



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

WORKING PAPER NO. 89

**SEPTEMBER 11 –  
NEW CHALLENGES AND PROBLEMS FOR  
DEMOCRATIC OVERSIGHT**

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Geneva, October 2002

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# SEPTEMBER 11 – NEW CHALLENGES AND PROBLEMS FOR DEMOCRATIC OVERSIGHT<sup>1</sup>

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## I. Introduction

The implications of the events of September 11 are not yet fully clear. Generally, national security policies and postures take some time to appreciate the effects of strategic shifts. Even if the lessons are quickly learnt, security structures can be slow to absorb them. European defence structures and capabilities are already subject to the transformation required by the end of east-west confrontation and the arrival in the 1990s of the new demands of crisis management. Yet, over twelve years after the end of the Cold War, the necessary transformations and re-posturing of European armed forces are still under way. This is partly due to the scale of the task; partly the result of the costs of military restructuring (while banking immediately the savings arising from force reductions, Governments have preferred to invest over time in new military capabilities); and partly because there is no great sense of urgency. By definition, crisis management is a question of political choice, rather than a matter of direct national security. Developing the necessary capabilities has been an evolutionary process, subject to the need to manage new programmes within declining defence budgets.

September 11 has introduced a new dynamic. It is already clear that, by exposing the vulnerability of modern societies and the inadequacy of protective arrangements, the terrorist attacks on New York and Washington are of global and comprehensive significance. The attacks have provoked a fundamental debate on the meaning of security, and the role of armed forces in its achievement. They have also reintroduced a sense of urgency in security matters that has been absent for much of the past decade. Security has climbed the priority list.

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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).

<sup>2</sup> Attached to the Délégation aux Affaires Stratégiques, Ministère de la Défense Paris from the British Ministry of Defence. The views expressed in this note are personal, and should not be taken as reflecting the views of either Ministry of Defence.

## **II. Significance of September 11**

In one sense the consequences of the attacks have been considerably less than was initially feared. While, at about [2000], the number of deaths is by far the highest ever inflicted by a terrorist attack, the effect on the US and the global economy is less than many predicted. Already, six months after the events, economies and stock markets can be said to be recovering from a downturn that began before September 11. The will of the United States and its allies to defend themselves is undiminished. The attacks have shown that modern society, by analogy with the United States, is resilient, resourceful and capable of rapid recovery, even from the destruction of a facility as important financially, symbolically and geographically as the World Trade Centre.

### ***Asymmetric Threat Confirmed***

Nevertheless, despite the rapid recovery, the damage done is unprecedented. The psychological effects and sense of uncertainty persist. The attack confirmed the reality of asymmetric warfare, and the extreme vulnerability of Western targets to it. The full implications of asymmetry had not been fully understood nor previously absorbed by Western governments either at home or abroad – calling into question the adequacy of existing protective means.

### ***Incentivisation of Strategic Terrorism***

Equally significantly, the effect of the attacks in terms of media and international reaction has demonstrated to potential terrorists the power that they have to capture and dominate the strategic security agenda. It can be assumed that they too have come to understand the value to them of major attacks, and the potential of so-called “asymmetric warfare”. In other words, the incentive for major terrorist attacks has been raised, increasing the possibility of the use of nuclear, biological, chemical or radiological material to achieve the maximum psychological effect with the minimum of means.

## ***Terrorism as a Strategic Threat***

The scale and effects of the attacks have raised terrorism from a local or regional phenomenon to a strategic-level threat. As demonstrated by the immediate response of NATO<sup>3</sup>, the September 11 attacks are regarded by the Allies and their partners as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all. In responding with Armed Force against terrorist bases in Afghanistan, the United States is exercising its inherent right of self-defence. But, as the US administration has made clear, the immediate military reaction is only one part of the response. A comprehensive adaptation of US capabilities, both offensive and defensive, is now under way. A new emphasis has been placed on the protection of populations and facilities at home, "Homeland Defence", while new capabilities and strategies for dealing with terrorism at its source are being developed. Other Western governments are likely to follow, to the extent they can, in adjusting their military capabilities and security priorities to respond to the new security challenges of strategic terrorism<sup>4</sup>.

## ***Challenges for Democratic Oversight***

The new security environment will also place new demands on legislators in terms of their role in the public and democratic scrutiny of the adjustments that will need to be made in the way that defence is organised. The paragraphs below indicate the extent of the new demands. Not only will democratic scrutiny need to increase in quantitative terms, as security climbs up the political agenda. There will also be a qualitative change, as the process of democratic oversight adapts to new inter-relationships between the various security arms of the state. The existing models for democratic oversight are based on the specialisation and separation of the various security instruments of the state. Thus most National Assemblies and Parliaments have committees which scrutinise defence, foreign affairs, internal affairs and intelligence separately because many Western countries organise those activities

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<sup>3</sup> Both the North Atlantic Council and the Euro-Atlantic Council made statements to the same effect on September 12, 2001.

<sup>4</sup> The UK issued a public discussion paper on 14 February 2002 (see UK MOD web site [www.mod.uk](http://www.mod.uk)) which looked again at how the UK organises its defence. This is not a new Strategic Defence Review, but a "New Chapter" building on the review of 1998 intending to adjust plans and capabilities in response to the events of September 11.

under clear and distinct chains of Ministerial responsibility. The successful struggle against terrorism requires much closer relationships and interactivity between the “security services” in the widest sense. It also requires secrecy. Effective parliamentary scrutiny of inter-security relationships is an essential democratic safeguard. The public will need to be reassured that the secure state is not the same as a police state.

### **III. The New Strategic Environment – Continuity and Discontinuity**

Not everything has changed since September 11. A substantial part of the previous international security agenda, in itself highly demanding, remains valid and requires further efforts to be achieved. To understand the new challenges and problems for democratic oversight, it is necessary to distinguish between continuity and discontinuity in the strategic context.

#### ***Elements of Continuity.***

- Strategic continuity. September 11 was a surprise and a shock, but not a strategic rupture. Key international actors, both states and organisations, have not seen their roles and relationships change in any fundamental sense. The US remains the predominant global power. Other actors – Russia, China, Japan, European Union, Saudi Arabia, Pakistan etc – have responded as regional powers to the events and US requests for assistance in accordance with their long-standing geo-political interests. Their international importance may have altered and adjusted to events after September 11: their strategic positions and relationships remain essentially as they were. Compared to the fall of the Berlin Wall in November 1989, which put an end to bi-polarity as a strategic organising principle, September 11 has not had a major strategic effect.
- Regions prone to instability and crisis. The world is still marked by regional disorders and conflicts, arising from economic, ethnic and territorial differences which retain the potential for provoking sudden crises. The Balkans, the Caucasus, Eastern Mediterranean, Africa....all remain prone to conflict for reasons which ante-date 11 September. Thus the analysis of risks which caused

NATO and the European Union to develop rapidly deployable crisis management capabilities remains valid<sup>5</sup>.

- The importance of military forces in peace, crisis and conflict. During the 1990s the role of military forces across the spectrum of peace, crisis and conflict became more precisely defined through engagements in a range of contingencies, particularly in the Balkans, but also elsewhere. In time of peace, the emphasis was placed on crisis prevention, mainly in the form of military co-operation; in time of crisis, the military role was seen in terms of a variety of actions from traditional peacekeeping and monitoring to the separation of opposing forces<sup>6</sup>; at the top end of the spectrum came military tasks in war, ie. the defence of territory against aggression. The spectrum of military tasks throughout the spectrum of peace, crisis and war remains valid after the terrorist attacks of September 11. However, as indicated in the next section, the role of the military at the two ends of the spectrum (peacetime and conflict) is likely to be intensified to the possible detriment of its centre (crisis management). The simultaneous management of offensive operations in Afghanistan and strengthening homeland defence (both in the United States and Europe) is an indication of the shift in emphasis within the spectrum of military activity.

### ***Elements of Discontinuity***

- A further evolution in the nature of the threat. International terrorism is not new. Terrorism originating in the Middle East has existed for the past fifty years, some of it having a global impact (eg. the Munich Olympics). The attacks of September 11 introduce a number of new elements, both in their conception and their implementation. In conception, for the first time, terrorists aimed for strategic effect (as opposed to the hitherto localised and political effect sought by

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<sup>5</sup> "Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe. The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of members of the Alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the Alliance." This analysis contained in NATO's Strategic Concept of 1991 has stood the test of time – even if the concept of "spillover" is more humanitarian and political in its effects than military.

<sup>6</sup> For the European Union, the so-called "Petersberg Tasks."



“regional” terrorists) by targeting sites (World Trade Centre, Pentagon and probably White House) with the highest military, commercial and political value for the United States. They were undoubtedly intended to undermine and diminish the United States as a world power, while encouraging those, particularly in the Middle East, opposed to the exercise of US power in their area. In terms of implementation, the use of an economy of means to achieve mass disruptive effects has increased the “level of ambition” of international terrorist groups, making the use of NBCR material more likely in a future attack. The coordination and timing of the attacks indicate a sophisticated level of planning and extensive logistic support to the terrorists.

- Zero warning threat Perhaps most significantly, the concept of “threat” has returned to the strategic context, and hence a sense of urgency for those whose responsibility it is to protect their societies against the threat of attack. Unlike the threat as perceived by the NATO countries until 1989, the new threat is diffuse (being mobile, and geographically fragmented in its structures and basing – frequently the terrorists are “forward based” in or linked to the societies they wish to attack). The new threat provides zero warning time for contingency planners. And unlike the crisis driven risks of the 1990s, strategic terrorism cannot be imagined or planned against in terms of scenarios<sup>7</sup>. In terms of response, it requires a different array of means, including but not primarily military, than in the past.
- Fragile boundary between internal and external security. The once clear distinction between the protection of civil society within a state and the protection of its interests abroad by military and diplomatic intervention has been eroded and weakened. International communications, ease of individual mobility and the existence of sympathetic émigré communities make it impossible to draw a clear distinction in security terms between the external source of a threat, and its domestic realisation. Thus, terrorist networks and training camps based in Afghanistan drew Islamic recruits from small towns in Europe as well as the centres of radicalism in the Middle East. The terrorist threat is therefore not

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<sup>7</sup> For example, the EU’s rapid reaction capability (60,000 troops available within 60 days for deployment up to a year) is sized according to a range of possible scenarios in an arc of potential crisis geographically dispersed on the periphery of Europe. Such “scenario based” planning is not possible against a terrorist threat which can choose and change both its means and its targets, and which in any case is frequently “forward” based within European and other Western countries.

localised in its origin, nor is it specific in the countries it could target. The Allies of the United States acting in support of its campaign against terrorism may also become targets, deliberately or spontaneously: radical elements within European and other US friendly countries could decide to react without direction from Al Quaida and similar networks in response to what they would perceive to be anti-Islamic actions by the US and its coalition partners. The functional distinctions between armies which act against threats abroad, and police which act against terrorists and criminals at home may need to evolve into a more co-operative and integrated approach to threats, respecting of course the concept of police and civil primacy in domestic matters.

- Shift to internal protection and reassurance. The diffuse nature of the strategic terrorist threat and the increased possibility of attacks against significant domestic targets has brought a renewed interest in the protection of key sites and the public against sudden and major attack. Thus, the exclusive post Cold War emphasis on rapidly deployable crisis management capabilities is being supplemented by a new emphasis on internal protection of civil populations and sites. In the past, sites of key strategic importance were protected because of their value in planned mobilisation and war efforts. Since September 11, publics and publicly significant sites have to be added to the list of potential targets that require added protection in the face of the terrorist threat. The concept of protection includes that of public reassurance. Like regional terrorism, strategic terrorism seeks to destabilise a society psychologically through fear and insecurity.
- Public Reassurance is a part of public protection. The reassurance of the public by the visible presence of the security forces<sup>8</sup> at times of increased tension and threat is a key anti-terrorist weapon: by reducing the sense of fear and insecurity, the authorities can considerably reduce the effect of terrorist threats and even outrages.

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<sup>8</sup> The French plan, "Vigipirate", which deploys troops to escort gendarmes when the threat is judged to be high, is an example of successful reassurance, providing a clear signal to the public that the responsible authorities are acting to prevent, protect and reassure against the possibility of an attack. For those countries where the military are barred from a domestic role, other forms of police action, not including the military could also have the same effect.

#### **IV. Challenges for Democratic Oversight of the Armed Forces**

From the above discussion, it can be concluded that September 11 has created a challenge for civil-military relations and the effective democratic control and surveillance of Armed Forces. It has added an additional and diffuse threat to the already demanding tasks of crisis management to which Armed Forces have been trying to adapt with difficulty. There is now a new requirement for adaptation. It is clear that, to respond to the supplementary threat at home and abroad, new, flexible relationships have to be developed between the various forces of security (intelligence services, police, military and protective services such as fire and ambulance). Moreover, much of the struggle against terrorism will have to be conducted in secrecy. Thus parliaments will be faced simultaneously with demands for strengthening the security services within the state, as well as arguments for restricting information, for operational reasons, on the specifics of the response.

In these circumstances, the challenge of effective democratic scrutiny are demanding, but not insurmountable. Indeed, effective democratic scrutiny of post September 11 activity is an essential element of public reassurance. The democratic state has to show that it is capable of protecting its citizens against terrorism without violating the principles and individual rights on which it is based.

Some of the specific challenges include:

- Is there a domestic role for the military in internal security in support of the police? Normally, no: the military cannot do police work. But September 11 underlined that a major national or terrorist disaster demands huge and organised manpower resources over time to deal with the consequences, or prevent a reoccurrence. The military have reserves of organised manpower, and specialist competencies, which could be made available to the civil authorities to help deal with the humanitarian consequences of a major, possibly WMD, attack against a civil population.
- There may also be a role for Armed Forces domestically in reassuring publics by their visible presence, guarding key points, air defence etc. In such circumstances what powers should be given to the military, and what controls

and oversight? As an extreme, but possible dilemma, what rules of engagement should apply in the case of a suspected hi-jacked airliner flying off course towards a capital's financial district?

- Pressures for increased defence expenditure. The fall in the general level of defence expenditure since the end of the Cold War has been significant (in real terms, from 1992 to 2001, 18% for the US, 8% for the European allies), despite the commitment of most countries in Europe and North America to restructure and adapt their forces for new crisis management tasks. The need to adapt to the additional threat, at home and abroad, is likely to require at least a bringing forward of equipment and restructuring programmes planned but not yet fully financed.
- The effects of professionalisation. Apart from improving crisis management capabilities abroad, the most evident effect of professionalisation, has been to reduce the number of organised personnel available for public service tasks at home. The need for a pool of trained reservists able to assist the regular military or supplement the emergency services has consequently increased. A less evident result of professionalisation could be an increase in the gap between the nation and state that was formerly bridged by means of military service. There is a risk that professional armed forces develop as an elite group, instrumentalised by the state but divorced from society. The relationship between the army and the nation is a question to be addressed by those countries which have ended long standing dependence on conscription.
- Enhanced co-operation between the security services, including Armed Forces. In most countries, the various organisations involved in security have tended to work separately, in accordance with their different and separate missions. Co-ordination and accountability have tended to be exercised at the top level in response to specific requirements. The possibility of mass terrorism will encourage greater co-operation and co-ordination at operational level, including the creation of contingency plans, the exercising of scenarios, and the establishment of close working relationships between the various

security actors<sup>9</sup>. While this will strengthen the protective efficiency of the state, it will also create new demands in terms of democratic oversight.

- Counter-terrorist operations abroad. Dealing with the sources of terrorism abroad is primarily a political and diplomatic function. However, as in Afghanistan, military operations can be launched in self defence to remove an organised terrorist presence. These operations raise a number of new questions relating to their political control and accountability, including the appropriate legal framework, rules of engagement, and the exercise of national “caveats” or reservations in the context of a larger coalition operation.

## V. Conclusion

Though the events of September 11 did not result in a strategic rupture, they will leave no part of the security debate unaffected or unexamined. Their main significance is the incentive they have given to strategic or mass terrorism, increasing the possibility of the use of WMD material in a terrorist attack. Faced with the possibility of mass terrorism, Governments will be obliged to examine their means of preventing and responding to an additional threat, which adds to an already demanding post Cold war security agenda. Protecting and reassuring publics will have a much higher priority. There will be increased pressures for improvements in “security capabilities” and higher expenditures. Reservists will assume a higher importance in the protective arrangements of sites and populations at risk. Civil-military relations will also be affected, with the need to avoid a gap developing between nation and military. The effective domestic integration of security actors (in the form of close co-ordination and co-operation) will be a particular subject for democratic oversight, as will be the legitimacy of counter terrorist operations abroad. The models, not the principles, of democratic control may need to be adjusted.

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<sup>9</sup> The boarding of a merchant vessel by British Royal Marines in December 2001 is an interesting case in point. The vessel was suspected of carrying an important quantity of terrorist material, possibly even of being a means in itself of attacking port facilities. The boarding would have required timely co-operation between intelligence services, customs officials, police, and military. If such a threat were considered a constant possibility, some kind of standing arrangement or procedures would no doubt be necessary.



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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