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

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THE PARLIAMENTARY DIMENSION OF SECURITY SECTOR REFORM

Willem F. van Eekelen[1]

The term security sector reform is in fashion because it recognises the need for adaptation to changed circumstances after the fall of the Berlin Wall and the emergence of fanatical terrorism, without being precise about its vast agenda. In the report 2003 of the Secretary General of the NATO Parliamentary Assembly defence sector reform was defined as the reorientation away from Cold War structures of armed forces and defence establishments through reorganisation, restructuring and downsizing in order to meet the demands of the new security environment. It is a challenge that all countries - Alliance and partners alike - have had to confront. However, the need has been particularly acute for the countries of central and eastern Europe because of the military legacy many of these countries inherited and the dire straits of many of their economies.

This legacy took the form of bloated military forces and establishments which absorbed a disproportionate share of scarce resources. Equally serious, it meant the non-existence of a security environment and culture familiar to most Alliance countries; an absence of experienced civilians to work alongside the military; parliaments with neither the mechanisms nor the expertise to play an effective oversight role; and a military unused and unresponsive to political influence and supervision, whether by civil servants or parliamentarians.

Defence reform involves difficult and painful choices and frequently means overcoming strong opposition from vested interests. Many partner countries have turned to NATO for advice and assistance in carrying through difficult reforms. Much of the work between NATO and partner nations, particularly those with Membership Action Plans (MAP's) concentrates specifically on this issue.

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[1] The author is a Senator in the Netherlands Parliament. Previously he was Minister of Defence and Secretary General of the Western European Union.

Defence reform should be an integrated process involving government, the military and parliament. Parliamentary support and encouragement for reform is critical to its success, not only because of the role of parliaments in authorising defence expenditures but also in explaining and justifying defence policy to the public at large.

Europe has travelled a long way. After the end of the Cold War collective defence no longer was the overriding priority for national and multinational policymaking and it gave way to concerns about intra-state conflict caused by ethnic and religious tensions, Defence planning focused less on preserving national independence and territorial integrity and shuffled to conflict prevention; peace enforcement and, once peace was achieved, peacekeeping and stabilisation programmes. On 11 September 2001 all that changed again. When terrorism could be linked to a state, like Osama bin Laden with the Taliban in Afghanistan, offensive military action took first place, albeit with different methods: making use of opposition forces on the ground, and limiting outside intervention to special forces and high-altitude precision bombing. Once the Taliban had been defeated, the international community had to come in to give a new government a chance of establishing itself. At the national level the fight against terrorism blurred the borderline between internal and external security. Clearly, successful action at home is closely linked with the sharing of intelligence, combined action against terrorist organisations and undercutting their financial operations by preventing money-laundering. On this the fledgling third pillar of the European Union, covering co-operation in the fields of justice and home affairs was spurred into action. On many dossiers, which had been stalling for years, decisions were taken.

These developments have not made the life of defence planners any easier. The call for "capabilities, capabilities, capabilities" trumpeted by NATO lost some of its cogent ring as the capabilities most needed were constantly changing. Not only was there a problem of "how much" but increasingly of "what for", which was particularly difficult for the smaller countries wishing to concentrate on "niche" capabilities.

This paper attempts to clarify the tasks of the security sector in the new politico-military environment and to analyse the parliamentary scrutiny of the various phases of decision making; the strategic concept, the structure of military forces, the budget, recruitment of personnel and the acquisition of equipment's, and politico-military co-

operation. To a certain extent, these items stand alone, but they derive their significance and synergies from a coherent approach to all of them together, both nationally and in international organisations. They have in common that their level of complexity easily transcends the level of expertise of most parliamentarians, which constitutes a powerful argument for providing defence committees of national parliaments with sufficient staff-support. If not, the perpetual gap between professional military advice and political judgement might become unbridgeable.

1. The objectives of security policy

In the European theatre the main aim of the international community is the creation of a climate of stability in which economic development and co-operation can prosper. Stability is not an easy concept to define; it is much easier to recognise instability. Nevertheless, some essential characteristics can be extracted from the criteria both NATO and EU apply in their enlargement processes. In any case, stability is not a static quality but rather an ongoing process. Elements are:

1. The rule of law and its factual application.
2. A functioning pluralistic democracy at all levels of government, State, province and municipality.
3. A market economy able to withstand competition.
4. Good neighbourly relations, including a constructive effort to resolve minority issues.
5. Democratic control of the armed forces including parliamentary oversight of defence policy, transparency of the budget and accountability for its implementation.

The widening field of security policy had a profound impact on the composition and training of military forces, but also added considerably to the complexities of policy formulation. On the Balkan soldiers had be jacks of all trade. In addition to their traditional military skills, particularly for dealing with escalation of the conflict and self defence, they had to be mediators, diplomats, mayors and infrastructure restores all at once. The Swiss author Gustav Däniker described this new role as the ‘guardian soldier”. Recent experience of the grey zone between the military and civilian, for instance for crowd control or the pursuit of war criminals, has shown the need for

special units. Only a few countries possess them, like the French Gendarmerie, the Italian Carabinieri, the Spanish Guardia Civil and the Netherlands Marechaussee. Yet, after peace has been restored, often the need for police, judges and prisons is greater than for the military, who can do little more than providing the security umbrella under which civil society has a chance of emerging.

Both NATO and EU have responded to this challenge. In NATO a new emphasis is put on CIMIC units containing experts in civil-military co-operation. In the EU a parallel development takes place with a headline goal of 50-60,000 military and 5,000 police. The EU has the additional advantage of being able to provide economic and financial assistance under its crisis management programmes as well as under its pre-accession support for candidate countries and its stabilisation and association agreements with others. The Stability Pact for the Balkan is a case in point. Obviously, all this requires close co-ordination – which still is far from perfect – both multinationally and in capitals, in which parliaments and their committees have their role to play.

Politically, the change from defence – either individually or collectively – to intervention-type missions raises many questions for parliamentary debate. What is the legal basis and who provides the mandate? Are the risks involved commensurate with the interests at stake? Do parliaments apply a checklist before authorising participation? What limits will be set to casualties as a condition for continued involvement? To what extent will there be reliance an volunteers (especially important for conscript armies)? Is there a preference for non-combat tasks? How long will the commitment last and will it depend on participation of other (larger) countries?

For the individual parliamentarian charged with defence issues, the shift towards a comprehensive security policy has made his work more interesting. There used to be few votes in being spokesman for defence. There normally is little legislation, the intricacies of defence issues require much specialist knowledge and asking for a larger budget is not popular with the voter. This may change when the parliamentarian is closely involved with the replies to the questions in the previous paragraph, because they involve the role his country is able to play in a multinational

context. Its standing in Europe is affected by the responsibilities it is willing to accept. Thus security and stability may rise on the public agenda.

With the emergence of new threats, particularly from terrorism by “states of concern” or “rogue states” or by non-state actors, the pendulum may switch back to military responses, like missile defence, or protective measures against chemical and biological attacks, like vaccination against smallpox. Similarly, the need for early action outside Europe to prevent escalation has led to the American proposal for a NATO Response Force of some 20,000 men, capable of acting very quickly as an insertion force and combining one or two army brigades with strong naval and air units. How this NRF will relate to the EU and its Helsinki Headline Goals for some 50-60,000 men to implement the Petersburg Missions for at least a year, remains to be worked out. Even more important will be the question how such a force will be mandated to intervene forcefully in the early phases of a crisis. While experience in the Balkans indicates that early action is desirable to stop escalation, most people still follow the dictum that war should start only as a measure of last resort.

Governments will have to reconcile these different pulls in formulating their security policy. To a large extent the outcome will depend on their level of ambition for contributing to international action and how their parliaments react to budget proposals for defence expenditure and compare them with the requirements of the civilian sector. Percentages of GNP devoted to defence still are an important factor in assessing national efforts, even though they may say little about their quality or relevance to most pressing scenarios. Slowly NATO is turning around its long but fairly useless list of defence capabilities improvement (DCI) to some five most urgently pressing deficiencies. Secretary General Robertson has indicated that he will translate them into country specific targets. A similar process is taking place in the EU where the Helsinki Headline Goals (HLG) have led to series of capability commitment conferences and an action plan. The EU still lacks a defence planning process like the one in NATO with force goals, force proposals and country exams. The European system is voluntary and bottom up, which may not guarantee that the catalogue of forces, containing some 100.000 men from which a force of 50-60.000 will have to be drawn and sustained for at least a year, will contain all the assets needed for a coherent operation. Nevertheless, in both cases participation in

multinational units will be a powerful factor of commitment and continuity in national planning.

Committing forces to an operation abroad will always be a national decision. In many countries, like Germany and the Netherlands, it will also require the consent of parliament if the mission goes beyond collective defence; in others, most prominently France and the UK, it does not. In case a parliamentary prerogative exists, either formally or informally, parliaments will need a framework in which they can formulate an opinion. In the Netherlands a checklist of some dozen points has been developed, but ultimately a political decision is taken on the basis of three rough questions; does the crisis need the availability of military forces: is there a multinational framework in which to operate; and does the envisaged operation have a chance of success? If checklists are too detailed, they risk favouring a negative decision on participation.

2. The structure of military forces

During the Cold War our military forces have never been tested in action. Planning against a massive surprise attack gave a preponderant role to the military once the fight was on. In current scenarios the politico-military and civil-military links are much closer, often to the annoyance of the military who – with some justification – feel that political interference hampers appropriate preparation and execution. In the Kosovo crisis politicians interfered in the selection of targets, in the Iraq crisis planning for assistance to Turkey was delayed because some NATO members felt that it was too indicative of imminent war. As a result the military find themselves in a quandary, in which the availability of military forces of their allies remains uncertain till a late stage in the crisis. In military terms this means that one has to provide for considerable "redundancy" in planning force packages, i.e. including alternative contributions.

Since the fall of the Berlin Wall new words entered the strategic jargon. Forces have to be flexible, mobile, joint and combined. Joint means that army, navy and airforce should focus on working together; combined means multinational. All these notions make eminent sense, but the real question concerns the possibility of task specialisation. Jointness can be applied at the national level, but will it also work effectively in a multinational operation? It worked fairly well in peacekeeping operations where a division of labour war, arranged according to the units pledged.

But the moment of truth will come with the NATO Response Force or EU operations in the more demanding Petersberg missions. If it comes to real fighting, most military commanders would not like to see multinational army units below the level of a brigade. In itself that is progress, because in the early nineties they stuck to national divisions, but the problem remains and should not be underestimated. Fighting with battalions of different nationality will require intensive training and cannot be done by putting units together at the last moment. In the Iraq war even the British could not match the technological skills of the US and were diverted to the occupation of Basra.

Multinational operations could provide a powerful incentive for common procurement and logistics. So far it has been hampered by disagreements concerning specific requirements for the arms needed and by the necessity to spend taxpayers money at home wherever possible. In this field parliamentarians find themselves torn between their wish to spend defence-money efficiently and the pressure to preserve jobs in existing industrial firms.

At the national level the preceding considerations point towards the necessity to submit the services to an integrated structure which under political control assesses priorities among competing demands and allocates resources. With centralised planning and an operational triservice headquarter the role of the individual services would be limited to providing the forces needed and training them. This means a flatter organisational structure, optimising jointness but leaving room for “niche” tasks which other countries are not, or not sufficiently, fulfilling. Both nationally and internationally this will require more concrete scenario planning, which for parliamentarians may touch on political sensitivities.

3. Parliamentary control over the budget

Most parliamentary democracies have standing committees to cover each government department, including defence. Their mandates and scope of activity varies greatly. DCAF has drawn up a questionnaire on the role of defence committees in all states participating in the NATO Parliamentary Assembly, the results of which have been published in Occasional Paper No. 2. Again, practice in scrutinising the defence budget varied considerably.

In principle, it should be possible to examine it line by line. In its most extensive mode it concerns both authorisation of expenditure as proposed and amendment of the figures. The latter can take the form of increasing or decreasing the line item, but usually this is done in connection with another article to effect a change in priorities. Depending on the constitutional possibility to do so, pluri-annual budgeting for defence projects recommends itself, because it facilitates smooth implementation. Such authorisation, however, should be accompanied by reliable reporting arrangements to ascertain that the project is on track and the money made available is not deviated to other purposes.

Parliamentary scrutiny is at its most effective when policy control is combined with accountability for past and current performance. Most countries possess a Planning, Programming, Budgeting and Evaluation System (PPBES), but in many cases the evaluation aspect remains underdeveloped. That is not surprising as it is labour-intensive and politically sensitive. The Netherlands government introduced an overall system of ‘policy accountability’ in 2001, giving more information about policy objectives, the performance required and the resources made available. It aims at the ability to measure not only input and output, but also outcome. In the field of defence the new system is combined with the ongoing programme of costing the various units and tasks, which is a precondition for judging their cost effectiveness.

4. Recruitment and personnel policy

Parliamentarians have an obvious interest in personnel policy. Servicemen are voters and usually have clear ideas about the way their government sends them across the world and remunerates their work. Work, which compared with the Cold War in many cases has become more demanding in terms of serving abroad and the risks involved. In judging a new mission parliamentarians sometimes spend too much time on the dangers it might entail, without first considering its necessity but the concern is genuine and inherent in parliamentary work.

Among NATO countries there is no common practice in recognising a role for organisations of service personnel in establishing labour-conditions. Euromil has a growing number of members from present and future member countries but general recognition would be welcome.

5. Equipment decisions

No other field of government activity and public procurement attaches such importance to work-sharing by national industry as is common practice in the defence sector. One of the causes is a general concern to sluice taxpayers money back into the national economy, but oddly enough that argument is not heard when trains, power stations or civilian aircraft are bought abroad. Defence is different inasmuch as its procurement is exempt from the competition rules of the European common market and national protectionism goes unchecked, also outside the EU.

A distinction has to be made between the larger countries, which possess a wide industrial base including defence equipment, smaller countries which have only a few defence industries, and countries which possess hardly any. In the latter case compensation for defence procurement is sought in other sectors. Ideally, free competition should also govern defence equipment, but this particular market is different from others by the small number of suppliers and only one buyer, i.e. the government represented by the ministry of defence, a 'monopsonic' equation. If a country produces qualitatively acceptable equipment, foreign suppliers have little chance of success. In the US the "Buy American" act is a case in point, and even industries in allied countries have little option but to team up with an American company.

Several attempts have been made to enhance European defence equipment co-operation. In the early 70's the Euro-group was created partly for this purpose, partly also to show the US that the European allies were making an adequate defence contribution. It contained all European allies except Luxembourg and Ireland and was transformed first into the Independent European Programme Group to include France, and in the 90's into the Western European Armaments Group as part of the revitalisation of WEU. In addition, a French initiative to pool pre-competitive defence research in EUCLID, as a corollary to the civilian programme Eureka, was turned into the Western European Armaments Organisation with the authority to conclude research contracts as the first element of a future European Armaments Agency. When and how this aim will be realised became doubtful as the main defence producers – France, Germany, Italy and the UK – formed the OCCAR group to spread work sharing arrangements over the entire number of co-operative projects

instead of the project-by-project arrangements of the past. The Netherlands has applied to join this group. In addition a larger group of six countries engaged in aeronautical industry – including Spain and Sweden – has concluded a Letter of Intent and became known as the LOI group.

European industry did not wait for governmental action and over the years undertook an impressive effort at rationalisation and consolidation. During a first phase the emphasis was on national champions, followed by a second phase of transborder mergers and capital sharing arrangements. Successful examples are EADS and Thales as industrial groups and Airbus with a military transport version of its A400 design. Inasmuch as European industry remains able to be both competent and competitive, a third phase of transatlantic co-operation might follow. A contributing factor will be the degree to which European research money could be co-ordinated or, better still, commonly funded.

The involvement of parliamentary defence committees is particularly strong in cases of purchases abroad. In France and the UK, which cover most of the industrial spectrum themselves, equipment decisions usually are left to the government and evoke little parliamentary discussion. There the emphasis of the debate is on the overall composition of the armed forces rather than on individual procurement issues. In Belgium and the Netherlands the minister of defence has to follow a prescribed procedure of first including the requirement for a weapon system in a 10-year programme and subsequently explaining it, analyse the alternatives, report on the negotiations and the co-production and compensation aspects (handled by the ministry of economic affairs), and finally motivate the decision. Belgium established an ad hoc committee for military purchases of the House of Representatives on 9 May 1996. The Netherlands follow a convention that parliament has sufficient time to consider contracts above 50 million Euros before the contract is signed.[2] This normally results in a green light from the Defence Committee, but members have the right to put the item on the agenda of the Second Chamber for plenary discussion and vote. In other NATO countries practice is very uneven, ranging from close scrutiny in Germany to hardly any monitoring of arms procurement in Greece. In the

[2] The Netherlands procurement decision process includes five phases, each embodied in a document: A. the military requirement, B. preparatory study, C. detailed study, D. preparation of the contract, E. evalution (for contracts exceeding 250 million Euros). Parliament is informed about contracts exceeding 12 million euros, but these are not subject to the full documentation process.

latter case important decisions are made by the Prime Minister in a meeting with his close personal advisers. In Turkey the minister of defence ranks below the Chief of Defence and concentrates on procurement policy. In many countries Cabinet decisions are prepared by ministerial subcommittees before they obtain formal governmental endorsement.

6. A comprehensive approach to crisis management

As already outlined in the introduction to this paper, the emergence of fanatical terrorism aimed at indiscriminate mass killing, has blurred the borderline between internal and external security. It may seem paradoxical that abroad the role of the military approaches the police function at home: in peacekeeping and peace enforcement missions they are visible and deter by their presence, but are able to act and, upon political instructions, willing to do so. The military are needed because they are able to raise the level of violence as required by the situation at hand. Outright war fighting occurred rarely, but when it did, raised sensitive issues of legitimacy, mandates and proportionality.

In combating terrorism the military are acquiring a new role at home. Judging by the mood in the ongoing European Convention, mutual assistance in cases of terrorist attacks or other calamities might be the basis for a new solidarity, resembling the collective defence of the Cold War days. At the national level, the military are given backup roles for the civilian and police authorities, similar to the civil emergency arrangements which most countries had put on the back burner after 1989. As a consequence, parliamentarians need to take a comprehensive view of security arrangements, looking for synergies but also safeguarding a proper balance between increased security demands and the fundamental rights we cherish in our democracies.

Conclusions

In the field security sector reform Parliamentarian should carry out the following functions:

1. Insist on and participate in a policy-making and review cycle which provides for adequate information throughout the process and leaves room for examining policy alternatives. Currently, the evolution part is the weakest link in the process.
2. To establish clear terms of reference for the defence and intelligence committees, enabling them:

    - to examine and report on any policy initiative announced by the ministry of defence, including long term planning, reorganisation and major equipment proposals.
    - To conduct inquiries on any issues raising special concern;
    - To provide for procedures for hearing petitions and complains from people working in the security sector:
    - To consider draft legislation and relevant international agreements;
    - To examine budget estimates supplement any requests and audits and to report on measures of efficiency and rationalisation.

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.

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