



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

WORKING PAPER NO. 87

**PRINCIPLES AND PREREQUISITES OF DCAF  
COMMONALITIES OF THE BEST PRACTICES IN  
ESTABLISHED DEMOCRACIES**

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# PRINCIPLES AND PREREQUISITES OF DCAF COMMONALITIES OF THE BEST PRACTICES IN ESTABLISHED DEMOCRACIES<sup>1</sup>

*Dietrich Genschel*

## **Introduction**

The paper concentrates on the principles and prerequisites of DCAF as followed and applied in established (western) democracies. “Commonality” does not imply adherence to all principles to the same degree and in any detail. National history and tradition do condition the ways in which armed forces are structured and organized, educated, motivated and commanded. “Best practice” does not imply that there are no deviations from the principles and violations of their content. On the other hand the principles themselves take account of dangers of misuse and deviant behavior by providing corrective mechanisms. Overall the principles are guided by a vision of how best democratic and armed forces structures and behavioral features can be harmonized to the benefit of both with clear subordination of the armed forces under democratically legitimized political supremacy, without degrading efficiency and effectiveness.

Armed Forces as addressed in this article comprise as their elements the Military, the Police, Border Guards, Paramilitary Structures and, although regularly unarmed, the Intelligence Services.

Principles and Prerequisites of DCAF as elaborated in this article apply in general to all elements of the armed forces. Differences in their missions and in the framework within which their missions have to be fulfilled require variations not so much in the political and legal but in the social principles and even in this area more in the prerequisites.

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<sup>1</sup> 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).

Intelligence services differ most from the other elements of armed forces, in particular with respect to democratic oversight and relations with civil society. The Military and the Police represent two opposing poles in the armed forces. External security of the state is the main focus of the military while internal security, public safety and order is the realm of the police. Employment of the former in the area of the latter is the exception. Also employment modes and organisational structures are rather different. Employment in formations is the rule in the military while in the police detached duty of the individual officer prevails, irrespective of some exceptions. Border guards and paramilitary formations comprise features of both, the military and the police. And despite these general distinctions there is occasional overlapping between the three uniformed elements of armed forces in particular in peace support operations and as a result of the increased role of combating terrorism.

Insofar as in the following chapters variations apply, special sections are included.

The principles and prerequisites of DCAF as described in this paper are colored by the author's own national (German) experience. What today is called security sector reform with its emphasis on DCAF was already done in Germany many decades ago. After World War II, Germany has rebuilt its armed forces from scratch, combining experiences from established democracies with lessons learned from Germany's recent dictatorial past. It followed the same principles which presently govern security sector reform, but under so to speak laboratory conditions. There were no armed forces existing, there had been ten years after war's end in which only occupation forces provided security for West Germany and during which a functioning civil democratic society could emerge, setting the terms for the establishment of new armed forces. And there was a sufficiently long period of uninterrupted planning for a sweeping reform effort that led to the new German Bundeswehr which from the outset was integrated in the North Atlantic Alliance. After almost 50 years the founding principles have proven their validity. The "Code of Conduct on Politico-Military Aspects of Security" of the OSCE also very much reflects German experiences. Therefore the German bias may be justified.

Principles of armed forces size, structure and operational efficiency and effectiveness are not covered in the paper. Main emphasis is laid on DCAF in the context of the proper place and role of armed forces in civil democratic societies.

## **Basic Principles of an Established Democracy**

**Representation:** the will of the people is expressed in recurring free, equal and closed ballots resulting in institutions for the attainment of political decisions.

**Rule of law:** The co-existence of people and state is governed by a system of laws, the basic principles of which are laid down in a constitution.

**Parliamentarism** is the central political steering and conflict resolution system which has developed into an important instrument of modern democratic societies.

**Value orientation:** The constitution stipulates the basic human and civil rights and fundamental freedoms of man, which are to be safeguarded and respected by state and society.

**International co-operation:** under conditions of globalization and membership in countless international organizations co-operation and responsibly sharing benefits and risks among allies and partners has increasingly become a constituent feature of modern established democracies.

These basic principles of modern democratic societies form the overarching roof under which the principles and prerequisites of DCAF have developed. What follows are such **principles of and prerequisites for DCAF.**

### ***Firm Anchorage of the Armed forces (Military, Police, Border Guard and, although unarmed, Intelligence Services) in the Constitution***

Basic human rights are binding provisions for the legislative, executive and judiciary arms of state power. International law is integral part of national legislation.

The whole executive is accountable to parliament; armed forces are part of the executive. Supreme command authority is vested in a democratically legitimized civilian (Head of State, Prime Minister, Minister of Defense, and Minister of the Interior). Missions of the armed forces are enumerated, basics of parliamentary oversight are stated with sole authority to approve the budget (which includes the defense budget) vested in the parliament.

Prerequisite:

A written constitution, approved by the people, respected by state and society and supported by all legal and political means.

***Rule of Law***

Based on the constitution and international law a set of legal provisions is established, governing external relations and internal conditions of armed forces and their personnel in laws, ministerial decrees, administrative regulations and orders. Upkeep of discipline and prosecution of criminal offenses follow established legal procedures with the right and opportunity to appeal for any defendant. Any member of the armed forces can appeal any governmental act or military order if it contains unlawful requirements or violates the individual's personal integrity or dignity. The aim is to ensure predictability and prevent arbitrariness in all strands of armed forces existence and functioning.

Prerequisites:

1. Existence of an independent constitutional court;
2. Competence and capacity of parliament and government to envision, plan, develop, approve and implement legal provisions and administrative guidance;
3. Coherence of all legal and administrative acts with constitution and international law; stringency of hierarchical order and consistency of legal /administrative provisions;
4. A functioning and independent judiciary and effective law enforcement mechanisms;
5. 5.Law-abiding political and armed forces leadership, bureaucracy and personnel;
6. Individuals courageously making use of legal provisions to safeguard their rights and freedoms;
7. Appropriate education of political, judicial and armed forces elites and the general armed forces personnel.

## ***Supremacy of Politics***

The armed forces as part of the executive arm of state power are subordinated to a democratically legitimated civil political leadership. There is an unambiguous chain of political and armed forces command authority with clearly defined responsibilities. Armed forces are politically neutral. Their leaders provide professional expertise to the political leadership but are following final political guidance.

### Prerequisites:

1. Well established capacity of the political and armed forces leadership and security bureaucracy with competent civilian experts and proven mechanisms to develop and implement policy, to issue political guidance, to oversee adherence, to provide for transparency of processes;
2. Clear national security and strategic concepts;
3. Functional differentiation between the elements of the armed forces and exclusive orientation of the armed forces towards constitutionally prescribed roles;
4. Well developed defense planning, budgeting, acquisition and auditing procedures and personnel management;
5. Accountability of the armed forces to the political leadership;
6. Habitualized capacity and willingness of the armed forces leadership to function in accordance with the rules of political supremacy;
7. An appropriate education and training system for civil and uniformed armed forces personnel, including civic education.

## **Democratic Control of the Armed Forces**

### ***Parliamentary Oversight***

The parliament's role is to provide adequate legislation, to hold policy makers to account, to approve defense and security budgets, to scrutinize policy making, planning, budgeting and budget implementation, efficiency of resource management, appropriateness of structures and functioning of the armed forces, education,

training, quality of life, law-abiding of the armed forces personnel and to point out deviations of executive actions from declaratory policy. Parliament is not in command of armed forces, it is informed ex ante, it evaluates ex post. Employment however of the military inside and outside national borders needs parliamentary approval ex ante.

Missions of the Intelligences Services in contrast to all other elements of armed forces are accomplished in strict secrecy; otherwise their efficiency would be compromised. On the other hand the parliament cannot abandon its constitutional obligation also to control that part of the executive arm of state power, although parliamentary functioning should be characterised by utmost transparency.

Prerequisites:

1. Parliamentarians and their staffs are competent and skilled in the field of security;
2. Parliamentary institutions to implement/support oversight like committees (budget, auditing, defense/security, and intelligence), ombudsperson, auditing office, staffs;
3. Adequate parliamentary procedures like hearings, inspections and investigations, special and routine debates;
4. Parliamentary criteria, methods and structures providing for harmonisation of interests of parliament and intelligence services like special committees or subcommittees where oversight and auditing in secrecy is provided;
5. Government and armed forces willingly provide transparency of structures and procedures as well as openness of information. Both voluntarily accept accountability for all they do (special provisions in case of state secrets) to parliament and function accordingly; inside the armed forces accountability is requested bottom up through the hierarchy;
6. Education of armed forces personnel aiming at utmost truthfulness and honesty of personnel as precondition for transparency and accountability.



## ***Governmental Oversight***

The government and the ministries responsible for the armed forces elements exercise control by issuing political and administrative guidance and overseeing implementation, the budget being of particular importance. Co-ordination of the ministries in security and defense related issues, in particular a functioning crisis management are crucial parts of governmental oversight.

### Prerequisites:

1. Total transparency and accountability on all levels of the armed forces hierarchical structures and horizontally transparency between their civil and military components;.
2. Otherwise the same as under Supremacy of Politics above.

## ***Judicial Oversight***

To oversee that existence and functioning of armed forces are governed by the Rule of law, law enforcement is executed in legally established procedures, in certain cases with involvement of independent judges. Upkeep of armed forces discipline and prosecution of criminal acts are separated, the former under the authority of the armed forces, the latter a formal juridical matter.

### Prerequisites:

1. Intelligible legal provisions like those governing upkeep of discipline, lodging formal appeals and complaints, stating rights and obligations of armed forces superiors and enlisted personnel;
2. Independent legal experts in the field of defense and security;
3. Distinction between codifying disciplinary and criminal offenses
4. Clear distribution of responsibilities and authority to apply disciplinary sanctions, in particular those restricting personal freedom;
5. Involvement of judges for approval of sanctions restricting individual freedom;
6. Special court procedures for military criminal offenses;

7. Appropriate education in particular in preparation for command assignments; education and information of all armed forces personnel in security related legal matters.

### ***Civil Society Involvement in Democratic Oversight***

There exists a strategic community consisting of a range of competent media experts, research institution, the interested science community and a broad spectrum of NGOs concerned with issues of security and defense.

All are providing alternative, non-governmental sources of information and opportunity for public debate, exposing malpractices and as such holding security sector actors to public account. The educated public is an important source of legitimacy of armed forces.

#### Prerequisites:

1. Multiple means of public opinion research in security and armed forces related matters;
2. A sufficiently developed interest of the public in security matters ranging from full support, through critical solidarity to benign neglect and sharp criticism;
3. A broad and divers range of non-governmental organizations;
4. Willingness and mechanisms on the part of government to take account of and react to public opinion, in particular to critical expressions.

### **Civil Military (Armed Forces) Relations (CMR)**

CMR are overlapping with civil society involvement in democratic oversight. CMR are a main element to integrate armed forces in state and society, to take account of societal developments and their repercussions on armed forces, to retain legitimacy of armed forces and to maintain and improve reputation of the armed forces. CMR are to meet societal pressure towards greater democratization of security policy as well as the armed forces.

Relations of the Intelligence Services with the civil side of society are by the very nature of their missions restricted to a limited set of government officials and parliamentarians who deal with the Services with appropriate security clearance in strict secrecy.

CMR take effect on three levels:

### ***Government Level***

Within the ministries of defense and the interior there is close cooperation between the armed forces and the civil political leadership (e.g. in preparing policy) as well as between armed forces staffs and expert civil servants (e.g. in planning and preparing the budgets). Relations between the Chief of Defense (CHOD) as senior advisor to the political leadership are shaped by awareness and acceptance of subordination on the military side, however by recognition on political leadership part of the importance of military advice.

In the context of parliamentary oversight truthful, steady and comprehensive information is provided on all hierarchical levels of the armed forces voluntarily and on request.

### **Prerequisites:**

1. Capacity of ministerial leadership to co-ordinate civilian and armed forces expertise in common efforts;
2. Transparency and openness on part of all elements of the bureaucracy;
3. Mutual respect of civil and military expertise resulting in an overall cooperative spirit;
4. Sensitivity by both political and armed forces leadership on the highest level in requesting and respecting observance of the thin line between political guidance and armed forces advice, which should not be overstepped in either direction;
5. Adequate education and experience of all players.

### ***Civil Elite Level***

Part of the strategic community is characterized by informal but close cooperation between civil and military experts. Educational institutions include security related aspects in overall civic education. Security and defense related issues are subjects of scientific research and education, including sociological research inside the armed forces. Competent media experts meet with an open and transparent media policy of the armed forces.

Politico-military leaderships regularly muster structured, permanent as well as ad hoc civil expert advice on principle issues of security and defense policy and management.

#### **Prerequisites:**

1. Competence of educational institutions in security matters and willingness to include such matters in curricula;
2. Competence of non governmental and state funded research institutions;
3. Readiness of armed forces to accept, support and take account of results of social research inside the forces;
4. A Group of diverse, but competent media experts;
5. Proactive, open and truthful information policy of the armed forces;
6. Availability and willingness of experts to render advice to government agencies;
7. Willingness of government and armed forces to take such advice serious.

### ***Level of General Public***

NGOs play an important role in drawing attention of parliament, government and media to specific security and armed forces related issues. Drafted as well as career armed forces personnel is the main connecting link to civil society at large. Armed forces personnel are widely integrated in societal organizations; draftees are stationed as closely as possible to their homes to make frequent contacts possible with known societal environment. National service men and women in particular are transporting internal military forces reality in an almost uncontrollable way to society

at large. Their judgments and opinions condition reputation of the armed forces in the eyes of the general public.

Armed forces execute regular programs to invite the public to their activities, on and off post. They execute detailed information activities using all kinds of media. There are special institutions aimed at informing the public at large and/or specific groups of civil society.

Relations of intelligence services with civil society at large, however, are virtually non-existent. Here the public is confined to trusting the parliamentarians and government officials whose obligation it is to lead and control the services in ways non-transparent to the public.

Prerequisites:

1. Sufficiently experienced and interested NGOs;
2. Human relations, personnel policy and quality of life inside the armed forces well developed and in consonance with the societal value system;
3. Society willing to integrate personnel of the armed forces in their organizations;
4. Well developed and flexible public relations policy and mechanisms;
5. Institutions of the armed forces designed to establish and maintain continuous communications with various elements of civil society;
6. Media willing and competent to publish security related information.

## **International Co-operation**

Armed Forces are involved in military, border guard, police and intelligence co-operation with such forces of allied, partner and other countries. The scope of co-operation varies widely according to the state of international relations and integration in international organizations or specific tasks of the international community. Intensity of co-operation is also determined by subject matters in which co-operation occurs.

### Prerequisites:

1. Legality and legitimacy of co-operation;
2. Sufficient funding and material resources providing sustainability;
3. A mindset on part of armed forces personnel characterized by cognitive and social competence, tolerance and good will;
4. appropriate education and preparation of personnel;
5. adherence to the specifics of co-operation of the intelligence services, in particular safeguarding mutual sources of information.

### **Internal Conditions of the Armed Forces, the “Citizen in Uniform”**

Conditions inside the armed forces are governed by the rule of law. **Rights and duties of armed forces personnel** are laid down in laws or other relevant documents. The serving member of the armed forces is regarded a citizen with particular duties to serve the common good of society. In the Military he is regarded a “Citizen in Uniform” His primary duty is to fulfill his part of the armed forces mission in peace, crisis, conflict and peace support. Simultaneously exercising of civil rights is provided for and legal and administrative procedures are designed to protect the rights and fundamental freedoms of armed forces personnel. It is crucial that the Citizen in Uniform does pro-actively enjoy and exercise his human rights and fundamental freedoms as reflected in international law and in conformity with relevant constitutional and legal provisions while observing the requirements of armed forces service.

### Prerequisites:

1. An armed forces leadership conscious of the value of the rule of law, adequately educated with an appropriate code of ethics;
2. Leadership style and training methodology aiming at high professional skills and capabilities while respecting the dignity of man;
3. Mature Citizens in Uniform with sufficient self-respect to make use of available legal means to protect their human dignity if need arises, while doing their utmost to fulfill their service obligations;

4. Awareness on all parts of the armed forces that such value orientation is not contrary to but facilitating best efforts to prepare and execute missions;
5. Appropriate education of personnel.

Particular emphasis is laid on the exercise of **command authority and obedience**. There is no absolute command authority and no unconditional obedience. Command authority is exercised in accordance with relevant national and international law. Each individual can be held accountable for the unlawful exercise of command. Orders contrary to national and international law must not be given and not be obeyed. Responsibility of superiors does not exempt subordinates from any of their individual responsibilities. Consequently armed forces personnel are instructed in national and international humanitarian law, rules, conventions and commitments. The reality of daily life in the armed forces is subject to constant supervision by command authorities on all levels to keep such reality in consonance with the rule of law and the basic value system of society.

Prerequisites:

1. A clear set of laws and decrees regulating levels, substance and extent of command authority;
2. The same for the extent of obedience;
3. Inside armed forces formations a command culture which makes supervising exercise of command on subordinate levels a special leadership obligation;
4. Adequate education in particular of officers and NCOs

**Quality of life**, including pay and pension schemes, social security, healthcare, housing, recreation and welfare is provided in ways not to give the armed forces any privileges relative to other public services but also not to discriminate them.

Prerequisites:

1. Sufficient financial means;
2. Awareness on part of leadership and administration of the crucial role of quality of life for motivation and mission orientation of all armed forces personnel.

There is a detailed **personnel planning and management** system including selection, evaluation, promotion and rotation procedures. Planning is concerned with availability as well as quality and quantity of personnel intake, retention and attrition to maintain a sound structure of armed forces personnel in rank, age and capabilities. Retraining of temporary-career volunteers to prepare them for a return to civil society and its labor market is an important obligation social obligation.

Prerequisites:

1. Transparency of the system to all armed forces personnel, openness and truthfulness in administering the system;
2. Full integration and non-discrimination of members of ethnic and other minorities;
3. Well functioning recruitment centers with appropriate recruiting standards,
4. Close cooperation between government and private industry and economy as recipients of former temporary-career volunteers.

**Administration of justice** supports the armed forces in the performance of their missions, imparts legal knowledge and a sense of right and wrong to individuals holding positions of superiors, contributes to the maintenance of military discipline and order based on the rule of law and provides armed forces personnel with effective legal protection.

Prerequisites:

1. Well educated legal experts in advisory and/or instructor functions
2. Allotting legal education a proper place and sufficient time in training manuals and curricula of the armed forces training establishment.

The **Chaplain Service** gives the armed forces personnel the enjoyment of the freedom of religion, conscience and confession as cornerstones of a free and democratic way of life. Pastoral care is carried out by military chaplains. Organizational forms taken by chaplains in carrying out their pastoral functions is



adapted to the peculiarities of armed forces service. Participation in religious events carried out by chaplains is voluntary.

Prerequisites:

1. Cooperative relationship between government and the churches
2. Chaplains prepared to serve in the armed forces environment and familiar with its peculiarities;
3. Armed forces willingly providing opportunities for their members to undisturbed practice of religion.

## **Leadership, Training, Education**

**Selection, education and training of officers and NCO's and the prevailing leadership style** determine conditions within the Armed Forces. The quality of units and formations is heavily dependent on moral, personal integrity, professional quality and commitment of the superiors. It is requested from each superior that he fulfills his tactical, technical and organizational obligations. But next to that he must be able to educate and treat his subordinates according to the values of a free, democratic society. Of particular importance is that the words of any superior at any level of command are in accordance with his actual behavior. Quality requirements for the individual members of the armed forces even on lower levels of the hierarchy, increase with the increased role of missions to be fulfilled by individuals, like police officers in their daily service.

The principles of leadership, education and training are designed in a way to lead to high professionalism anticipating all possible difficulties and hardships that an actual engagement may entail while at the same time respecting human dignity of the serving citizen.

**Leadership** follows the principle of mission type order which restricts the superior to issuing an order with a clear objective leaving freedom of execution to the subordinates, only requesting mission fulfillment. Subordinate uses their freedom of action always with mission fulfillment in mind. Information and explanation are important means of modern mission type leadership. This principle is to permeate the

whole sequence of hierarchical relationships within the armed forces, with particular emphasis in the police, where detached duty of the individual police officer is a major mode of employment.

Prerequisites:

1. That leaders themselves, on all levels, stick to the same principle of mission type order;
2. That leaders show exemplary behavior and subject themselves to the same hardships to which their subordinates are exposed;
3. Mutual trust in competence and willingness between leaders and subordinates on all levels;
4. An overall attitude of appreciation to be endowed with a high degree of freedom blending with the will to make appropriate use of such freedom;
5. Adequate education of officers and NCOs.

**Education** aims at internalizing rules of behavior in line with the value system as laid down in the constitution and in international conventions and declarations. It is geared towards discipline, readiness to take responsibility and initiative, willingness to make use of freedom of action and readiness to cooperate even under most severe stress. **Civic education**, including education in Human Rights is an integral part of the overall armed forces education and aims at strengthening allegiance to the values of the democratic society the soldier is serving for!

**Training** aims at professional, tactical, technical and organizational skills. It is the main task of the armed forces in peacetime, *with exception of the police, which is on duty at all times*. Training is mission oriented and geared to produce operationally ready forces that can meet all requirements in all possible missions and withstand even extreme stress. Modern training curricula and methodology are tailored to requirements and capabilities of adults beyond school age. Safeguarding human dignity is imperative even in the most stressful training situation. Harassment is not part of a modern training methodology but is sanctioned as a disciplinary in serious cases a criminal offense.

### Prerequisites:

1. Sufficiently specialized and multilevel education and training infrastructure;
2. Sufficient funding, equipment and high-tech facilities;
3. Careful selection of personnel for instruction and command assignments;
4. Careful political, parliamentary and high level armed forces oversight;
5. Cooperation with appropriate civil education institutions;
6. Appropriate international cooperation with adequate institution of allied and partner countries.

### **Peculiarities of Leadership, Training and Education in the Elements of the Armed Forces**

Above principles do apply to all elements of the armed forces. However, differences in armed forces' missions and environments in which missions have to be fulfilled request differences in the prerequisites but not of the principles.

Most prominent is of course the high degree of confidentiality and secrecy which surround the functioning of intelligence services and reduce transparency although not accountability of the services. Modes of employment are of course totally different from those of the other elements of Armed Forces.

The Military's role in general is preparation for combating an outside opponent, thus deterring aggression or fighting successfully should the need arise. In peace support operation the role is mainly to separate opposing forces. Use of armed power is an inherent element of the mission, although the likelihood varies. Employment of the military in general occurs in formations with particular group dynamics.

The police in contrast safeguards security of the own people. In its law enforcement role the police can be confronted with opponents acting violently. Their day to day duty, however, is service for the citizen and community in a peaceful environment. Close proximity to the citizen is the rule. Responding to a multitude of citizens' expectations for intervention in local conflict situations, damage limitation, assistance and support is the daily routine. While the police comprise also some formations with

special missions, like riot control, the general mode of employment is that of detached duty of individual police men or women.

Border guards and paramilitary organizations have employment modes which according to the situation can resemble that of the military as well as of the police. Prerequisites for leadership, education and training as detailed above take account of the peculiarities of the armed forces elements, in particular with respect to variations in emphasis without changing the principles.

Post 11 September 2001 missions and possible environments of employment with increasingly blurred delineation of internal and external security may bring the elements of the armed forces even closer together. This will have further repercussions for implementation of leadership, education and training principles but not for the principles themselves.



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.

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