



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

WORKING PAPER NO. 107

**PRACTICAL CONFIDENCE-BUILDING MEASURES:
DOES GOOD GOVERNANCE OF THE SECURITY
SECTOR MATTER?**

Edited by Heiner Hänggi

*Contributors: Bernardo Arévalo de León, J. Isawa Elaigwu,
Owen Greene, Heiner Hänggi and Carolina G. Hernandez*

Geneva, January 2003

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DCAF Working Papers Series

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CONTENTS

Editorial Note.....	1
Abstracts.....	3
Good Governance of the Security Sector: Its Relevance for Confidence- Building.....	7
<i>by Heiner Hänggi</i>	
African Responses to Good Governance, Peace and Security in the Region: Towards Confidence-Building Measures.....	13
<i>by J. Isawa Elaigwu</i>	
Good Governance in the Security Sector as Confidence-Building Measure in the Americas: Towards Pax Democratica.....	17
<i>by Bernardo Arévalo de León</i>	
Good Governance of the Security Sector and Confidence-Building: The East Asian Experience.....	23
<i>by Carolina G. Hernandez</i>	
Euro-Atlantic Approaches to CSBM: Democratic Governance of the Security Sector and Confidence-building.....	27
<i>by Owen Greene</i>	

EDITORIAL NOTE

The proposition that good governance of the security sector may have a positive impact on international peace and security has increasingly been recognised by the international community during recent years, be it through the setting of political standards or politically-binding norms within regional organisations or through the discussion of related issues in regional security arrangements. Whereas these norm- and standard-setting processes have progressed on the regional level, they are still at their inception on the global level. Notwithstanding these factors, the issue has recently been taken up – albeit rather informally – in a broader UN context. While the UNDP's Human Development Report 2002 has established a conceptual link between democratic governance of the security sector, conflict prevention and peace-building from a developmental perspective, the same issue is being considered from a disarmament perspective in the framework of the ongoing discussions within the United Nations Disarmament Commission (UNDC) on practical confidence-building measures (CBM) in the field of conventional arms.

With a view to informing the above-mentioned debate, the NGO Committee on Disarmament, Peace and Security organised – together with the Netherlands, Sweden, Switzerland and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) – a seminar on 'Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?'. The seminar, held in New York on 16 October 2002, featured speakers who approached the subject matter from different perspectives. There was a broad consensus that if the principle of good governance of the security sector were to be recognised as a CBM on the global level, then existing and evolving regional approaches, practices and experiences would have to be taken into account. As divergent as they may be, regional approaches offer an established body of norms and standards which merit closer examination and possibly even 'globalisation' in the UN framework.

This Working Paper contains a compilation of presentations made at the New York seminar.* An edited volume based on the revised papers presented at the seminar is under preparation.

Heiner Hänggi

* Editorial assistance by Ingrid Thorburn, Research Assistant at the Geneva Centre for the Democratic Control of Armed Forces (DCAF), is gratefully acknowledged.

ABSTRACTS

Global Perspective (pp. 7 - 12)

Good governance of the security sector, when considered from a disarmament perspective, indicates linkages between two principal issue-areas in contemporary international politics, i.e. those of 'security' and 'governance'. These two issue-areas are closely intertwined, contributing to evolving definitions of the terms themselves. During the bipolar period, security was generally defined in 'hard' military terms. Following the end of the Cold War, the concept was broadened to include 'soft' and human security concerns. This was paralleled by a broadening of the concept of confidence-building measures to include, *inter alia*, the role of security forces in the society. The fundamental principles of good governance include transparency and accountability of the exercise of state power. The implementation of good governance of the security sector (including military, paramilitary, internal security forces, police, border guards, and intelligence services) is a long and often difficult process, and whether this can be achieved is dependent on the capability and willingness of the individual countries.

An analysis may be made of regional and global recognition of good governance of the security sector as a confidence-building measure indicating those norms and standards on good governance of the security sector that have evolved over the past decade at the global, transregional, and regional level. The OSCE Code of Conduct on Politico-Military Aspects of Security that was agreed almost a decade ago, is of particular interest because it places the concept of (national) democratic political control of the security forces in the context of (international) confidence-building measures. However, although the conceptual link between (national) governance and (international) security is being recognised, particularly in the Euro-Atlantic region and the Americas with encouraging developments in Africa and East Asia, it is still at its inception on the global level. Deepening the knowledge on regional approaches to good governance of the security sector and confidence-building might help to inform the debate within the global UN framework.

African Perspective (pp. 13 - 16)

The African response to good governance, peace and security in the region is determined by the experience, that the African region has had, since the mid-1960s, with an undue share of violence and wanton loss of lives as security forces and their political masters have clashed. Such conflict has often led to the overthrow of constitutional governments and even civil wars. This response can be investigated at various levels including a pan-African and sub-regional level. Pan-African structures for conflict resolution were established under the former Organisation of African Unity (OAU), now replaced by the African Union (AU). Recently, sub-regional level organisations have been more active. These include, among others, the Economic Commission of West African States (ECOWAS) and the Southern African Development Community (SADC).

Generally, African leaders have accepted that good governance, and in particular, good governance of the security sector, is essential to establish confidence-building measures in the polity, especially in the security sector. In the Declaration on the Framework for OAU Response to Unconstitutional Changes, opposition has been voiced to unconstitutional methods of changing governments. A Solemn Declaration has been made as a result of the conference on Security, Stability, Development and Cooperation in Africa (CSSDA). The Declaration stresses the relevance African leaders consider that security has for all aspects of life – social, economic, cultural, environmental and others.

Many African countries have accepted that new patterns of civil-military relations and confidence-building measures must be established to promote mutual confidence between the military and civilians in society. This is the basis for attempts to produce a draft Code of Conduct for the Armed and Security Services, as it is accepted that a lack of good governance in the average African state has alienated the people from their governments and led to problems of security.

American Perspective (pp. 17 - 22)

The Americas as a region has had a comparatively low level of inter-state military problems during the 20th Century. The instances of international military conflict, mostly related to unresolved issues of territorial disputes inherited from colonial history, did not reach proportions that permanently or severely threatened the basic suppositions of international cooperation that characterised the region. The international security regime structured during the second part of the century was aimed not so much at preventing conflict between the signatory states as at organising collective defence against extra-regional threats.

The Americas have sought, through different treaties, to establish the pacific resolution of controversies as the norm in regional relations: the Declaration of South America as a Zone of Peace and Cooperation at the end of the Cold War allowed the emergence of clear trends for cooperation and economic integration in the region. The development of Confidence and Security-Building Measures (CSBMs) in the Americas over the past decades emerges clearly within the context of efforts to reform security perceptions and structures in the region, adapting them to the new democratic identity of the hemisphere. Security issues in the hemisphere – and thus obviously CSBMs – have been subsidiary to the purpose of democratisation, an intention confirmed by the use of a 'wide' approach to confidence-building, incorporating measures of a social, economic and cultural nature.

The promotion of good governance of the security sector as a criterion for regional security is recognised as serving any country's needs for survival as a political regime, and allows democracies to establish a support system at a supra-national level. In this context, good governance of the security sector becomes a legitimate CSBM. The call for improved accountability of security sector institutions in the context of the Quebec Plan of Action on Hemispheric Security, constitutes an acceptance of the importance of democratic control over security sector institutions (at the national level) for international security (at the hemispheric level), and is a logical derivation of the principle of international security regimes in the hemisphere as useful tools for the consolidation of democracy. It is within the context of the commitment to democracy that advances on the de-militarisation of international relations in the hemisphere have developed most strongly.

Asia-Pacific Perspective (pp. 23 - 26)

East Asia (and for that matter, the broader Asia Pacific) is a highly diverse region in terms of systems of political governance. It has established, consolidating and transitional democracies as well as strong one-party and authoritarian states. If only to attract foreign direct investments and secure donor community approval, governments in the region are increasingly putting weight on good governance.

As in Europe and other regions, the importance of confidence-building in inter-state relations has also been recognised in the region. The Association of Southeast Asian Nations (ASEAN), initiator of the ASEAN Regional Forum (ARF), has enabled the establishment of the Asia Pacific's only political/security dialogue mechanism that includes ASEAN member states.

There are a number of important constraints on good governance of the security forces as a Confidence-Building Measure (CBM) at the intra-state and inter-state levels of the Asia Pacific region. Intra-state democratic control of security forces remains an unfinished business even in consolidated democracies where expertise in security and defence issues remains largely in military hands, as in the rest of East Asia. Moreover, democratic civilian control is still beyond the reach of the region's authoritarian states. Beyond these, the persistence of domestic insurgencies and armed separatist movements is likely to sustain the leverage of the military and police forces over the civilian government, particularly in Indonesia and the Philippines, not to mention unresolved territorial and border disputes in the region. At the inter-state level, the ARF participants have failed to consistently and uniformly implement the CBMs generated through the auspices of the ARF. For instance, only a few have published their defence white papers or produced a security outlook.

Hence, while good governance of security forces is a confidence-building measure that can contribute immensely to the achievement of domestic and regional peace and stability, its establishment has a long way to go in East Asia, both at the state and inter-state levels. This makes it a very urgent task indeed.

Euro-Atlantic Perspective (pp. 27 - 32)

Agreements on Confidence and Security Building-Measures (CSBMs) have been established and developed in the Euro-Atlantic area for decades. Within the framework of the Conference for Security Cooperation in Europe (CSCE), a series of agreements have resulted since the mid-1970s including the 1975 Helsinki Agreement on Confidence-Building Measures, the 1986 Stockholm Document on CSBMs, and the 1990 Vienna Document on CSBMs. Each of these agreements expanded and deepened the scope and effectiveness of the CSBMs regime in the Euro-Atlantic Area. Further development of these CSBM agreements has occurred particularly within the framework of the Organisation for Security and Cooperation in Europe (OSCE). For example, the Vienna Document on CSBMs was strengthened and extended in 1992, 1994 and 1999; an annual 'global exchange of military information' amongst all OSCE states was agreed; and the OSCE Code of Conduct on Politico-Military Aspects of Security was adopted in 1994.

At the sub-regional level, the 1996 Agreement on CSBMs in Bosnia & Herzegovina was established in the framework of the Dayton Agreement. In 1999, the Stability Pact was established to enhance cooperation amongst countries of South East Europe. One of the distinguishing characteristics of OSCE countries, compared to most other regions of the world, is that they have not only established a substantial set of international agreements on security issues, but also a well-developed complex of institutions for cooperation including NATO, the EU, the Council of Europe, as well as the OSCE and many others. Thus, many confidence-building arrangements have been developed, drawing explicitly or implicitly on these institutions.

OSCE countries have developed relatively strong agreements on principles and norms containing strong declarations of support from all OSCE countries for the principles of liberal multi-party democracy and the rule of law. CSBMs in the Euro-Atlantic area are based on key principles agreed amongst OSCE states that security is 'indivisible' and that approaches to promoting security should be 'comprehensive'. OSCE states are not about to agree to surrender sovereignty or rights to independent decision-making relating to their security sector agencies as each OSCE country continues to maintain and govern its security sector in its own way, just as it maintains its own distinctive systems for democratic governance and accountability. As yet there are few legal or politically-binding agreements amongst OSCE states that specify norms or standards relating to governance and democratic accountability of the military or other parts of the security sector. The strongest such norms are contained in the OSCE Code of Conduct on Politico-Military Aspects of Security.

GOOD GOVERNANCE OF THE SECURITY SECTOR: ITS RELEVANCE FOR CONFIDENCE-BUILDING

*Heiner Hänggi**

Good governance of the security sector and its relevance for confidence-building is a matter of increasing significance. It is of importance enough that the Human Development Report 2002 devotes a whole chapter to the issue, though it be from a development perspective. This presentation addresses, from a disarmament perspective, the linkages between two principal issue-areas in contemporary international politics: 'security' and 'governance'.

The security sphere reflects the traditional inter-state world, in which the maintenance of peace and the prevention, or solution, of conflicts is the major concern. Confidence-building measures (CBMs) clearly fall into this category given their primary goals of reducing the risk of armed conflicts by building trust and reducing misperceptions and miscalculations.

The governance sphere reflects the internal order and political culture of a state which is, within the parameters of international law, protected by its sovereign rights and the principle of non-interference in internal affairs. The issue of good governance of the security sector clearly falls into this category.

Though the issue-areas of 'security' and 'governance' can be distinguished for analytical reasons, they are both closely intertwined – increasingly so. This has been especially true since the end of the Cold War period. Whereas security was defined almost exclusively in 'hard' military terms during the bipolar period, the end of the Cold War resulted in a broadening of the concept to include 'soft' and human security concerns. The idea that international security is inseparably linked not only to certain inter-state attitudes and behaviour, but also to how the individual states treat their citizens within their borders resulted in the concept of comprehensive security. Obviously, this concept links governance and security issues.

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Transparency and accountability of the exercise of state power are considered fundamental principles of 'good governance', together with other principles such as legitimacy through democratic participation, respect for human rights, and rule of law as well as efficiency in the use of public resources and in delivering public services. This holds true for all governmental bodies, including the military which is an instrument for the exercise of state power. But it is not only the military. In many states paramilitary and internal security forces as well as intelligence services, the police and border guards constitute institutional actors which share in the exercise of the state monopoly of coercive power and have therefore to be taken into account as well. Thus the notion 'security sector' should be used in this context instead of military only.

Given the evolving nature of the principle of good governance of the security sector, it is still characterised by conceptual ambiguities and thus open to different and sometimes diverging interpretations. In spite of the lack of clear-cut definitions and taking into account that there is no single model, a set of general principles and 'best practices' can be identified. The general principles include:

- Security forces are subordinated and accountable to the constitutionally legitimised authorities (this includes not tolerating forces that are not accountable to, or controlled by, the government);
- Security forces follow civilian political guidance and are politically neutral;
- The missions of the security forces are confined to their constitutionally defined tasks;
- Security forces have no access to financial support other than the government budget (this includes parliamentary approval for defence expenditures);
- Security forces have to obey the rule of law (including the provisions of international humanitarian law and rules governing armed conflict);
- Security forces should be integrated with civil society (instead of being insulated and constituting a "State within the State").

The "best practices" include:

- a constitutional and legal framework, which constitutes the separation of powers (between government, parliaments and justice courts) and clearly defines the tasks, rights and obligations of the security sector within the institutional checks and balances;

- civilian control and management of the security sector by the government (civilian control over the Ministry of Defence, other security-related Ministries and the military establishment as a whole, with civilian defence and interior ministers and civil servants having key policy and managing roles and with a clear division of professional responsibility between civilians and the military);
- parliamentary control and oversight of the security sector (powers such as approval of defence and related budgets, security-related laws, security strategy and planning, security sector restructuring, weapons procurement, deployment of troops for internal emergency situations and abroad, ratification of international agreements on security issues; instruments such as defence committees, hearings, inquiries and investigations, mandating reports, etc.);
- judicial control of the security sector in the sense that the security sector is subject to the civilian justice system too, and that there are no specialised courts (e.g. military justice courts) outside the civil courts;
- a kind of 'public control' of the security sector through the existence of a security community representing civil society (political parties, NGOs, independent media, specialised think-tanks and university institutes, etc.) and the nurturing of an informed national debate on security issues (in close cooperation with the parliament, which provides the most important link between civil society and the security sector through its representative role).

It has to be noted that achieving good governance of the security sector is more than the institutionalisation of laws and practices; it is a social process that may take a long, complex and uneven path. And it differs from country to country in the sense that the evolving needs and special conditions of each country will heavily influence the pattern of progress. Just like democracy itself, it is a never-ending process in which no society will ever achieve perfection.

Standards and norms referring to good governance of the security sector have been incorporated in a number of international documents, be it on the global, regional or transregional level (as shown in table 1).

Table 1: Norms and Standards on Good Governance of the Security Sector

Organisation	Norms/Standards	Source
OSCE	'The democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police' (specified by a detailed set of provisions)	Code of Conduct on Politico-Military Aspects of Security (1994)
NATO PfP	'Ensuring democratic control of defence forces' (one of five objectives, specified in the PfP Programme)	Framework Document (1994)
Community of Democracies	'That civilian, democratic control over the military be established and preserved'	Warsaw Declaration (2000)
UNCHR	'Ensuring that the military remains accountable to the democratically elected civilian government'	Resolution 2000/47 (2000)
UN GA	'Ensuring that the military remains accountable to the democratically elected civilian government'	Resolution 55/96 (2000)
Summit of the Americas	'The constitutional subordination of armed forces and security forces to the legally constituted authorities of our states is fundamental to democracy'	Quebec Plan of Action (2001)
Club of Madrid	'Civilian control over the military and defence policy, and a clear separation of the armed forces from police bodies and functions'	Closing Statement (2001)
UNDP	'Democratic civil control of the military, police and other security forces' (report enumerates principles of democratic governance in the security sector)	Human Development Report (2002)

The end of the Cold War, the resulting uncertainties of the security environment and the subsequent development of comprehensive security policies, particularly in Europe, led to a broadening of the concept of confidence-building measures to include, inter alia, the role of the security forces in the society. The development of post-Cold War CBMs in the Euro-Atlantic area resulted in a quantum leap from traditional military CBMs to so-called norm- and standard-setting measures, which include a wide variety of politico-military measures designed to enhance regional security – we could term them 'fourth generation CBMs'. In this regard, the OSCE Code of Conduct on Politico-Military Aspects of Security, adopted in 1994, is of particular interest because it locates the concept of (national) democratic political control of the security forces in the context of (international) confidence-building measures. This new form of CBMs first developed in the OSCE framework appears to correspond to the long-standing request of non-European countries for a comprehensive approach to CBMs – covering military, political, economic, social and humanitarian aspects of confidence-building (actually, the call for comprehensive CBMs has been enshrined in the UNDC Guidelines of 1988). Yet this conceptual link between national governance and international security issues is still rather the exception than the rule when it comes to international norms and standards (see table 2).

Table 2: Good Governance of the Security Sector and Confidence-/Peace-Building

Organisation	Norms/Standards	Source
OSCE	'The participating states consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security'	Code of Conduct on Politico-Military Aspects of Security (1994)
NATO PfP	'Ensuring democratic control of defence forces' (one of five objectives, specified in the PfP Programme)	Framework Document (1994)
Summit of the Americas	'We reaffirm our commitment to maintain peace and security through ... the adoption of confidence- and security-building measures. In this regard, we reaffirm that constitutional subordination of armed forces and security forces to the legally constituted civilian authorities of our countries...' 'Recognising that democracy is essential for peace, development and security in the Hemisphere...'	Quebec Declaration (2001) Quebec Plan of Action (2001)
UNDP	'Democratising security to prevent conflict and build peace' (title of chapter 4 of the Report)	Human Development Report (2002)

As stated previously, we can find this link in its most elaborated form in the OSCE Code of Conduct on Politico-Military Aspects of Security, adopted in 1994. Its chapter seven details the principle of good governance of the security sector in the context of confidence-building. Other European and Euro-Atlantic organisations are using the OSCE Code of Conduct as a reference document for defining the principle of good governance of the security sector. This holds particularly true for NATO's Partnership for Peace (PfP) programme, which makes 'democratic control of defence forces' a *conditio sine qua non* of membership.

The principle of good governance of the security sector has also gained recognition in the Western Hemisphere, notably at the Interamerican Summit meeting held in 2001 in Quebec. The Quebec Declaration and the Quebec Plan of Action explicitly refer to this link between governance and security, that has been established by subregional groupings in the Americas as well.

Furthermore in Africa we find a growing recognition of good governance of the security sector as a confidence-building measure, though it has not yet been explicitly incorporated into a regional document. Yet there is a promising attempt being made at drawing up a Code of Conduct for Armed and Security Forces in Africa.

Asia seems to be the region where norms and standards on good governance of the security sector in the context of confidence-building are least developed, though

security-related institutions such as ASEAN and the ASEAN Regional Forum deal with CBMs – albeit in the rather traditional sense.

On the global level, the recognition of good governance of the security sector as a confidence-building measure is being discussed in the context of the new UNDC guidelines on conventional disarmament. The Commission's deliberations have been based on the compilation of the various existing confidence-building measures in different regions of the world. This again underlines the relevance of regional norms and standards in this field for the norms- and standards-setting on the global level. A number of working papers on regional approaches and experiences submitted to Working Group II posit the recognition of politico-military aspects of security as a practical confidence-building measure in the field of conventional arms. The proposals put forward on the politico-military aspects of security indeed reflect the norms and standards prevailing in the respective region, particularly those in the Euro-Atlantic region and in the Americas. While the recognition of good governance of the security sector as a confidence-building measure is still being discussed within the UNDC, the UNDP's Human Development Report 2002 established a conceptual link between democratic governance of the security sector, conflict prevention and peace-building from a developmental perspective. The call for 'democratising security to prevent conflict and build peace' (title of chapter 4) is primarily addressed to world regions which suffer from widespread lack of both, good governance of the security sector and practical confidence-building measures.

In sum, it is evident that norms and standards on good governance of the security sector have evolved over the past decade on the global, transregional, as well as regional level – though not necessarily in the context of confidence-building. The evolution of these norms and standards took place in the framework of post-Cold War democracy-promotion efforts, which are theoretically informed by the 'democratic peace' thesis. This has helped to pave the way for the growing recognition of politico-military aspects of security (such as the principle of good governance of the security sector) as confidence-building measures. However, although the conceptual link between (national) governance and (international) security is being recognised particularly in the Euro-Atlantic region and the Americas with encouraging developments in Africa and East Asia, it is still at its inception on the global level. Deepening the knowledge on regional approaches to good governance of the security sector and confidence-building might help to inform the debate within the global UN framework.

AFRICAN RESPONSES TO GOOD GOVERNANCE, PEACE AND SECURITY IN THE REGION: TOWARDS CONFIDENCE-BUILDING MEASURES

*J. Isawa Elaigwu**

Since the mid-1960s, the African region has experienced an undue share of violence and wanton loss of lives as security forces and their political masters have clashed. This often led to the overthrow of constitutional governments and even civil wars. In other cases, as in Somalia (and Liberia, Sierra Leone, Burundi and Rwanda at different points in their recent history), the state virtually collapsed. The use or misuse of the state security agencies has disrupted political stability, peace and development in the region.

Many leaders of African states have come to realise that unless a positive link is established between good governance and the security sector, the peace and stability required for development would elude them, and Africa would continue to lag behind the rest of the world until it was finally delinked from the globalisation process. There is also the realisation among African leaders that there is a need for good governance in the security sector in order to

- achieve peace and stability;
- embark on meaningful development;
- enable contending armed groups to disarm; and
- establish a basis for enforcing human rights and restoring dignity.

Under the former Organisation of African Unity (OAU), now replaced by the African Union (AU), there were pan-African structures for Conflict Resolution. Three mechanisms adopted by the OAU for purposes of conflict management were

- the Commission for Mediation, Conciliation and Arbitration;
- the Ad Hoc Commission;
- the Mechanism of Conflict Prevention, Management and Resolution.

But the OAU lacked the capacity for effective peace-keeping. Even the OAU peace-keeping force in Chad had limited success and was basically financed by Nigeria.

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The subregional organisations have been more active. The Economic Commission of West African States (ECOWAS) established in 1975, has been active on the West Coast. It intervened in conflicts in Liberia, Sierra Leone, Guinea and now Ivory Coast. In spite of problems, its military wing (the ECOWAS Monitoring Group - ECOMOG) has changed the situation in West Africa. In Southern Africa, the Southern African Development Community (SADC) has assisted in the retraining of Lesotho military officers and mediated in the crises in the Great Lakes. In the North-Eastern part of Africa IGAD has tried to resolve the lingering Sudanese and Somalian conflicts, with limited success. In essence, sub-regional organisations have been more active in conflict management than regional organisations.

What about good governance and the security sector?

African leaders have accepted that good governance generally, and good governance in the security sector in particular, are essential confidence-building measures in the polity, especially in the security sector.

Thus at the OAU Summit in Harare, Zimbabwe, in 1997 and at Sierte, Libya, in 1999, the Heads of States and Governments strongly expressed their opposition to the military coup in Sierra Leone. They confirmed their opposition to unconstitutional methods of changing governments. Similarly, at their summit in Lome, Togo, July 10-12, 2000, they confirmed their earlier declaration that military coups were unacceptable as modes of effecting changes of government. Their Declaration on Framework for OAU Response to Unconstitutional Changes explained in detail the position of these leaders.

Again, in the Solemn Declaration as a result of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDA), African leaders stressed that security covered all aspects of life – social, economic, cultural, environmental and others. They also acknowledged the importance of good governance based on constitutionalism as crucial to stability and development of each nation-state. These leaders went further to announce 10 principles of democratic good governance which member states should implement. In essence, African states have committed themselves to good governance as a confidence-building measure (not only in the security sector) but in the polity. They have accepted that political stability, security, development and cooperation among member states would only be possible if there is good governance.

Many African countries have accepted that new patterns of Civil-Military Relations must be established to promote mutual confidence between the two groups in society. This is the basis for attempts to produce a draft Code of Conduct for the Armed and Security Services. The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) based in Lome, Togo, in collaboration with other agencies, organised a seminar on a draft Code of Conduct for African Armed Forces. The draft which has been prepared for action by the African Union (AU) is expected to contribute to:

- a better understanding of the armed and security forces of national and international rules and regulations which regulate their behaviour in the exercise of their duties;
- socio-political stability through the elimination of one of the causes of conflict and political violence in Africa;
- the professionalisation of the armed and security forces in Africa and;
- the harmonisation of relations and mutual trust between the Armed and Security Forces and civilian populations, human rights and law.

Candidly, Africa has come to a threshold in which its leaders are finding out that they must not only adhere to basic values of good governance as they domesticate the principles of democracy, they must also establish a new pattern of civil-military relations. Political leaders must accept that they have as many obligations to the military as the military has to them, as symbols of the State. They must politically educate the military to know their rights and obligations, and the limits of their powers under the constitution. Equally important is the education of the civil populace on the military.

Lack of good governance in the average African state alienated the people from their governments and led to problems of security. The first set of confidence-building measures are those which restore mutual confidence between the government and the citizens. Good governance becomes, as the African Union has recognised, a very cardinal, practical set of confidence-building measures.

In addition, the security sector needs to demythologise its secrecy and de-personalise its operation and loyalty. The security sector must realise that regime security is not the same as state security. Their duty is to ensure the security of the state. They must have the capability to deal with the apparent overlap between the two in their daily operation.

This also means that the security sector gets institutionalised and de-personalised. In Africa, the mechanisms of control, transparency and accountability as delineated earlier need to be applied to it. These forms of good governance may generate new patterns of mutual confidence between security sector and civil society. It is hoped that African leaders will keep faith with their declarations to adhere to democratic principles. It is also hoped that the peer review, as contained the documents of the New Partnership for African Development (NEPAD), will help to instil political sanity in the domestic affairs of states, from time to time.

Building on the new determination of African leaders, it is possible to argue that the future looks bright, but they must be able to transform their declarations into practice so that the average African will feel socio-economically, politically and environmentally secure.

GOOD GOVERNANCE IN SECURITY SECTOR AS CONFIDENCE-BUILDING MEASURE IN THE AMERICAS: TOWARDS PAX DEMOCRATICA

*Bernardo Arévalo de León**

The Americas as a region has had a comparatively low level of inter-state military problems in the 20th century. The instances of international military conflict, mostly related to unresolved issues of territorial disputes inherited from colonial history, did not reach proportions that permanently or severely threatened the basic suppositions of international cooperation that characterised the region. The international security regime structured during the second part of the century was aimed not so much at preventing conflict between the signatory states as at organising collective defence against extra-regional threats. The region abounds in examples of collaboration in matters of security from the bilateral to the regional level. All countries adhere to the norms and principles established in the global or hemispheric multilateral security regimes and are party to different treaties establishing the pacific resolution of controversies as the norm in regional relations; the declaration of South America as a Zone of Peace and Cooperation is just the most recent example.

These characteristics have been strengthened during the last decades; the end of the Cold War allowed the emergence of clear trends for cooperation and economic integration in the region. Defence spending remains low in comparison with other regions. Some issues of territorial demarcation that in the past gave place to international tensions and conflict have been resolved. And in general, the region enjoys conditions of international stability and peace that get it closer to a condition of “Democratic Peace”: peace and stability in a thoroughly democratic context.

Development of Confidence and Security Building Measures (CSBM) in the Americas in the last decades emerges clearly within the context of the efforts to reform security perceptions and structures in the region, adapting them to the new democratic identity of the hemisphere. The efforts to develop a new international security regime in the region have thus been part of an integrated effort to promote and consolidate democracy, more than an effort to address problems of political or military tension

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between states. The need for predictability, transparency and confidence on security issues relates more to the need to guarantee strategic objectives of a political or economic nature – consolidation of democracy, economic integration – than to resolve questions of a diplomatic or military nature. Security issues in the hemisphere – and thus evidently CSBMs – have been subsidiary to the purpose of democratisation, an intention confirmed by the use of a “wide” approach to confidence-building, incorporating measures of a social, economic and cultural nature, as opposed to the more traditional “narrow” approach, based upon strictly military measures.

The inclusion in hemispheric and regional security arrangements of questions relating to good governance of security sector institutions has been the result of this rationale. The continued transformation of security sector institutions and the development of mechanisms for democratic control over the armed forces is clearly recognised as a key element in the process of democratic consolidation in the Americas. The historic background of military intervention in politics, and the existence of un-concluded processes of military conversion in many countries, places this issue in a central position on the political agenda of the continent. Recurrent mentions of the need for military subordination to constitutional authority, like the one that the Heads of State and of Government of the region included in their last Summit, testify to this fact.

In addition to the importance that good governance in the security sector has within each and every country, there is also an inter-state aspect that justifies a regional approach to security sector reform: the possibility of the development of a crisis in a country that, due to an effect of transference of instability, affects neighbouring countries or the region.

Transference of instability – the spill-over of instability from one country to a neighbouring one – can be related to several factors:

- expansion of a national crisis beyond its borders;
- difficulties in establishing sovereign control over the territory;
- the trans-national (or “de-territorialised”) nature of some of the new security issues.

The likelihood of military intervention in politics as a result of such a crisis is not negligible, as the history of the region bears witness. And in the context of un-consolidated democracies with partially converted security sector institutions, the

possibilities of regression to military rule as a result of an internal crisis which results from a political crisis in a neighbouring state elicit a perception of threat based upon the recognition of the fragility of national institutions. The promotion of good governance in the security sector as a criterion for regional security thus serves any country's own needs for survival as a political regime, and allows democracies to establish a support system at a supra-national level.

In this context, good governance of the security sector becomes a legitimate CSBM. The call for improved accountability of security sector institutions in the context of the Quebec City Plan of Action on Hemispheric Security constitutes an acceptance of the importance of democratic control over security sector institutions – at the national level – for international security – at the hemispheric level – and is a logical derivation of the principle of international security regimes in the hemisphere as useful tools for the consolidation of democracy. If we define CSBMs as concrete measures that promote predictability and provide evidence of the absence of hostile intent between states, that establish greater transparency in the nature and activities of armed forces, and that reduce tensions and mistrust at different levels, good governance of the security sector can have a greater impact than other measures usually included in international agreements.

Although civilian control of the military in itself does not guarantee the eradication of military tension between states, it is indeed an important element in promoting enhanced conditions for international security. Security sector institutions that maintain substantive degrees of political or operative autonomy from legally constituted authorities might develop institutional agendas that can endanger international cooperation in security issues, or even contribute to generating an international security crisis as a way to enhance their relative importance within the national political context. The examples of international security sector coordination for repression of political dissent in the not so distant past (sharing intelligence information, training and indoctrinating, etc.) forces political authorities to ensure that national security sector institutions unreservedly respond to democratic principles, follow foreign policy directives, and do not engage in activities that might endanger democracy in other states. Thorough democratisation of the neighbour's security sector becomes an issue of national interest.

The promotion of international stability and security has implied a conscious transfer of competencies from the national to the supra-national level. States have committed

themselves to measures that not only condition their policy options *a priori*, but that are subject to international verification. In the Americas, this has been possible due to the progressive development of cooperative notions in security-related issues within the context of a strong commitment to democracy. The voluntary nature of adherence to collective mechanisms of coordination of policies and verification eliminates the supposition of interference in the implementation and verification of the agreements.

In actual fact, the countries of the Americas, and consequently, its multilateral organisations, have been adopting a progressively assertive attitude in the collective defence of democracy. “Democratic Clauses” establishing the suspension of rights of participation in some supra-national political arrangements (e.g. MERCOSUR) of countries where non-democratic governments have taken power, and the definition of mechanisms and actions to be taken when democracy is at risk in another country, indicate the extent of the will to avoid another relapse into authoritarian rule.

Although, as we have seen, there has been significant progress in terms of the development of a new security regime in the region, the task is far from over. Several elements remain which might lead to stalemate and thus allow for the erosion of hemispheric and regional security. Among these, questions relating to institutional frameworks are particularly relevant: at the hemispheric level, the different advances in security issues have not been integrated in an institutional context that is coherent with the security needs of a democratic community. Unresolved issues inherited from the Cold War era – e.g. the problematic relationship between the Interamerican Defence Board and the OAS – or emerging from the new regional arrangements – e.g. operational problems derived from conceptual ambiguities in the Central American Framework Treaty for Democratic Security – should be attended to. Failure to develop concrete policies and mechanisms to support politically correct rhetoric might devalue political initiative and maintain reality unaltered. And at the national level, failure to advance in the establishment of a legal and institutional framework for good governance of the security sector might result in authoritarian regressions that would eventually alter the regional security regime.

But other issues pose important threats: unresolved “historic” conflicts between countries, in particular questions of territorial demarcation, can evolve into a re-militarisation of security at a regional level. And inadequate responses to, or failure to control new, transnational security issues (e.g. drug trafficking or terrorism) might

become a source for regional and hemispheric tension, and might foil attempts for continued security sector reform.

The need to advance in these issues has become more urgent in the light of the transformation of international relations during the last few months. Following the terrorist attack on the United States in September 11th, 2001, there has been a progressive securitisation of the international agenda, expressed in the progressive relevance that politico-military issues have adopted, vis-à-vis issues of development, trade and human rights that were prominent in the post-Cold-War period. Perceptions of conflict and threat begin to dominate interpretations and analysis of phenomena at different levels (national, regional, international): Immigration is becoming more an issue of national security than a question of regional imbalances in development; democracy is not so much a question of human and individual rights of citizens but an issue of international political alignments. Policy proposals are crafted accordingly. The possibility of use of force, or threat of its use, to confront different political problems has become a more acceptable option than it was before, with the consequent transformation in perceptions of possible applications of military solutions to non-military problems: witness recent proposals in Europe to engage military units in questions of illegal immigration.

In the context of un-consolidated democracies and unreformed (or partially reformed) security sector institutions in the Hemisphere, the transformation of security perceptions at the global level can have very negative effects. Securitisation and militarisation of international and national agendas might lead to greater political relevance of armed institutions in contexts in which neither have adequate democratic control mechanisms been put in place, nor substantive transformations in the armed institutions been achieved. Lack of democratic control and unreformed perceptions of military roles facilitate military intervention in politics and constitute a major obstacle for democratic consolidation in the region. It must be remembered that global conflict perceptions in the second half of the 20th century led to the securitisation of politics and to the consequent demise of young democracies in many Latin American countries.

It remains a challenge for the Americas to advance in making concrete a true 'Pax Democratica'. It is within the context of the commitment to democracy that the advances in the demilitarisation of international relations in the hemisphere have developed most strongly. Commonalities in interests and in objectives have been

clearly identified at the political level and there is a shared agenda that clearly orientates political action towards advancement in the path to the establishment of a democratic security. Security sector reform constitutes one of the main items on this Agenda: its effective implementation will neutralise the authoritarian legacy and allow for their development in full coherence with democracy. We must always remember that democracy in the region must not be taken for granted; we have already seen in the past democratic governments crumbling one after the other due to a combination of internal and external factors that showed the fragility of democratic institutions and that gave place to authoritarian regimes controlled by security sector institutions: the armies, the police, the intelligence corps. The hemisphere has today the opportunity not to let that happen again, and in that effort, good governance of the security sector reform is a crucial factor.

GOOD GOVERNANCE OF THE SECURITY SECTOR AND CONFIDENCE-BUILDING: THE EAST ASIAN EXPERIENCE

*Carolina G. Hernandez**

East Asia (and for that matter, the broader Asia Pacific) is a highly diverse region in terms of systems of political governance. It has established, consolidating and transitional democracies as well as strong one-party and authoritarian states. The region has both strong and weak states, and strong and weak civil society sectors as well. If only to attract foreign direct investments and secure donor community approval (including that of the International Monetary Fund and World Bank), governments in the region are increasingly putting weight on good governance, not only of the public sector (including the military and the police/security services), but also of the private/corporate, and the civil society/non-governmental sectors. Good governance is also increasingly recognised as a necessary foundation for domestic and regional peace and stability.

As in Europe and other regions, the importance of confidence-building in inter-state relations has also been recognised in East Asia and the broader Asia Pacific region. The Association of Southeast Asian Nations (ASEAN) established by Indonesia, Malaysia, the Philippines, Singapore and Thailand in 1967 and joined by Brunei in 1984, Vietnam in 1995, Laos and Myanmar in 1997 and Cambodia in 2000 is an exemplar in inter-state confidence-building experiments among developing countries. Through close consultation, dialogue, and political/security, economic and functional cooperation, ASEAN has become a diplomatic and security community.

As the initiator of the ASEAN Regional Forum (ARF), ASEAN has enabled the establishment of the Asia Pacific's only political/security dialogue mechanism which includes ASEAN member states, all of ASEAN's dialogue partners in the region (Australia, Canada, Japan, New Zealand, South Korea, the United States), the non-regional European Union, and new ones like China, India, and Russia which are important strategic actors in the Asia Pacific. The ARF Concept Paper lays out the Forum's tasks as confidence-building, preventative diplomacy and conflict resolution. Pursuant to these tasks, the ARF has generated numerous military confidence-

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building measures in the form of military personnel and information exchanges, publication of a number of defence white papers, prior announcement of military exercises, and participation in the UN Conventional Weapons Register. However, the ARF has been criticised for its inability to move into preventative diplomacy and to deal with the most important security challenges in the Asia Pacific such as nuclear weapons proliferation, the Korean Peninsula, Cross-Strait relations and the South China Sea disputes. It is noteworthy that while the Cold War has ended in other parts of the world, its remnants remain in East Asia in the form of the divided nations of China and Korea. An important impediment to progress in the ARF is the strong attachment of most states to the principle of non-interference in their domestic affairs in addition to the constraints of the ASEAN way of consensus decision-making in which every participant has in effect a veto and where compliance is voluntary.

The concept of good governance, a rather slippery and controversial concept, first emerged in the post-Cold War era, where it appeared in the documents of the July 1991 London Summit of the Organisation for Economic Cooperation and Development (OECD) on "ODA and Good Governance". Official Development Assistance (ODA) policy was linked to good governance defined to include democracy and human rights observance, market liberalisation, bureaucratic reform for more transparency, accountability and responsiveness, reasonable levels of military expenditure, and non-production of and non-use of weapons of mass destruction. Japan, the only East Asian member of the OECD at that time, being handicapped on the issue of human rights and democracy, chose to focus instead on the reduction of military expenditure and the non-production and non-use of weapons of mass destruction in its ODA Charter.

Within the state, good governance of security forces in East Asia appears to have taken the form of democratic control of military and police forces. Emerging from authoritarian rule where the military played a dominant or influential role in politics, South Korea, Taiwan, the Philippines, Thailand and Indonesia have, for different reasons, deliberately democratised their polity, including the adoption of democratic civilian control of the security forces since the late 1980s. The measures they adopted in this regard included constitutional arrangements where the military were put under a civilian commander-in-chief; the separation of the police from the military; the creation of civilian oversight institutions such as parliamentary committees with oversight and/or investigative powers over the defence budgets, military appointments and promotion; setting up independent national human rights bodies,

an ombudsman for the military, an audit body, and an independent judiciary (horizontal accountability), as well as the rule of law and civil liberties, particularly media freedom for citizens and their organisations (vertical accountability). In South Korea and Taiwan, the breaking up of powerful military factions or units was also adopted to limit military power. In addition, market liberalisation and the Asian financial crisis limited rent seeking activities through arms procurement by security forces as these factors also reduced weapons acquisition programmes that in the mid-1980s to mid-1990s were perceived as likely to lead to a regional arms race. The Asian financial crisis also facilitated democratisation in Indonesia.

Having said all of the above, there are important constraints on good governance of the security forces as a confidence-building measure at the intrastate and inter-state levels. Intrastate democratic control of security forces remains an unfinished business even in consolidated democracies such as South Korea and Taiwan where expertise in security and defence issues remains largely in military hands, as in the rest of East Asia. Moreover, democratic civilian control is still beyond the reach of the region's authoritarian states. Beyond these, the persistence of domestic insurgencies and armed separatist movements is likely to sustain the leverage of the military and police forces over the civilian government, particularly in Indonesia and the Philippines, not to mention unresolved territorial and border disputes in the region. At the inter-state level, the ARF participants have failed to consistently and uniformly implement the CBMs generated through the auspices of the ARF. For instance, only a few have published their defence white papers or produced a security outlook.

Finally, there are serious implications of 9/11 for good governance of security forces as Southeast Asia becomes the second front in the war against terrorism. Rule of law, human rights and democracy are at risk of taking a back seat in the face of national security considerations. States that need US military assistance like Indonesia and the Philippines are likely to toe the US line on terrorism, with grave implications for their domestic insurgent and separatist movements. Having declared the Communist Party of the Philippines (CPP) and its armed wing (the New People's Army) as well as the Moro Islamic Liberation Front (MILF) terrorist organisations, the US has complicated thereby the Philippine Government's efforts to forge a peace agreement with these groups. Following the October 2002 bombing in Bali, Indonesia, by persons belonging to a militant Islamic group (Jemaah Islamiyah), Jakarta can no longer afford to ignore the group's presence in Indonesia, but any action it takes against this group will have serious implications for governing this

largely Muslim country. Moreover, the linkage made by the US between military assistance and the ratification of the Rome Treaty for the establishment of the International Criminal Court has also created a dilemma for the Philippines. Previously it had signified its intention to ratify the treaty, but its security interests require continuing access to US military assistance.

Hence, while good governance of security forces is a confidence-building measure that can contribute immensely to the achievement of domestic and regional peace and stability, its establishment has a long way to go in East Asia, both at the state and inter-state levels. This makes it a very urgent task indeed.

EURO-ATLANTIC APPROACHES TO CSBM: DEMOCRATIC GOVERNANCE OF THE SECURITY SECTOR AND CONFIDENCE-BUILDING

*Owen Greene**

The emerging relationship between good governance of the security sector and Confidence and Security-Building Measures (CSBMs) is an important issue, deserving detailed examination and debate within the UN as well as in all regions and countries. Experience in the Euro-Atlantic area (North America and Eurasia) offers useful precedents and lessons.

Agreements on CSBMs have been established and developed in the Euro-Atlantic area for decades. They were a particular focus of interest and negotiation within the framework of the Conference for Security Cooperation in Europe (CSCE) since the mid- 1970s, resulting in a series of agreements including the 1975 Helsinki agreement on confidence-building measures, the 1986 Stockholm Document on CSBMs, and the 1990 Vienna Document on CSBMs. Each of these agreements expanded and deepened the scope and effectiveness of the CSBMs regime in the Euro-Atlantic Area.

Since the end of the Cold War, these CSBM agreements have been further developed, particularly within the framework of the Organisation for Security and Cooperation in Europe (OSCE). For example, the Vienna Document on CSBMs was strengthened and extended in 1992, 1994 and 1999; an annual 'global exchange of military information' amongst all OSCE states was agreed; and the OSCE Code of Conduct on Politico-Military Aspects of Security was agreed in 1994.

At a sub-regional level, the 1996 Agreement on CSBMs in Bosnia & Herzegovina was established in the framework of the Dayton Agreement. In 1999 the Stability Pact was established to enhance cooperation amongst countries of South East Europe. Since the mid-1990s at least, the OSCE has actively encouraged the development of further sub-regional CSBM arrangements, customised to the circumstances of other conflict-prone parts of the Euro-Atlantic area.

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One of the distinguishing characteristics of OSCE countries, compared to most other regions of the world, is that they have established not only a substantial set of international agreements on security issues but also a well-developed complex of institutions for cooperation, including NATO, the EU, the Council of Europe, as well as the OSCE and many others. Thus, many confidence-building arrangements have been developed, drawing explicitly or implicitly on these institutions.

Moreover, the confidence-building approach has been encouraged in an increasingly wide range of circumstances. In the 1990s, attention increasingly focused on risks of civil war and other internal conflicts, and on transnational security problems such as those relating to displaced peoples, transnational trafficking, and disputes between ethnic groups. Confidence-building measures between domestic or transnational groupings have become increasingly relevant.

OSCE countries have developed relatively strong agreements on principles and norms relating to cooperative security. These profoundly shape support for CSBMs in the Euro-Atlantic area and the perceived relationship with good governance and democratic accountability of the security sector. These principles and norms are generally built upon those contained in UN documents and agreements, and are similar to norms agreed in other regions. However, they have distinctive characteristics, and have been elaborated.

The implementation of these principles has benefited from being embedded in wider normative frameworks. Most particularly, they have benefited from strong declarations of support by all OSCE countries for the principles of liberal multi-party democracy and the rule of law. Governments and peoples in the Euro-Atlantic area feel safer if their neighbouring countries are democratic. Democratisation tends to increase the variety of mechanisms available for peaceful resolution of disputes and imposes constraints against military adventurism – particularly against other democracies. Although there are some OSCE countries where government declarations on democracy and their practices remain far apart, genuine commitment to the above democratic principles has substantially widened and deepened across the region over the last 10 to 20 years.

CSBMs in the Euro-Atlantic area are based on key principles agreed amongst OSCE states that security is ‘indivisible’ and that approaches to promoting security should be ‘comprehensive’. The principle of indivisibility implies not only that a country’s

security cannot be increased at the expense of neighbouring states, but also that all OSCE states have a legitimate security interest in the internal affairs of their OSCE neighbours in relation to issues of governance and human rights. This is because instability, bad governance, criminality and oppression in one country have security implications for neighbours and for the region as a whole.

The 'comprehensive' security norm implies that issues such as economic and environmental cooperation and respect for human rights and fundamental freedoms are relevant to security, as well as politico-military cooperation. Thus all three dimensions of OSCE cooperation – the economic, human and politico-military 'baskets' of issues – are inter-related. Numerous OSCE meetings have elaborated the implications of this comprehensive approach to security, and have developed detailed agreed norms and mechanisms to promote implementation.

The broad OSCE principles outlined above clearly imply that issues of security sector governance and democratic accountability are important factors for security in Europe as well as for the establishment of democratic and well-governed societies.

The role and use in one state of its military, interior troops, paramilitary forces, police, judiciary, border guards, coast guards and other elements of the security sector can all be of direct security concern to other states in the region, in view of the contemporary security agenda addressing risks from terrorism, transnational crime, internal and transnational conflicts, as well as of inter-state conflict. Inefficient or inappropriate policing or border controls can cause problems stretching far beyond the borders of the state in question. Moreover, there is legitimate regional concern about democratic accountability of security sector agencies and their use by the government. For example, ineffective control or misuse of armed forces by civilian political authorities is generally a key problem in conflict-prone countries and regions.

This is not to say that OSCE states are about to agree to surrender sovereignty or rights of independent decision-making relating to their security sector agencies – far from it. Each OSCE country continues to maintain and govern its security sector in its own way, just as it maintains its own distinctive systems for democratic governance and accountability (except for special cases, such as Bosnia & Herzegovina and Kosovo, where special post-conflict international administrative arrangements temporarily apply). Democracies are bound to differ in many ways, so it is futile in the Euro-Atlantic region, as in all others, to aim at full 'harmonisation' of norms and

standards of states in relation to ensuring democratic governance and accountability of the various elements of the security sector.

However, OSCE countries have accepted that other OSCE countries have legitimate concerns about these issues which need to be addressed, and they have developed a complex of institutions and mechanisms to promote cooperative approaches. Moreover, all OSCE states at least recognise certain established and emerging 'minimum' standards and good practices relating to governance and accountability of the security sector.

The development of such norms and standards is an on-going process. Most well-established democracies in the region have significantly strengthened practices of democratic oversight and control of the armed forces and other elements of the security sector in recent years, including enhanced transparency. The EU and NATO have been very active and influential in the process of widening adherence to relevant norms, developing understandings with countries of Eastern Europe and the former USSR through association agreements, Partnership for Peace (PfP) programmes, and preparations for membership. For example, in June 1993 the European Council laid down the 'Copenhagen Criteria on Democracy' that associated countries in Central and Eastern Europe needed to fulfil in order to be considered for EU membership. These included 'the achievement of institutional stability as a guarantee of democratic order, the rule of law, respect for human rights and respect and protection of minorities' as well as other criteria such as establishing a functioning market economy. All subsequent EU cooperation programmes across Eurasia incorporated these principles.

Similarly, the Council of Europe, the OSCE, and several national donor agencies have developed programmes to ensure appropriate development of law and to support police and judicial reform and training. NATO PfP programmes have promoted democratic civilian control of the military. The inter-parliamentary assemblies of NATO, WEU, EU and CIS have promoted capacity and good practice relating to parliamentary oversight and control of the security sector. There have been numerous influential civil society cooperation programmes in this area.

Perhaps surprisingly in view of the above discussion, there are as yet few legal or politically-binding agreements amongst OSCE states that specify norms or standards relating to governance and democratic accountability of the military or other parts of

the security sector. The strongest such norms are contained in the OSCE Code of Conduct on Politico-Military Aspects of Security agreed almost a decade ago at the OSCE summit in Budapest on 5-6 December 1994.

Significantly for our purposes, this OSCE Code of Conduct was explicitly agreed as a contribution to confidence- and security-building, rather than through international commitment to democracy and rule of law *per se*. It explicitly builds on the core OSCE principles of the indivisibility of security and the need for a comprehensive approach to cooperative security, as outlined above. In addition to establishing norms and standards, it also established a follow-on process: a biennial review of progress in implementation.

The OSCE Code of Conduct covers a range of issue areas, including: preventing and combating terrorism; refraining from threat of use of force; conflict prevention measures; and compliance with the international laws of war. Nevertheless, it establishes a number of important agreed norms and standards relating directly to the democratic governance and use of the security sector, particularly the military.

Chapter VII of the OSCE document is particularly important for our purposes. It includes the following commitments that participating States:

- 'consider democratic political control of military, paramilitary and internal security forces as well as of intelligence services and police to be an indispensable element of stability and security' (paragraph 20);
- 'will further the integration of their armed forces with civil society as an important expression of democracy' (paragraph 20);
- 'will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating state will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework' (paragraph 21);
- 'will provide for its legislative approval of defence expenditures....and, with due regard to national security requirements, exercise restraint in its military expenditures and provide transparency and public access to information related to the armed forces' (paragraph 22);
- 'will ensure that its armed forces as such are politically neutral, while providing for the individual service members' exercise of his or her civil rights' (paragraph 23);

- ‘will provide and maintain measures to guard against accidental or unauthorised use of military means’ (paragraph 24);
- will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the OSCE to consider steps to be taken’ (paragraph 25).

Chapter VIII of the Code of Conduct further includes the commitment that ‘each participating state will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces’ missions, ensuring that they will be performed under effective control of constitutionally established authorities and subject to the rule of law’ (paragraph 36).

These are important international norms and standards on democratic oversight and control of the security sector in OSCE member states. The normative framework that they establish has been adopted as an obligatory standard for all OSCE programmes as well as by all of the relevant and important regional institutions, including NATO and the EU. For example, Nato’s Partnership for Peace programme makes respect for the principles of the OSCE Code of Conduct on Politico-Military affairs a condition of Nato’s assistance and cooperation with other members of the European Atlantic Partnership Council. It is now a major reference point for virtually all assistance programmes within the OSCE area that are relevant to security sector reform, whether bilateral, EU, regional or by international institutions such as the World Bank

Although the OSCE Code of Conduct explicitly requires democratic control for virtually all elements of the security sector, its focus is primarily on the military. Moreover, the international norms and standards for democratic control of the military relate primarily to ensuring the control by a constitutional civil authority with democratic legitimacy – that is of the executive branch of government under democratically elected leadership. The role of the legislature is less specified, though Chapter VII, paragraph 22 is very important (see above).

After the experience and development of more detailed shared understandings across the OSCE region since 1994, it would now probably be possible to strengthen the OSCE Code of Conduct in many ways. Nevertheless this politically-binding document continues to stand out as the primary regional agreement on norms and standards of democratic control of the security sector.



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

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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