure that the armed forces are placed, in terms of their use (both internal and external) under the authority of free institutions having democratic legitimacy, and abide by the principle of legality, democracy, neutrality, respect of human and civil rights and comply with international humanitarian law. Within this framework the principle of individual responsibility of officials and subordinates for illegitimate orders and deeds, as envisaged by international law is reasserted. This extensive scope for reform has become obligatory and all assessments of success and failure in SSR of and within the CEE countries will necessarily have to involve the whole spectrum of inherent provisions.

3. Methodological Considerations

What constitutes success or failure in institutional, procedural, qualitative and quantitative terms will finally have to be assessed and determined against

- the adequacy of objectives pursued (e.g. norms, criteria, purpose and scope of related aims and activities; compatibility with internal realities and international expectations or commitments; acceptability and ownership etc.)
- the appropriateness and effectiveness of concepts and programs for their realization/implementation
- the actors and recipients reached and involved[17]

[16] For a detailed systematization of inherent criteria see W. N. Germann, Issues, Categories and Criteria of Democratic Control; unpublished DCAF Working Paper, Geneva January 2001, integrated as Annex to this paper.

[17] For long-term stability of results achieved by reform it would be short sighted to aim at currently governing elites only. In an intended system of alternating governments it is finally the society as a whole that has to be convinced of the advantages achieved by related reform programs.

- the functioning of established institutions, mechanisms and regulations and their flexibility
- the potential for and use of synergies.

It is the continuum of related questions that has to be analysed in order to determine the predominant and decisive factors and criteria for success or failure. Many of the criteria may be identified by logical conclusion within descriptive or comparative approaches, others may require empirical verification as well. This relates to progress and, where definable and appropriate, final results alike. Effective evaluation of the stages reached and progress made remains an essential part of every SSR activities; however, it also raises the familiar questions of at what level of policy decision making assessments should be made, in relation to what combination of objective norms and procedures and from whose perspective this should be judged. Unclear and volatile premises and the dynamic nature of the reform process itself render empirical and analytical tasks involved quite difficult and time consuming.

With regard to the principal objectives there is at least a relatively solid basis as the result of western policy transfers and acceptance of the suggested norms by the emerging democracies.[18] But there is no generally applicable systematic and detailed list of norms, requirements for and criteria of democratic control of the armed forces that could, without further operationalization, serve as a tool and reference for determining *a priori* the elements of success or failure and individual criteria to be instrumental and

[18] There are basic prerequisites and principles for assigning an adequate role and proper place for armed forces within their constitutional and societal frameworks that are common to the established and increasingly for emerging democracies also. These include the observance of parliamentary oversight as well as the political and social mechanisms of control of the armed forces. They demonstrate that, to be effective, the successful implementation of these principles depends on a prior or parallel process of democratic structures and civil-military relations. They also demonstrate that there cannot be a reliable control without a functioning democracy or at least an ongoing process towards its realization. – While the detailed application of the overriding principles may differ from country to country there is widely shared agreement on the prerequisites to include: a constitutional framework, a functioning parliament, a civil government with clear delineation of competences, an independent judiciary, an established military organization, a mature civil society, an educated public and an independent media and free press. – Against these prerequisites it is assumed that democratic control of armed forces is assured if these are part of the executive arm of governance; are subordinated to democratically legitimized political leadership; follow political guidance; obey the rule of law; are confined to their constitutionally defined tasks; are politically neutral; have no access to financial support other than the State budget and are controlled by Parliament, the political leadership, the judiciary and civil society. (For a detailed summary of inherent quantitative and qualitative issues and criteria see WP on “Issues, Categories and Criteria” in the annex.) See also Dietrich Genschel, Principles and Prerequisites: DCAF Mechanisms in Established Democracies, WP contribution to the DCAF Workshop on Criteria of Success and Failure in Security Sector Reform, Geneva, September 2002.

indispensable in this regard. Commitments to the multi nationally agreed objectives have first to be translated into national legislation to become effective and whether this initiated process is successful or not may be judged differently when done internally and from the outside. Donors will have their own view of what a recipient's policy should be and they tend to see Security Sector Reform as an instrument of that policy and not primarily as an independent free floating good. By making their assistance conditional on declarations of support for intended reforms, donors can relatively easily get governments to sign on to a process. But "it is much more difficult to get a government to genuinely believe in the reform in its own right, to participate in its design and to be ready to continue it when external interest is exhausted."[19] This is a matter of respective ownership that is an indispensable criterion for leading reform efforts to successful results.

The implications and effectiveness of international institutional arrangements for policy transfer, integration and implementation have to be further analysed (Who sets SSR goals and why? What are the functional requirements for moving towards something more suited to a given country's needs and what are the criteria for their realization etc.) This, as well as the consideration of internal criteria for engaging in and promoting of related reform is a matter of further empirical study, analytical work and practical verification.

D. Methodological Problems

1. Painting a Moving Train

In praxis it should not be an insurmountable problem to improve the material and methodological basis for an appropriate design of necessary reform concepts and the means of their systematic implementation with or without concise theoretical SSR models. Although we have to acknowledge that no such comprehensive model exists for the optimal choice of norms, establishment of institutions, installation of constitutional frameworks, integration of the various actors etc. there are a variety of static elements that can be identified – by experience made within comparable cases or logical judgment

[19] Malcolm Chalmers, Structural Impediments to SSR, op. cit.

and conclusion – as important pillars for successful solutions. Most of them are undisputed irrespective of the authorship of their introduction or theoretical foundation. What is more complicated for setting a successful course for reform are the attitudinal variables stemming from historical and cultural heritage, political and military cultures, status of civil society building, economic resources, etc.

However, there may be various approaches to compensate for the difficulties involved. Decisive factors and criteria with regard to the behavioural, attitudinal and other societal aspects could be deduced in analogy to comparable methodologies applied in the far more advanced research on democratization and transformation theories.[20] These oscillate between simple observation, common sense judgments and descriptive considerations on the one end and mathematically supported system-oriented theory building on the other. However, none of these as such has so far provided a convincing, comprehensive, concise and generally applicable paradigm or set of tools for systematic guidance in a field that is, above all, political.

Quick results cannot be expected. The matter is too multifaceted, too complex, too dynamic and, in parts, too volatile for any *a priori* determination of precise sets of criteria for a successful realization of overarching reform objectives and the integration of these criteria into tailor-made strategies and agendas. The methodological problems are manifold and have to be reviewed as such as well as in their interrelationships.

The main problems have to be seen in the dynamic political nature of reform (within a dynamic international environment and societies engaged in simultaneous reform efforts with changing priorities). SSR is a process rather than an end point. This means that success (or at least performance) is only likely to be visible after time. Its holistic (or at least multifaceted and interrelated) nature means that “successful” SSR in closely linked to “successful” processes of wider democratisation and development. Particular reform projects and elements may be assessed as “successful,” but can easily be undermined if other elements of the security sector systems remain unchanged or do not keep track with parallel reform efforts in other areas.

[20] See e.g. Wolfgang Merkel, Systemtransformation. Eine Einführung in die Theorie und Empirie der Transformationsforschung, Opladen 1999.

This does not mean that performance cannot and should not be evaluated or that success on a case-by-case basis is irrelevant without wider success in the overarching objective of Security Sector Reform. Success in particular areas of SSR helps to advance the process as a whole by providing momentum for reform and offering examples of success and good practices. The latter, however, are hardly available a priori.[21] They can only be provided ex post…and this means again, after an adequate time of application.

The second problem relates to the issue of objectivity. SSR is rarely internally generated; fundamental reform is hardly (if ever) in the interest of the clients concerned. SSR is, in its real expression, not a value free, altruistic concept but a framework for the transfer of interests and norms and related policies. This is less problematic as long as donor and recipient country governments pursue compatible objectives. But it severely limits the chances for recognition of judgements on success when they follow differing principles and have different objectives. This is also true for internal processes and the competition for scarce resources.

Another problem has to be seen in the need to operationalize the overall reform objective and those of its constituent elements in qualitative and quantitative terms as reference base against which success can be measured and evaluated and as a yardstick for regular evaluation of progress. Operationalization involves the establishment of priorities, agreement on the guiding principles and related aims and objectives, compatibility of views on scale, timeframe, organizational framework, financial and social consequences of required and / or intended reform steps and, last but not least; on issues of evaluation of effectiveness and on the best methodologies for doing so systematically. This needs communication and mental preparedness. This needs practical reconnaissance in the field with regard to real requirements and dominating mindsets, evaluation of needs and realities and design of problem oriented, targeted solutions that are by themselves flexible and dynamic. This certainly limits further the applicability of pre-set models simply based on logic and basic principles. In practice the process of SSR is proceeding at a different pace in each of the countries concerned. The challenges involved are similar, but the manners in which they are being addressed are quite different. There is certainly scope for best practices and lessons

[21] See Timothy Edmunds, SSR: Concepts and Implementation, op. cit. pp. 7 and 8.

from positive and negative experiences to be shared widely. However, with a view to establishing general rules and determining generally advisable criteria for generating success and evaluation related performance, their use - in accordance with the specific requirements of a given case and situation – requires additional systematic screening and application of heuristic tools.

Regarding the driving motivation to embark in increased efforts in evaluation success and failure in Security Sector Reform, one meets another surprising paradox: The ultimate success of Security Sector Reform could finally be verified only under the conditions of and within the framework of an empirical crisis and thus of a situation which to avoid all Security Sector Reform efforts aim to. It is similar to the difficulties with all strategies of deterrence and dissuasion: There is no -or should not be any – final proof.

In view of the diversity of conditions, circumstances, guiding principles and the individual dynamics of any given case, donors and recipients of pertinent policy transfer with regard to SSR may be better advised to choose a more robust, pragmatic, flexible and, where necessary and appropriate, deliberately eclectic way by using the various analytical and empirical tools as they fit. The framework for such a pragmatic, problem oriented integrated approach (and pertinent “system of coordinates”), which would necessarily require a relatively broader empirical basis and conceptual coordination, could be established through the design of tailor-made “ideal-types” (or a hierarchy of these), against which individual realities can be measured and assessed.

2. … And Tools for Doing It

It is generally recognised that in view of the inherent problems and consequences a relatively robust mechanism to evaluate progress and to measure effectiveness is needed and that related clearly identified aims and objectives should be supported by clear performance indicators and targets. In this regard three methods of evaluating performance are suggested that attempt also to provide criteria for marrying together both programme / project / element specific and overall evaluations of SSR: The first is the already mentioned generic framework approach based on the provision of a normative “ideal type” against which performance (by comparison of norms and achieved standards) can be measured. The second is the collective/regional approach

measuring performance against specific international institutional agendas with specific goals and indicators that must be achieved in SSR (e.g. EAPC and MAP criteria, OSCE Code of Conduct provisions).

The third method is the process / facilitation approach which focuses on specific empirical rather than normative criteria, which act as facilitating elements for reform (e.g. by measuring factors such as "transparency " or "oversight" rather than "democracy").[22] Which of these methods (or what combination of their elements) suits best for the solution in a given case will have to be examined in accordance with the specific requirements and opportunities. It cannot usefully be decided upon a priori.

With a view to the necessary differentiation and systematisation of criteria of success and failure in democratizing security sectors and establishing the principle of democratic control of the armed and other security services it is suggested to limit generalizing approaches to relatively coherent areas with comparable requirements. This would maintain the focus on individual needs, recognize the differences in scope and intensity of individual countries' or regional reform requirements and translate the experience that SSR efforts are important in their own right with a significant impact on the wider process of democratization. In pursuance of this idea it would make sense to systematize conditions and criteria of success in accordance with related reform needs within e.g.

a) Established democracies (i.a. NATO and EU member states and selected partners)
b) Emerging democracies (i.a. MAP counties and NATO and EU aspirants)
c) Other counties in transformation (i.a. Russia, Ukraine, Central Asian Countries)
d) Authoritarian countries not yet opened for democratization (i.a. Byelorussia)
e) Developing countries (i.a. African and Asian countries)
f) War torn societies (i.a. in the Balkans and in the Caucasus region, Africa etc.)

The construction of a system of related "ideal-types" of efficient security sectors and of democratic control of the armed forces/ the individual Security Sector would be a joint exercise by political, politico-military and academic circles, think tanks or planning staffs. It would lead to an improved and coordinated comprehensive mechanism for assessing and evaluating the requirements for a given case, progress made towards their

[22] See Timothy Edmunds, SSR; Concepts and Implementation, op.cit. p.7 bis.

realization and the determination of those factors and criteria that in the end may be decisive for the quality of the results achieved within a given context.[23] Despite the necessity of further analytical investment and the indispensable broadening of the empirical basis, i.e. by increasing the analysis and compilation of lessons learnt, the basic instruments for a systematic start seem to be available. What matters is to sharpen these tools for more targeted application in planning and practical assistance.

[23] In this regard the presentation of examples from within “closed” national ways offers the opportunity to determine the importance of individual elements for the successful functioning of the system as a whole and to draw adequate conclusions for the case at issue.

Annex

Issues, Categories and Criteria of Democratic Control of Armed Forces (DCAF)[24]

Introduction

Their capabilities for external protection provide armed forces simultaneously with a coercive power, which could, if misdirected, override all other elements of society. Therefore democratic states seek to optimize the protective value of their armed forces and, at the same time, to minimize the inherent coercive risks by establishing and implementing mechanisms for their democratic political control.

Democratic political control of armed forces and their appropriate integration with the civil society have thus become an indispensable element of internal and external security and stability. The ways in which democratic political control of the armed forces is ensured and the inherent potential conflicts between democratic governance and military hierarchical order are reconciled vary greatly. They depend i.a. on the history, constitutional arrangements, political and military culture, economic resources and sociological situation of any given country. There is no single theoretical or empirical paradigm that could serve as generally applicable model. Thus each individual case has to be examined commensurate with the specificities and realities involved.

The issues, categories and criteria listed and commented below are intended to serve as a tool in this regard. They should assist the analysis and determination of pertinent mechanisms required for ensuring an effective democratic oversight and control of the armed forces in accordance with the specific circumstances. They represent open ended “check lists“ of issues to be raised in an effort to design individual “ideal type “models for the set up and functioning of appropriate control processes. For that purpose different analytical categories
(or a combination of specific elements derived from them) may have to be applied.

[24] Working paper / methodological sketch for internal analysis and discussion; intended to serve as a quarry for the selection and combination of pertinent elements for the design of tailor made “ ideal types” of democratic control of armed forces.

Methodology

There is no single generally applicable methodology or model that could serve as overall *passe-partout* to the empirical problems. The adequacy of approaches (or the appropriate combination of criteria) responding to the requirements described above is dependent on the scope and complexity of any individual case. Therefore a selection of coherent examples / approaches for illustrative, analytical and, comparative purposes is suggested. It follows the steps from the general to the specific (from generic categories and criteria towards their specific implementation and systematization in coherent normative concepts).

This selection starts with a " value free "open ended check list of main issues for the establishment of a comprehensive and coherent system of qualitative and quantitative criteria for democratic control of armed forces in its constitutional as well as behavioural aspects. It continues with sets of normative objectives and prerequisites as set up by those institutions under whose auspices the reform and transition countries are supposed to change and adapt their security sector including the establishment and practice of democratic control of their armed forces. These are in particular the EU, the OSCE and the Atlantic Alliance/ EAPC, whose declared preconditions and criteria for membership are assumed to guide the appropriate democratization processes within the reform countries. With a view to the interrelationship of individual categories and criteria and for comparative purposes a summary of issues and criteria common to almost all established democracies is added. The list is finally supplemented by some more detailed additional criteria deduced from national concepts.

Premises and Assumptions

The selection of issues and criteria of democratic control of armed forces is based on the following premises and assumptions:

- In democracies questions concerning security in general and the armed forces in particular are questions to the society as a whole

- Democratization of the security sector including the establishment and practice of democratic control of the armed forces is not feasible without prior or simultaneous democratization of the socio-economic environment
- Political democratic control of armed forces is more than the institutionalization of laws and practices; it is a social process that results from a variety of power relations and social interaction
- Pertinent criteria for democratic control of armed forces as well as their appropriate combination differ from country to country commensurate with the specific conditions and realities of any given case
- Promotion of democratic control of armed forces should thus be tailored to the individual circumstances of the recipient states concerned; its realization is dependent on a substantial attitudinal change and involves the internalization of democratic values and practices at both the political and societal level
- Lasting consensus on democratic principles and procedures including the democratic
- control of armed forces will only be achieved through a continuous consciousness building process generated and maintained from within the society itself
- Democratic control of armed forces is not solely a matter of concern to the reform countries in Central and Eastern Europe but also an issue for continued consideration in the established democracies....

Categories and Criteria

I. Value Free, Technical Criteria of DCAF[25]

Systematization: main political and constitutional issues - main actors and key players - subjects to / objects of control - purpose and goals - instruments and tools - socio-economic foundation and societal preconditions - requirements and limitations - implementation of control - feedback and adaptation

[25] Open ended, updated and further extended, "value free" check list of issues and criteria initially set up at a 1995 University of Bern workshop.

Main / basic (political) issues: armed forces - decision about war and peace - external use of armed forces - unilateral / multilateral - internal use of armed forces - procurement of equipment - autonomy or integration - question of nuclear armament / protection / participation - personal management / qualification system - foreign and security policy (concept and realization) - defence and military policy (strategic concept, implementation statutes and regulations) - alliances - coalition / alliance commitment/ obligation - international participation - international cooperation - arms industries and trade - procurement - decision making process(es) - general defence aspects - internal leadership regulations - internal security - role and standing of the armed forces within the society - military socialization - overall civil-military relations - allocation of resources

Main actors and key players: parliament - committees - government- Ministries of defence, Foreign Affairs, Interior, Finance. - President - courts - public opinion - media - administration - lobby groups / interest groups / NGOs - political parties - ombudsman system - people / population - chief of staff / general staff - informal opinion leaders

Objects of control: armed forces - military academies - security and defence policy - defence and military policy - recruitment system - internal and paramilitary security forces - alliance policy and commitments - operational mandates - chain of command - political control of armed forces under UN command - authorized/unauthorized autonomy - command and management principles - arms industry - changes in concepts and main issues - intelligence and security services - respect of human and civic rights - main actors minus: public opinion, people, political parties, NGOs - officer selection and promotion - day-to-day routine of the armed forces - allocation of resources

Purpose and goals: control (institutions, structures, actions, decisions, behaviour) - steering (actions and processes) - optimization (efficiency, effectiveness)- protection - transparency - internal and external stability

Instruments and tools: constitutional provisions - judiciary system - legal system - voting and elections - individual political rights / political participation - referenda - political pressure (by media, public opinion, interest groups) - rights of control by

elected bodies (parliaments, parliamentary institutions) - human and basic rights - parliamentary commissioner / ombudsman-international agreements and treaties - interdependent decision making processes - budget system

Societal preconditions: rule of law - public education, knowledge and interest - dialogue between all actors (communication culture) - transparency of issues - mutual responsibility and trust - relative stability in civil-military relations - democratic political culture - effective (formal and informal) instruments of control - democratic tradition or striving for democracy - (cultural) predisposition to issues of control - existence of conscripts/compulsory service

Requirements and limitations during crises periods: preconditions of control in crisis and war - national objectives (in crisis / tension periods) - transfer of operational command - responsibilities of commanders and international staff in multinational actions and activities - legitimacy within law - use of control rights / possibilities - limits of resources - proportionality - efficacy and efficiency

II. "Copenhagen Criteria'' on Democracy

At its meeting in Copenhagen on 21./22. June 1993, the **European Council** laid down - without stipulating detailed conditions and specific requirements - political criteria to be fulfilled by associated countries of Central and Eastern Europe to become Members of the EU. These demand i.a.

- the achievement of **institutional stability as a guarantee of democratic order**, the rule of law, respect of human rights and the respect and protection of minorities
- the achievement of a functioning market economy

These criteria are explicitly referred to in the framework of the **Stability Pact for South Eastern Europe** (EU initiative, Cologne, 10. June 1999):

"...countries wishing to be admitted (to full membership) must, however, meet certain minimum **standards, including the Copenhagen criteria on democracy** and market economy laid down in 1993....

...the Stability Pact's stabilisation policy is not only about economic development. Without state institutions that work effectively and the **democratic development of a state under the rule of law** there can be no long-term economic development and prosperity. Equally, **democratization and non- discrimination** are also fundamental preconditions to guaranteeing internal and external security....."

The politically binding Copenhagen Criteria are also included in the European Parliament "Agenda 2000" resolution, where - in addition - great importance is particularly ascribed to

- legal accountability of police, military and secret services...and
- acceptance of the principle of conscientious objection to military service.

III. OSCE Code of Conduct on Politico-Military Aspects of Security

At their summit meeting in Budapest on 05/06.12.1994 the Heads of States and Governments of the **OSCE** member countries agreed i.a. on a **"fundamental charter"** as a tool for steering the internal and international behaviour of the States in the political-military field. As essential part of the 1994 Budapest document the " Code of Conduct on Politico-Military Aspects of Security " refers to, and, in a certain sense," codifies", the traditional concepts of the globality and indivisibility of security, as well as the need to develop towards the latter a cooperative approach based on creating synergies and complementarities among the European organizations and agreements existing in this field. Moreover, it features an important innovation concerning the sections containing the **rules on political control, democracy and the use of military**, paramilitary and internal security **forces**, as well as the information services and the police.

The Code, which governs matters that in the past fell within the domestic jurisdiction of the State, basically aims to ensure that the armed forces are placed, in terms of their use (both internal and external), **under the authority of free institutions having democratic legitimacy**, and abide by the principles of legality, democracy, neutrality, respect of human and civil rights and comply with international humanitarian law. Within this framework, the principle of the **individual responsibility of officials and subordinates** for illegitimate orders and deeds, as envisaged by internal and international law, is also reasserted.

The detailed prescriptions are mainly summarized in the relevant sections VII and VIII of the Code and oblige the participating States to:

- further the **integration of their armed forces with civil society** as an important expression of democracy
- provide for and maintain, at all times, **effective guidance to and control of its military**, paramilitary and security forces by constitutional and legal responsibilities
- clearly **define the roles and missions of such forces** and their obligation to act solely with-in the constitutional framework
- provide for its **legislative approval of defence expenditure**
- exercise **restraint in military expenditure** and provide for **transparency** (to be specified) and public access to information related to the armed forces
- ensure that its armed forces as such are **politically neutral**
- maintain measures to **guard against accidental or unauthorized use** of military means
- not tolerate or support **forces** that are **not accountable** to or controlled by their constitutionally established authorities
- ensure that its **paramilitary forces** refrain from the acquisition of combat mission capabilities in excess of those for which they were established
- ensure that **recruitment or call-up of personnel** is consistent with its obligations and commitments in respect of human rights and fundamental freedoms
- reflect in their laws or other relevant documents the **rights and duties of armed forces personnel**
- consider introducing **exemptions from or alternatives to military service**
- respect the provisions of international **humanitarian law of war** and to reflect them in their military training programs and regulations
- ensure that armed forces **personnel will be individually accountable** under national and international law for their actions
- ensure that **command authority** will be exercised in accordance with relevant national and international law and that orders contrary to these laws are not given

- insist that the **responsibility of superiors** does not exempt **subordinates** from any of their individual responsibilities (respect of law of war; ethical and moral foundations of upholding democratic principles)
- provide appropriate legal and administrative procedures to protect the **rights of all its forces personnel**

Furthermore the participating States parties will ensure that

- their armed forces are, **in peace and in war**, commanded, manned, trained and equipped in ways that are consistent with the relevant provisions of international law
- their **defence policy and doctrine** are consistent with international law and other relevant commitments
- any decision to **assign its armed forces to internal security missions** is arrived at in conformity with constitutional procedures.

These provisions are **politically binding**. The participating States have committed themselves to ensure that their relevant internal documents and procedures or, where appropriate, legal instruments reflect these commitments.

(NOTE for the reader: These provisions of the OSCE Code of Conduct have become an obligatory reference within NATO`s Partnership for Peace Program objectives discussed below)

IV. PFP/ PWP and EAPC Action Plan Categories of Democratic Control:

Partnership for Peace (PfP) was introduced by NATO at the January 1994 Brussels Summit Meeting. The aims and objectives are documented in the **" PfP Framework Document"** issued by the Heads of State and Government at that occasion. - PfP is the principle mechanism for forging security links between the Alliance and its Partners in the European Atlantic Partnership Council (EAPC). Through detailed programs that reflect individual Partners` capacities and interests, Allies and Partners work towards **transparency in national defence planning and budgeting, democratic control of defence forces,** preparedness for civil disasters and other emergencies, and the development of the ability to work together , including in NATO led PfP operations.

“Ensuring democratic control of defence forces” is one of the five basic objectives listed (without further details) in the PfP Framework Document. Details to these objectives are formulated in the generic section of the **Partnership Work Program (PWP)** (and the corresponding EAPC Action Plan). This generic section defines the objectives to be pursued in all areas of PfP cooperation for the two subsequent years. These objectives serve as guidance for NATO and nations for their proposals of PWP specific activities.

Explicitly refraining from setting up lists of detailed norms, requirements and criteria of democratic control of armed forces (which would not be feasible for political reasons) the PWP currently lists the following **objectives for the specific activities** to be conducted under **“Democratic Control of Forces and Defence Structures:”**

- **political and legal concepts:** seat of authority - constitutional and legal checks and balances in the security and defence fields - process of interaction between Government, Parliament and Armed Forces - parliamentary oversight of decision making in defence - defence reform: reconciling military culture and tradition with the restructuring of the defence establishment - need for military’s political neutrality - participation of the military in political life - role of media and of independent civilian expertise - military training and the use of military forces to support civilian authorities
- **defence and security related education** for civilian cadres and staff in Government and Parliament
- **development of balanced civil- military relations** including the military’s role and image in a democratic civic society and the role of conscription, if any
- progress in the **implementation of the OSCE Code of Conduct**
- **information on concepts of defence structures** such as: structure, organization and roles of a Defence Ministry in a democratic society - civil-military interface in a Defence Ministry - structure and organization of the armed forces and command structures - role of reserve forces and mobilization - personnel issues under a system of balanced civil-military relations

In order to promote the establishment and conduct of democratic control of their armed forces as well as the designation of the appropriate role and place of these in their individual democratic societies in accordance with the objectives listed above,

Partners pursue the following activities under the primary responsibility of the **Political-Military Steering Committee on PfP (PMSC):**

- participation in **PMSC+ brainstorming sessions** on civil-military relations / democratic control of armed forces
- participation in **19+1 meetings of the PMSC** to discuss issues of mutual interest in the field of CMR / DCAF with interested Partners
- participation in **courses, seminars, and workshops** and in
- **expert team activities** as well as other types of activities as might be agreed upon on a case by case basis

The selection of activities is made by each Partner separately, on the basis of individual requirements and priorities. This **principle of self-differentiation** recognizes that the needs and situations of each Partner country vary and that it is for each one of them to identify the forms of activity and cooperation most suited to their needs. This includes the individual criteria for the democratic control of their armed forces. It is in the context of the **Membership Action Plan (MAP)** only that coherent sets of norms and detailed requirements are discussed in an obligatory manner.

V. DCAF Prerequisites and Principles in Established Democracies

There are basic **prerequisites and principles** for assigning an adequate role and proper place for armed forces within their constitutional and societal framework that are **common to the established democracies**. These include the observance of parliamentary oversight as well as the **political and societal mechanisms of control of the armed forces**. They demonstrate that, to be effective, the successful implementation of these principles depends on a **prior or parallel process of democratization of institutional structures and civil-military relations**. There cannot be a reliable democratic control of the armed forces without a functioning democracy or at least an ongoing process towards its realization.

Prerequisites:

While the detailed application of the overriding principles for the role and proper place of the armed forces in democratic societies may differ from nation to nation there is widely shared agreement on the prerequisites to include:

- A **constitutional framework**: setting societal values (human dignity and individual rights)
    - rule of law - constituting separation of powers (legislative, executive and juridical arm)
    - defining clearly delimited roles, responsibilities and tasks of the armed forces
    - establishing a legal framework within which the armed forces are to operate
    - including accountability to legal process (military) obligations
- A **functioning parliament**:
    - free elections
    - elected deputies only
    - multi party representation
    - indispensable substructures such as budget and defence committees - where appropriate: parliamentary ombudsman institution
- A **civilian government with clear delineation of competences**
    - chain of command and chain of control including : (President) - Prime Minister - Minister of Defence
    - subordination of Chief of Defence under Minister of Defence
    - integrated Ministry of Defence
- An **independent judiciary**:
    - supremacy of national justice system
    - no specialized courts outside its responsibilities (e.g. military justice courts)
- An **established military organisation**: structured, educated, guided and supervised in a way that, while maintaining high military effectiveness, does not interfere with or jeopardize the civil society
- A **mature civil society**: united under the basic provisions of the Constitution (basic consensus) while showing pluralistic respect and tolerance in societal life - according a legitimate role to the military in the fulfilment of national objectives - this in turn requires: an **educated public**

- willing to participate in political and societal life
- able to reconcile individual freedom and independence with commitments to common goods and values (including the requirements of defence)

- An **independent media and free press** (professional interaction with the security sector)**,** competent political and military elites, skilled and self confident incumbents of public offices (civil and military) willing to fulfil obligations, take on responsibilities and accept limitations.

Principles:

Against this background the following principles for the role and proper place of armed forces in democratic societies and for their democratic control are considered to be fundamental. It is assumed that the democratic control of armed forces is assured if they:

- are **part of the executive arm** of governance
- are **subordinated to democratically legitimized political leadership** with civilian staff in the MoD and
- a civilian as Minister of Defence
- follow **political guidance** (as all elements of the executive, no exception for the military)
- obey the **rule of law**
- are **confined to their constitutionally defined tasks** (basically defence and external security - in well defined and clearly restricted exceptional cases also internal security tasks under the command of the police)
- are **politically neutral** (no participation in political party wrangle, no a priori support for individual fractions and interest groups)
- have no **access to financial support other than the State budget** (approved by Parliament - transparent to the public - safeguard against mishandling of financial resources and corruption)
- are **controlled by Parliament**, **the political leadership, the judiciary and civil society**

(as all other State agencies; no general exception for the armed forces) - Political / parliamentary control includes: legal framework and constitutional aspects -

structures and size - organization and chain of command - internal order of the armed forces - leadership style and practice - training and education - rules and regulations - equity in conscription - social welfare and security - all aspects of civil-military relations - integration of the military into society - defence planning and budgeting - implementation of plans and budgets - adequacy and effectiveness - functioning and combat preparedness...

VI. Additional Detailed Categories and Criteria

The following detailed criteria are selected from some national concepts for assuring the democratic control of armed forces. They are added for illustrative and complementary purposes:

Constitutional Issues

Basic values to be protected: human dignity, individual freedom, rule of law, social justice - competence for national defence and protection of the civilian population - conscript and/or volunteer system - **civilian defence administration**: personnel management, finance, research and development, procurement, social welfare - respect and safeguard of each individual's basic rights by state executive subject to control by the appropriate constitutional organs - **annual budget law** to document publicly the numerical strength and basic organisation of the armed forces (strongest element of parliamentary control) - establishment of defence committee with special investigation rights and competence for all defence related legislative acts - **Civil Minister of Defence:** member of Cabinet - commands, controls, manages the armed forces, develops long term politico-military goals, defines and delineates limits and objectives of armed forces planning - supreme authority over all servicemen, exercising control over both, the armed forces and the civil armed forces administration - assisted by additional civil servants from Parliament (e.g. a Parliamentary State Secretary) - **Parliamentary Commissioner** or "Ombudsman" (elected from among the members of parliament - vested with special investigative prerogatives to safeguard in particular service personnel basic rights - annual report to parliament) - protection of rights and obligations of service personnel/soldiers by **general judiciary -** no special military justice system - **Supreme Commander** of the armed forces in peacetime: Minister of Defence (in war: Chancellor / Prime Minister) -

military Chief of Defence / Chief of General Staff in any respect subordinated and accountable to Minister of Defence - Minister of Defence member of the government and as such under parliamentary control - **Mission (s) of the armed forces:** defence of the country (territorial integrity and freedom of political self determination) - defence of (the) alliance members - peace support operations - (humanitarian intervention) - restricted engagement of armed forces inside the country in extreme situations in accordance with constitutional provisions (internal security being the sole responsibility of the police under the authority of the Minister of Interior) - rescue and evacuation - assistance in natural disasters and other catastrophes...

Defence Planning and Budgeting

Accountability and transparency in/of preparations of/for defence - **basic principle:** armed forces cannot spend other funds than budgeted by (the budget directorate of) the MoD and appropriated by Parliament on the basis of a published and freely obtainable defence budget - **main stages:** orderly and systematic cycle of defence planning, force development and budgeting - cycle to be initiated by cabinet of Ministers (with particular roles played by the Ministers of Defence, Foreign Affairs, Interior and Finance) and , as appropriate, supported by National Security Council advice - prepared and carried out by MoD in cooperation with General Staff - controlled by Parliament (approval of budget as key prerogative) - sufficient knowledge about national security and defence goals presupposed - **defence policy and planning:** long term business - continuously implemented in short- medium- and long term stages - determining factors: political intentions, mission(s) , available finances, available personnel - based on cogent **National Security Concept** including risk and/or threat analysis - medium and long term forecast of available financial resources - political and financial guidance and forecast to be updated in conjunction with development of annual defence budget - adaptation to changed circumstances - planning guidelines and cost directives issued to the Armed Forces Staff by Minister of Defence - Armed Forces Staff to draft necessary detailed and time-framed **annual force plan** including: force and command structures, respective personnel structures, operational plans, equipment and procurement plans, mobilization plan, logistics plans and concepts and infrastructure plan - annual force plan (ministerial approval required) subsequently transformed into cost figures for personnel, infrastructure, procurement of materiel, maintenance, training etc. - basis

for **annual military defence budget proposal** and update of long term financial forecast - review of proposal by budget directorate of MoD, discussed with MoF on departmental level, finally approved by Minister of Defence, officially presented by him to Minister of Finance, who in turn includes it into the state budget draft and presents this to the Cabinet - Cabinet forges overall state budget with defence budget as one of its parts for submission to Parliament - screening of state budget in multiple readings by Parliament in plenary sessions (with intensive negotiations in between among MoD experts and parliamentary budget committee members to justify each single request) - last reading ending with **approval of state budget law by Parliament** - spending of allocated funds by the armed forces controlled by MoD - (with new political and financial guidance new planning and budgeting cycle starts all over again)

Internal Order of Armed Forces

Constitutional principles as basis for **definition of legal framework** guiding the organisation, social security system, leadership principles, selection process for officers, education and training of the armed forces - **Individual soldier**: expected to be simultaneously hard fighting soldier, responsible citizen and free individual - enjoys same basic human rights as any other citizen - restrictions only by law as enumerated in the constitution - written laws and regulations making violations of rights and obligations susceptible to legal prosecution and sanctions - **civic rights and military obligations of servicemen** explicitly fixed by law - servicemen to defend themselves against tort and mistreatment etc. through: submission of duty report, military complaints, report to Parliamentary Commissioner for the armed forces, petitions, filing civil party complaint with court of law - appeal to military disciplinary courts and military court divisions of general administrative courts in order to have the legitimacy of all actions of superiors reviewed by independent judges - **Military Service Act**: special obligations and additional duties of military superiors - extent (and conditions) of military obedience (the soldiers final master being the law !) - rights and obligations of military personnel (e.g. membership in democratic parties, participation in democratic elections, candidature for public offices and parliamentary seats, limits to some clearly defined political activities, violation of which representing criminal offense - cooperation in interest groups, labor unions and vocational associations etc.) - **Conscription Law**: regulating conscript

service and recruitment system - regulates service of conscientious objectors - mechanisms for resolving inherent conflict between compulsory military service and conscientious objection - civilian alternative service act - **Military Penal Code**: criminal offenses of a military nature (e.g. disobedience, desertion, grave mistreatment of subordinates..) - application by normal civil criminal courts only ...

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 Euro-Atlantic regions.

The Centre collects information, undertakes research and engages in networking activities in order to identify problems, to establish lessons learned and to propose the best practices in the field of democratic control of armed forces and civil-military relations. The Centre provides its expertise and support to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

Geneva Centre for the Democratic Control of Armed Forces (DCAF):
rue de Chantepoulet 11, P.O.Box 1360, CH-1211 Geneva 1, Switzerland
Tel: ++41 22 741 77 00; Fax: ++41 22 741 77 05
E-mail: info@dcaf.ch
Website: http://www.dcaf.ch