CIVIL SOCIETY AND DEMOCRATIC OVERSIGHT OF THE SECURITY SECTOR: A PRELIMINARY INVESTIGATION

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I. Introduction

Civil society has become a popular term in academic, policy and foreign assistance circles. A significant body of literature and research has developed around the concept, and its key role in consolidating and sustaining democracy is now widely recognised by academics and policy-makers alike. Successive waves of democratisation in Latin America and Central and Eastern Europe have led experts to view civil society as a crucial agent for limiting authoritarian government, strengthening the empowerment of the people, and enforcing political accountability. It is considered a crucial factor in improving the quality and inclusiveness of governance.

Yet the term is often used loosely and with imprecision as a more current replacement for the more general "society". This is especially so in defence and security affairs, where there has been little research to date that has focused explicitly on the relevance of civil society and the non-governmental domain in general to this particular sector of public policy. Civil society is often invoked in discussions about democratic control and accountability of armed forces, for example. It is usually considered an important, albeit informal, mechanism of public oversight and accountability of those institutions providing security for the society and state. However, civil society's relation to the armed forces and the security sector more broadly is in practice rarely addressed in any depth, either at a conceptual or empirical level.

This paper attempts to look more closely at the concept of civil society, begins to define its relevance to the security sector, and notes the implications for our understanding of

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democracy and democratic control of state security functions. It asks what civil society brings to our understanding of SSR, and inversely, how SSR furthers our understanding of civil society. It attempts to begin the process of delineating relevant categories and functions of civil society activity vis-à-vis the armed forces, police and intelligence services. This paper provides the background to a program of research that is being undertaken by the Working Group on Civil Society at DCAF.[2]

II. Context

The concept of civil society has a long history in political thought dating from Roman times and the notion of *civilis societas*, although it underwent a significant shift in meaning between the late 17th and 18th centuries.[3] Many scholars trace its recent renaissance to thinking and developments in Central and Eastern Europe (CEE) that culminated in the momentous events of 1989 leading to the replacement of communist regimes and the transition to democracy across the region. For dissidents in the state socialist regimes of CEE and the authoritarian regimes of Latin America, the delineation between the state and civil society became an essential element in the critiques of their respective regimes. Dissidents such as Vaclav Havel and Adam Michnik, living in regimes where the party state penetrated all aspects of political, social and economic life, emphasised civil society as an autonomous sphere and focused on individual responsibility and the capacity of societal actors to self-organise.

Mature Western democracies are also captivated by the concept, but for somewhat different reasons, namely concern with the perceived deterioration in the quality of public life and debates over the course that their societies are taking. Many political scholars and commentators have noted the erosion of democracy and apathy of electorates in

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[2] For the project outline, see Marina Caparini and Philipp Fluri, "Mapping Civil Society in Defence and Security Affairs: An Agenda for Research", *Connections Quarterly Journal*, upcoming. Also available on the Civil Society Working Group page of the DCAF website: http://www.dcaf.ch

[3] Briefly, to Cicero "civil society" denoted those who lived in a political community and who fulfilled their public and social roles to serve the interests of the political community. In this view, the state constitutes an instrument of civil society. Similarly, subsequent European philosophers such as Kant, Rousseau and Hobbes saw the most important distinction between society and the state of nature. It was only with the writings of Ferguson, Paine, Hegel and de Tocqueville that the notion of a necessary separation between the state and the society emerged.

Western societies. In a sense, the contemporary Western literature on civil society is a response to the perceived deficiencies in the state of democracy in these countries, and civil society is viewed as a way of revitalising democracy. Civil society tends to be celebrated in Western contexts because it presents a potential antidote to a government that has lost touch with its citizenry, and well-informed and well-organised citizens may constitute motors for change. These two divergent starting points to the discussion on civil society – the CEE view of civil society as an antidote to excessive state control and the Western view of it as a means of revitalising democracy - suggest that the concept is fuzzy and malleable enough to fit a wide variety of interests and agendas.

Civil society has become a valued concept in the literature on democratisation and democratic consolidation even though the specific nature of civil society's role in democratic governance is debated. Democratic consolidation is the point at which democratic rules are so institutionalised that no major political actor would consider challenging them. Democratic consolidation stands in contradistinction to procedural or limited or illiberal democracies, which may hold regular elections but are otherwise lacking in the substance of democracy. The absence of a lively and vibrant civil society constitutes a potential reason for why such illiberal democracies are not complete democracies. Civil society is the concept that cuts at the core substance of democracy, the inherent respect for human rights, civil liberties and political pluralism.

Foreign assistance programs

Concomitant with the intellectual interest in the concept, civil society has become a key funding priority among donors of foreign aid. A reason for the interest of many development aid organisations in civil society is that it has become linked with both socio-economic development and democratisation. Major bilateral donor agencies, such as USAID, CIDA, DFID and SIDA have all developed programs focused on strengthening and building civil society in recipient states. Multilateral organisations such as the United Nations Development Program and the World Bank have incorporated civil society into their programs and attempted to become more inclusive and transparent in their activities and decisions. The World Bank, for example, attempts to consult with civil society organisations in bank projects and policy work, recognising that such consultations "have improved the quality of policymaking, positively influenced the

direction of country programs, strengthened national ownership of key reforms, and promoted public sector transparency and accountability."[4] Even the IMF, which deals primarily with its member governments, now maintains a "dialogue" with civil society organisations in recognition of the vital role they play in effective policy formulation, implementation and legitimisation.[5] Furthermore, major philanthropic and donor foundations such as the Carnegie, Ford, and Soros foundations all have major programs that focus on building and strengthening civil society.

Donor assistance to promote civil society is undertaken to further either development or democratisation. A developmental focus will tend to emphasise institution-building and participatory development, and will draw on local membership organisations (for example, organisations of craftsmen, farmers, small business, industry) to provide services and implement programs. In comparison, a civil society aid program aiming to bolster democracy will tend to look for civic organisations that fulfil a more political role, such as professional bodies and trade unions. Such organisations are able to contribute to democratisation and to holding governments to account.[6]

Globalisation

Civil society has also become a major area of investigation over the past 10-12 years because of growing concerns over globalisation. Globalisation is, in fact, an essential framework for understanding civil society today, even in the seemingly local-national context of policy advocacy and oversight of the security sector, as I will explain below. Globalisation poses challenges to the contemporary state and state sovereignty, especially in the form of transnational financial markets and interdependent social and environmental issues. Decisions made by transnational actors such as international financial institutions (IFIs) exert considerable influence on the governance and policies of member governments, and have been criticised for harming local social and economic actors. Globalisation is also equated with the emergence of transnational threats such as

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[4] *Consultations with Civil Society Organizations: General Guidelines for World Bank Staff* (Washington, D.C.: IBRD/World Bank, 2000), 3. Available at: http://www.worldbank.org/ngos

[5] Jan Aart Scholte, "IMF meets civil society", http://www.cepr.org/GEI/GEI9IMF.html

[6] Allison Van Rooy, ed., *Civil Society and the Aid Industry: The Politics and Promise* (London: Earthscan Publications Ltd., 1998), 35.

terrorism, drug trafficking, arms proliferation, money laundering, cybercrime, illegal immigration and organised crime. These transnational threats, usually involving sub-state actors, are perceived as the main challenges to the security of most modern states, necessitating a coordinated approach involving local, regional and global actors which may represent a retrenchment of the state. In terms of security, "globalisation from above" is seen in the norms, standards and assistance provided by supra-national institutions and multilateral bodies such as the UN, EU, NATO and OSCE which are influencing the ways in which states, especially newly democratic ones seeking membership in privileged multilateral bodies, constitute and reform their economic and security institutions. Ironically, the influence of such globalising bodies may also be leveraged by local civil society organisations to contest controversial state decisions and to exert pressure on governments to respond to their views.

In terms of policy advocacy, numerous social movements now have a global reach due to the internet and activists can inform and politically mobilise like-minded individuals and groups around the world. This has been termed "globalisation from below", and speaks to the perceived emergence of global civic politics or transnational alliances of social protest movements and organisations, as has been visible at recent economic summits and meetings of IFIs, such as the IMF/World Bank meetings in Prague in 2000, the World Trade Organisation in Seattle in 1999, and other meetings in Gothenburg and Genoa.

Furthermore, there has been a tremendous expansion in what was termed "global civil society". Whereas in 1956 there were 973 international NGOs (INGOs) and 132 interstate international organisations (IOs), by 1999 there were 5825 INGOs while the number of IOs had increased only to 251.[7] This explosive growth in the global NGO sector and the transnational issue network has been facilitated by the increased density and ease of international communication and information exchange. Transnational networks are not restricted to any single country and contain overlapping diverse memberships, which may include international and regional organisations, governments, international and domestic NGOs and other civil society organisations.

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[7] Roman Waschuk, "The New Multilateralism", *Human Security and the New Diplomacy*, ed. Rob McRae and Don Hubert (Montreal and Kingston: McGill-Queen's University Press and Foreign Affairs and International Trade Canada, 2001), 216.

Various domestic CSOs also have the benefit of being able to call on the assistance of transnational networks of actors in their field ("transnational advocacy networks"), including international NGOs and intergovernmental organisations, when they perceive they are being treated unfairly by their government, or when the state ignores their efforts to effect change. Actors in the international community are in turn able to exert pressure on the national government in a "boomerang pattern".[8] Human rights NGOs have been particularly adept at using international counterparts and institutions to draw attention to deviations from democratic norms and behaviour and governmental policies and behaviour that are not in accordance with international conventions ratified by governments themselves. Supranational and international institutions such as the European Court of Human Rights, UN Committee Against Torture, the International Court of Justice, international CSOs such as Amnesty International, and the International Federation of Journalists have successfully drawn the attention of donor governments and key actors in the international community to harmful state practices, after having been alerted to abuses and problems. International CSOs have therefore functioned, in effect, as a sort of remote accountability mechanism at the local level.

In short, the security of states, societies and individuals exists in a context of increasing globalisation, bringing different types of risk (sub-state, transnational, but also supra-national) and prompting different types of responses (state responses include greater inter-agency coordination, information-sharing and inter-state cooperation, but there is also transnational mobilisation at the sub-state level). Civil society organisations have traditionally been conceptualised as local phenomena, but it is obvious that their self-perceptions, actions, and involvement in security-related issues are influenced by the effects of globalisation, both positive and negative.

III. Civil society as a concept

Civil society as a concept has been around for a long time in political philosophy, although its specific meaning and significance have been subject to numerous interpretations in different historical and cultural contexts. Numerous contemporary definitions have been proposed for the concept, and there is no one standardised

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[8] Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, N.Y.: Cornell University Press, 1998), 12.

definition in use by academics or policy-makers today. However, there is agreement, more or less, on two main principles about what civil society is not. First, civil society is not part of the state, the government, or the state apparatus. Many civil society scholars exclude political parties from civil society, since parties are aimed at gaining control of a part of the state. Secondly, civil society is not the market – that is, it is non-commercial and therefore excludes profit-seeking firms, which are organisations geared towards private rather than public interest. Accordingly, civil society is sometimes referred to as the "third sector", reflecting its supposed place alongside the state and the market (or economy) as one of the primary institutional domains of life.

Civil society is "that sphere in which people come together to pursue the interests they hold in common – not for profit or the exercise of political power, but because they care enough about something to take collective action."[9] This includes a potentially vast array of groups – grassroots organisations, professional organisations, religious groups, labour unions and non-governmental organisations (NGOs). The collective term for such groups is civil society organisations (CSOs). Civil society also potentially includes forms of association that do not serve any sort of collective purpose beyond recreation, entertainment or leisure, such as a bridge club or stamp collectors or bowling leagues. It is therefore helpful to delineate the various types of functions that CSOs can fulfil. CSOs can fulfil more than one of these types of roles, and these may be overlapping:[10]

Types of CSOs:

Representation: CSOs that aggregate the views and preferences of citizens (women's associations, labour unions, NGO networks, churches, native groups, ethnic or minority group associations, such as the NAACP)

Technical expertise: CSOs can provide specialised information, advice, and engage in lobbying efforts (professional and business associations, advocacy NGOs, think tanks, research groups, media groups)

Capacity-building: CSOs that provide support to other CSOs, including advice, contacts, and funding (foundations, NGO support organisations)

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[9] *Consultations with Civil Society Organisations: General Guidelines for World Bank Staff*, 5.
[10] Ibid, 6.

Service-delivery: CSOs that implement development projects or provide services (implementing NGOs, grassroots and community-based associations)

Social functions: CSOs that concern recreational activities (sports clubs, cultural societies)

Note that while for some civil society scholars the media are technically considered firms, they are here nevertheless considered part of civil society because of the key role they play in conveying the interests and demands of civil society groups to policy-makers, to other parts of civil society, and to international audiences. Further, investigative journalists and those who specialise in an area of the security sector – defence, public security or intelligence – can act as an oversight mechanism and influence public debate simply by knowing which questions to ask, knowing whom to approach, and publishing the information gleaned. Accordingly, they are classified primarily as having a technical expertise function.

Civil society is often used in general terms as a synonym for public opinion, people, culture or society more generally. Confusion that results from conflating civil society as an empirical category (more specifically "non-governmental organisation") with a political project (the autonomous sphere of social activity that has the potential to improve governance, hold the state accountable, etc.) also arises. This implies that the term civil society tends to mean all things to all people, and the analytical benefit from a more rigorous use of the concept may be lost. The looseness with which "civil society" is invoked explains its fuzziness as a concept, yet this inherent flexibility also explains its popularity in policy and academic circles.

The understanding of civil society adopted in this paper has two main elements – institutional and normative.[11] First, it centres on those groups that have been formed for collective purposes primarily outside of the state and marketplace. Rather than focus on all such groups, which might include hobby and recreational groups, such as Boy Scouts, bowling and bridge clubs, civil society groups will be defined according to their function. The function of groups that comprise civil society, in this understanding, is to influence democratic and developmental goals in their country. That is, CSOs seek to exercise power and to effect change by confronting those who hold power, usually those in the state and economy. These organisations may conflict with other CSOs in their

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[11] This definition adapted from Van Rooy, "Civil Society as an Idea: An Analytical Hat-Stand?", 30.

goals, and they are not all necessarily "civil", nor do they all necessarily improve the quality of public life. However, in general, a vibrant civil society is considered a positive factor for democracy . This normative view of civil society as a desirable social value constitutes the second element of our definition. It focuses attention on those factors that facilitate the growth of civil society organisations and it tells us that civil society refers to the kind of society that democracies aspire towards.

Because civil society involves groups that seek to effect socio-political change, it is an inherently political concept. This does not necessarily invoke partisan politics, but is used in the sense that civil society actors confront power-holders in the state (and the market) whose social, economic or political interests may be at odds with those of citizens or communities of citizens.[12] At the most general end of the spectrum, this may involve simply mobilising people and their activities supporting a common interest. At the more extreme and deliberate end of the spectrum are those CSOs that are engaged in advocacy and lobbying activities. The concept of civil society raises important questions with regards to which actors have the capacity to effect social and political change, and concerning the relationships of power, or the distribution of power between the governors and the governed.[13]

Civil society and good governance:

Civil society is valued in part because of its potential contribution to good governance. Good governance involves more just than the effective exercise of economic, political and administrative authority in managing a country's affairs. According to the UNDP, good governance is "a virtuous process made up of institutions, institutional arrangements, mechanisms, people's participation and dialogue. It is driven by synergy, strategy and political will to negotiate and compromise decisions and governmental actions."[14] While good governance obviously involves the state and governmental structures, it also transcends these by including the private sector and civil society organisations. Good governance is "participatory, consensus oriented, accountable,

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[12] Jonathan Fox, quoted in Van Rooy, "The Art of Strengthening Civil Society", 200.

[13] Van Rooy, "The Art of Strengthening Civil Society", 199.

[14] *UNDP Human Development Report: Romania 2002*, 53.

transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law."[15]

Good governance concerns the relationship between the state and civil society and specifically the way in which power is exercised. It emphasises the existence of trust and dialogue between the government and the governed. Civil society, in the form of people's participation and dialogue in the process of arriving at decisions and governmental action is a fundamental element of good governance. The organisation of groups that seek to effect change or influence democratic development of a country is based on a view of political participation that involves more than political elites. It rests on the assumption that citizen participation, beyond the formalistic expressions of democracy (periodic elections, referenda), is legitimate and to be encouraged. "Broad participation contributes both to the exchange of information needed for effective decision-making and for the legitimacy of those decisions. Legitimacy, in turn, entails effective implementation and encourages further participation and improved accountability. Finally, legitimacy and accountability make government institutions more responsive, transparent and functioning according to the rule of law." [16]

Civil society organisations are viewed as often being more in tune with the local needs and interests of citizens than governments, which can easily lose touch with citizens and appear distant and impenetrable. They can play a valuable role in conveying the needs and interests of citizens to their governments. However, one should also note that most citizen mobilisations tend to occur in response to a specific problem and once the problem is solved, mobilisation disappears. For mobilisations to become CSOs or movements and to serve as an ongoing source of input to government decision-making and public debate, solid leadership is required, alongside an ability to inform and engage the public, and to engage with the state on policy issues. This requires capacity on the part of the CSO, and explains the effort directed towards CSO capacity-building in many donor programs.

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[15] "What is Good Governance?", UNESCAP, http://www.unescap.org/huset/gg/governance.htm

[16] *UNDP Human Development Report: Romania 2000*, 70.

Civil society as adversary or partner to the state:

We are interested here in CSOs that seek to influence or shape the policy process or public debate on issues relating to security. That is, we are looking at the interface between government decision-makers in the security field and civil society actors. An issue of ongoing debate within the literature on civil society is whether civil society organisations are adversaries or partners to the state. On the one hand, CSOs may oppose the state on certain issues and mobilise public opposition or lobby policy-makers to change policy. These civil society actors may seek to act as a type of watchdog over the state and so function as a force for accountability, pressuring officials to inform the public about what they are doing and explain their decisions, thereby holding them responsible for their actions.

However, CSOs may also serve to function as partner to the state in certain capacities, especially in developmental contexts and, as we shall see, in the context of the security sector. In defence and security affairs, most CSOs have a dual role. They are frequently composed of members of the intellectual elite who stand between the government and the general public. On the one hand, such members CSOs may assist the government in finding the right answers to public policy issues and criticising governments responsibly. On the other hand, defence and security CSOs can help to spread knowledge and create a climate of opinion that encourages wise policy.

That is only one part of the equation of the relationship between the state and civil society. It is also important to understand the role of the state in encouraging civil society and facilitating the engagement of the public in security affairs. What is the nature of the relationship between CSOs and the state? Is it a cooperative partnership, or do the state actors and civil society actors perceive themselves as opponents or opposites? What degree of state support for CSOs is considered necessary and legitimate? The attitude of representatives of the state towards civil society will determine in practice the extent to which CSOs can influence policy and public debate.

IV. Relevance of civil society to SSR

One of the most fundamental functions of the state is to provide for the security of its citizens. The security sector comprises those state institutions and structures whose primary function is to protect society and the liberty of its citizens. The term "security sector" expands the scope of security from its traditional focus on the armed forces and military security to include "public security", or the safety of the individual from threats of crime, disorder and violence. As security sector reform is focused on the use of public resources to provide security for citizens, there is a necessary focus on state (often executive) institutions and public policy. These institutions include military forces, police and law enforcement services, paramilitary forces, border guard, intelligence agencies, the judicial system and penal institutions, as well as the government departments and ministries that exist to formulate policy and manage these institutions. Most of the institutions that are part of the security sector are authorised to use or threaten the use of force, if necessary, in order to fulfil this function. Nevertheless, the legitimate use of force against the state's citizens is strictly regulated in a democracy.

Security sector reform (SSR) is about making the institutions that are responsible for protecting society more accountable to individual citizens and communities and more responsive to their security needs, while ensuring that they become or remain effective and efficient in providing security. Security institutions, being organised and run by the state, are essentially top-down institutions. Of all the sectors of public policy, however, the security sector has historically proven one of the most resistant to public input. Elected representatives must hold the ultimate authority on key security issues. Security sector reform, however, advocates and seeks to institutionalise a bottom-up dynamic whereby the concerns, needs and views of citizens are systematically incorporated into policy and practice of security institutions. SSR thus seeks to cultivate the trust and confidence of local communities.[17] In this sense, it deals with the legitimacy of authority and the accountability of decision-makers in security affairs to their publics. One of the main objectives of SSR, then, is to achieve and maintain good governance.

If we accept that SSR is a normatively based agenda, its success will rest on the cooperation of governmental and non-governmental actors, and ultimately on the sway

of public opinion. A key ingredient in success will therefore be the ability to gain supporters and convince the public that the norms and policies implied by SSR are worthy and valid. This should be accomplished through an inclusive and participatory approach that through horizontal coordination brings NGOs and citizens directly into the consultation and decision-making process. It also relies on making information about the security sector institutions, policies and practices widely available to the public. Although certain information must necessarily remain classified due to national security considerations, democratic governance of the security sector depends on fostering the greatest degree of transparency possible within those limits.

Our focus on armed forces and other elements of the security sector identifies our core interest in civil society in terms of its impact on political change, and in the case of SSR, towards more democratic institutions and governance. Security sector reform is about state institutions, specifically those authorised to use coercive force, namely the armed forces, police and intelligence services. The role of the state is central and primary. Reform may entail the renegotiation of the relationships of these central state institutions to other political and social actors, but the crux of the matter remains the state's efforts to provide security. Civil society can play a role in helping the state to fulfil its responsibilities transparently and accountably.

The effectiveness of a civil society organisation in influencing government policy or practice in a security sector seems to be dependent on several variables. First, is the character of the domestic political opportunity structure, or factors that facilitate or inhibit mobilisation in the political system. How does the political administration view CSOs generally and, specifically, with respect to national and internal security policy matters? Also, to what extent are CSOs involved in grass roots work and fostering political dialogue in this field? Or, alternatively, do they function as local clones of their major donors? Do they "talk the talk" of community outreach and grassroots support and other cherished Western norms, but don't walk the walk? CSOs may provide informal oversight (scrutiny), or participate in the policy and public debate on some issue related to security or the state security institutions. In that vein, some authors have identified the role of think tanks, research institutes, NGOs and the media as key civil society actors that have influenced public debate and government policy on national security affairs.

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[17] Michael Small, "Peace building in Postconflict Societies", *Human Security and the New Diplomacy*, 86.

Nevertheless, debate also exists on the state's proper role in guiding and shaping society. In many post-socialist countries, for example, the virtual absence of civilian expertise in defence affairs was perceived as posing a serious obstacle to effective democratic control of the army. Paradoxically, it has been the responsibility of the state to create an enlightened environment and develop programs aimed at fostering such expertise among civilians, with the ultimate aim of creating a capacity within society to provide alternate voices and independent perspectives and assessments of security policy, challenge government decisions, and check the power of the state in specific and specialised areas.

Moreover, there is the possibility that civil society and social movements may in some instances overwhelm the capacity of weak governmental structures to respond.[18] In some sectors, citizens seem to be perpetually in conflict with governments, particularly in the areas of environmental protection or urban development. The level of conflict with the state tends to depend on the ability of the civil society organisations to mobilise their constituencies as well as the flexibility and adeptness of governments to respond to citizen demands.[19]

V. Civil society and oversight of the armed forces

With regard to the armed forces and defence policy, civil society organisations, if they have sufficient means and capacity, have the potential to monitor military forces and provide input into the political debate on security policy. In practice, in various Western democracies, the roles of civil society organisations tend towards advocacy in the form of pressure groups or policy support groups.

Pressure groups may be generally focused, as with anti-nuclear, general disarmament, and peace groups. General groups were more apparent in the security sphere during the Cold War period. Pressure groups may also focus on specific policy issues, such as on the procurement of weapons systems and their deployment, demonstrated by the 1980s

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[18] Maria Elena Ducci, *Governance, Urban Environment, and the Growing Role of Civil Society*, trans. by Lake Sagaris, Comparative Urban Studies Occasional Paper 34 (Washington: Woodrow Wilson International Center for Scholars, 2000), 5. Available at: http://wwics.si.edu/urban/papers/ducci.pdf

[19] Ibid, 9.

movements against INF deployment in Europe and against cruise missile testing in Canada, organisations supporting NATO or EU membership, and groups opposing hazing and human rights abuses in the army such as the Soldiers' Mothers groups in Russia. Furthermore, these groups can be local and/or transnational in character. Transnational issue networks affecting armed forces and military affairs include the campaigns against landmines, the conscription of child soldiers and the proliferation of small arms and light weapons.

Policy support is provided by CSOs that have established some degree of expertise in defence and security policy matters, such as think tanks, research institutes, and university departments. They may work closely with government policy-makers on specific issues or projects, and their membership may include individuals who move between government, public administration, academia and the non-governmental sector. Government ministries may call on them when outsourcing research and the management, coordination or implementation of projects. As these CSOs tend to enjoy a greater degree of access to decision-makers, administrators and opinion-leaders in defence and security affairs, they have the potential to exercise a greater degree of influence than groups more removed from centres of power.

Policy support CSOs are often lauded for the role they play in fostering the development of civilian expertise in defence and national security affairs, and providing independent assessments and views of security policy. This alternative source and home of expertise, outside of the defence ministry and military itself, is widely acknowledged as contributing to the effective democratic control of armed forces. CSOs may serve as a resource for parliamentary committees, take part in informed debate on policy issues, and help educate the public through outreach, lectures and seminars. It is important to bear in mind, however, that policy support CSOs can vary significantly in their relations with the state from complete financial independence (deriving their core funding from alternate sources such as philanthropic foundations or major donors, or from bidding on and implementing contracts) to complete reliance on state funding. It is important to recognise the possible implications of CSO financial dependence on government favour for the independence of their views and activities.

Consultation by government with CSOs in the defence, security and foreign policy fields is increasingly visible in many Western countries. This "new multilateralism" is characterised by a growing interaction and symbiosis between government and CSOs (especially NGOs) as CSOs provide specialised expertise to policy-making. Further, transnational issue networks play an important role in establishing normative standards, setting agendas and influencing the way that policy issues are viewed and discussed. "…[M]any negotiations today involve processes of mutual learning, with participants exchanging best practices and identifying comparative advantages in jointly tackling seemingly intractable multidimensional problems such as complex political emergencies."[20] In Canada's case, for example, NGO-government dialogue, exchange of lessons learned and best practices takes place primarily on issues of human rights, conflict prevention and peace building.

However, there has been very little empirical examination of the civil society situation in reference to the security sphere or of how local NGOs and other CSOs function and survive with the flow of personnel, or of their impact on policy and on public debate. Consequently, one of the objectives of the research program being undertaken by DCAF's Working Group on Civil Society is to "map" the CSO terrain in defence and security in specific national contexts.

Types of CSOs that have the potential to influence policy[21] on defence and national security issues are primarily drawn from those fulfilling the technical expertise function. These may include:

- Think tanks
- Public policy research institutes (partisan and non partisan)
- University-affiliated CSOs (academic departments, law schools, graduate schools, schools of public administration or research institutes)
- Advocacy non-governmental organisations
    1. Single-issue organisations in which members are devoted to a cause - eg. For or against NATO membership, anti-conscription.

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[20] Waschuk, 218.

[21] A very useful typology and discussion of policy support CSOs is found in Donald Abelson, *Do Think Tanks Matter?* (Montreal and Kingston: McGill-Queen's University Press, 2002).

2. Umbrella NGO group (the need for a unifying force and combined voice when there is a fragmented group of small NGOs with minimal impact working on this issue). Example is the Council for Canadian Security in the 21st Century, an umbrella group of concerned individuals (defence experts, heads of institutes, researchers retired military) engaged in pressuring the Canadian government for a comprehensive defence and security policy review.

- Advocacy and pressure groups (environmental groups, anti-corruption groups, groups for an independent media and media watchdogs, government accountability)
- Human rights groups (e.g. Committee of Soldiers' Mothers, groups against hazing in the military, groups monitoring treatment of civilians in Chechnya)

Another type of CSO that may become involved in defence and security affairs is drawn from those fulfilling the function of representing the interests of their members:

- Churches
- Unions
- Ethnic and native associations
- Community and neighbourhood groups
- Professional groups (for example, federation of journalists, academic societies, bar associations, veterans associations, WIIS – Women in International Security)
- In addition, we will include here direct citizen action - i.e. individuals who take action (entrepreneurial policy types, individuals who make complaints to structures like ombudsmen, speak or write to parliamentarians)

VI. Civil society and oversight of the police

The role of civil society in the policing domain is perhaps more easily discernible than in the military domain, especially in democratic countries where democratic policing, and especially something called community policing, has become the guiding principle.

Briefly, democratic policing requires that police:
- always operate within and uphold the rule of law

- protect the public with full respect for human rights
- provide fair and impartial policing
- are neutral (politically non-partisan)
- are under civilian (not military) control and have a civilian, not military, orientation in training and practice (essential orientation to providing a public service to citizens, use force only when necessary, and only to the extent necessary to obtain an objective – i.e. minimal force)
- have professional and personal integrity (obey an explicit or implicit ethical code)
- are operationally responsive to the needs of individuals and groups in the community (responsiveness downwards to the community's needs, rather than upwards to a political party or regime)
- are individually accountable to the community for their actions
- are transparent and accountable to multiple audiences (including local communities) via multiple overlapping oversight mechanisms – executive, legislative, judicial, legal, administrative (internal), internal socialisation (ethical code), external (ombudsmen, grassroots initiatives, specialised NGOs focusing on policing and human rights, community consultation groups)

In democratic societies, it is maintained that policing rests on public consent. Implying that a value consensus exists in society; coercive policing implies a lack of or forced value consensus.[22] Policing with the consent of the community gives the police force, and by extension, the state, greater legitimacy. Consequently, civil society is supposed to play a very significant role, at least in theory, in community-oriented democratic policing.

Civil society groups in democratic states are frequently involved in efforts to hold police accountable, to influence policing policy and practices and lobby public authorities concerning police action. Thus, even in countries where there is a coercive or military style of policing, citizens' movements for safety and against excessive police violence

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[22] Ahmet Aydin, *Police Organisation and Legitimacy: Case studies of England, Wales and Turkey*, (Aldershot, England: Avebury, 1997), 96.

have been successful in pressuring, shaming and negotiating with police institutions and political authorities to change policing practice.[23]

Civil society groups may also directly encounter the police when they take to the streets in protest or direct action (sit-ins, teach-ins, locking arms and creating human chains, using banners and signs, demonstrations, protest marches and civil disobedience). Recently, harsh policing measures have been used and widely reported in suppressing demonstrations by the anti-globalisation movement at meetings of the World Bank, IMF, World Economic Forum and various other political conventions and meetings. For example, during the September 2000 annual meetings of the World Bank and IMF in Prague, police engaged with more than 15,000 protesters using water cannons, dogs, and smoke bombs. About 900 people were detained in the city's jails, with only a few charged. There was also widely reported police abuse of protesters held in Czech jails during the meeting, prompting the protesters to issue the "Prague Declaration" denouncing the "psychological terror and physical repression and overreaction by the Czech police forces", particularly the brutalisation of detainees by police.[24]

Types of civil society organisations that tend to play a role in oversight and accountability of police are drawn also from the representation and technical expertise groups, but additionally may include service delivery CSOs.

Representation CSOs may include:
- Neighbourhood and local citizens' advisory boards
- Business associations
- Community associations
- Ethnic associations

Technical expertise CSOs involved with overseeing policing may include:

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[23] For an account of citizens' movements which succeeded in drawing attention to police violence against street children see Paul Chevigny, *Edge of the Knife: Police Violence in the Americas* (New York: The New Press, 1995).

[24] Maude Barlow and Tony Clarke, *Global Showdown: How the New Activists Are Fighting Global Corporate Rule* (Toronto: Stoddart, 2001), 42-43.

- Human rights groups and networks
- Departments of criminology and sociology
- Police, legal and criminal justice research institutes
- Bar associations
- Local branches of international NGOs such as Amnesty International, Helsinki Watch, Transparency International

Relevant service delivery CSOs may include:

- Community/neighbourhood watch groups
- Block parents groups
- Public legal aid groups and associations

VII. Civil society and the oversight of intelligence services

The intelligence sector is arguably the most difficult in which civil society organisations might influence policy and government practices. Ironically, it is also the sector which holds the greatest potential to impinge on the civil liberties, rights and freedoms of citizens during peacetime.

There is no real tradition of public consultation in intelligence policy-making. External oversight of intelligence and security agencies is an extremely recent phenomenon, even for mature democracies. External oversight and public accountability of the American intelligence community did not begin in earnest until the New York Times revealed various bungled attempts by the CIA to assassinate certain foreign leaders, a revelation which launched the Church Committee and ultimately an extensive system of oversight. However, several well established democracies have minimal or no external oversight and public accountability of their intelligence services.

There are three main structural constraints on the ability of civil society organisations to function as an oversight mechanism over intelligence. First, there is the requirement of secrecy in intelligence, which limits the amount of information made available about these agencies and their activities. Even basic information such as budgets are

frequently not made available. Secondly, intelligence professionals are typically granted a wide scope of discretionary authority, in recognition of the unique conditions and requirements of the field. In this sense, they are similar to policing practitioners, who retain a wide scope of discretion in their day-to-day policing activities. However, police officers are held individually accountable for their actions, whereas intelligence agents are generally not. Thirdly, intelligence is particularly prone to the informal doctrine of "plausible denial", in which senior policy-makers are deliberately uninformed (or request to be uninformed) about potentially controversial actions undertaken by the intelligence service. This is most obviously the case with covert action abroad. It can however apply in the domestic context as well, as the consequences of a domestically-focused scandal are more likely to be harmful to political careers than externally-focused ones.

As a consequence, there are very few civil society organisations which possess the technical expertise that one may find among counterpart CSOs in the defence or policing spheres. The few expert groups might include intelligence studies groups, which often include former intelligence professionals, human rights groups (which often include lawyers and others who hold specialised knowledge about the implications of security-related legislation) and public interest and civil liberties groups (such as those CSOs working to promote privacy or those against surveillance of internet users). Other groups may become active on a single-issue basis, such as ethnic or minority groups that find themselves especially targeted for surveillance. For example, the events of September 11, 2001 have resulted in heightened surveillance of Islamic and Middle Eastern ethnic communities, NGOs and religious groups, raising alarm among civil liberties groups and the leaders of the affected religious and ethnic groups.

One recent instance of CSOs pressuring (unsuccessfully) for change in a government's policy or approach to intelligence-related issues was the intense campaign undertaken by members of university faculties of law, the Canadian Institute for the Administration of Justice, the Law Commission of Canada, the Canadian Bar Association, the Upper Canada Law Society and other law societies across the country, and civil liberties groups on the Canadian government to reconsider its omnibus anti-terrorism legislation, Bill C-36, proposed in the aftermath of September 11, 2001. In two high profile conferences organised by and featuring many prominent members of these bar associations, specific provisions of the draft bill were heavily criticised for an overly

broad definition of terrorism, expanding police powers without corresponding checks and accountability mechanisms, and impinging unnecessarily on the rights and freedoms of Canadian citizens[25]. Jean Chretien's Liberal government, which had not consulted the law societies in the drafting stage of the legislation, pushed through this legislation, which received royal assent on December 18, 2001. Nevertheless, the government subsequently withdrew another omnibus anti-terrorism bill, C-42, in response to similar widespread criticism, but particularly criticism within the Liberal caucus about provisions to declare restricted military zones anywhere in the country, and replaced it with Bill C-55, the Public Safety Act.[26]

Another example of CSO activity in this area is provided by the legal challenges to several national security measures imposed after September 11, 2001 by the Bush administration (illegal detentions, law enforcement exemptions to freedom of information) being posed by the Centre for National Security Studies in Washington.[27] The challenges in American courts appear to be showing more signs of success, albeit limited, than the efforts of Canadian CSOs to affect security intelligence policy and approaches.

The media has been said to have an important, albeit informal, role as a mechanism of control in this area. However, in order for the media to serve as a watchdog for security and intelligence services, rather than reporting the occasional scandal, it is necessary that there be a number of journalists who specialise in the field. Non-specialists tend to use inaccurate terminology, sensationalise and personalise issues, and fail to put the

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[25] See the published proceedings of the first conference in *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill*, ed. Ronald J. Daniels, Patrick Macklem and Kent Roach (Toronto: University of Toronto Press, 2001) and its website at http://www.law.utoronto.ca/c-36/, and the summary of proceedings of the second conference, *Terrorism, Law and Democracy* at http://www.rcmp-learning.org/download/ciaj_march2002.pdf

[26] "Privacy commissioner 'deeply troubled' by anti-terror bill", *CBC News* online, 02 May 2002, http://cbc.ca/stories/2002/05/02/privacy_terror020502. See also Bruce Cheadle, "Despite Liberal unease over revamped anti-terror bill, PM promises fast-track", Canadian Press, 02 May 2002, http://www.geocities.com/ericsquire/articles/cp050202.htm

[27] http://cnss.gwu.edu/~cnss/

issues into broader context.[28] Ongoing coverage of intelligence-related issues would ostensibly provide better scrutiny and accountability, but is unlikely except in states with large intelligence apparatuses (US) or a recent history of repressive intelligence agencies and deep societal interest (Romania). As a result, specialised civil society organisations may fill the gap by providing such coverage as a public service. *Statewatch*, for example, maintains an extensive database on civil liberties in Europe and has been at the forefront of efforts to educate the public through investigative journalism about the expansion of surveillance powers in Europe.[29]

The role of civil society organisations in scrutiny of security institutions and holding governments accountable for their decisions in security varies across sectors. Although this paper could only provide a preliminary comparative sketch, it appears that technical expertise CSOs tend to play a greater role in the defence and possibly intelligence spheres, while representation and service delivery CSOs are more predominant in the policing domain. Some issues and concerns common to CSOs acting in all the sectors include the dangers of being "co-opted" through a too-close association with the state ministry or service in question, dependence on the state for core financing with a corresponding loss of independence in voicing one's views and preferences, and the underlying motives of public consultation exercises. The holding of consultations with CSOs and the public more broadly serves a legitimising purpose for government decisions and policy in the security sector. More research is needed, however, to determine to what extent government outreach and public consultations with CSOs actually influence the formulation and implementation of government policy.

VIII. Conclusion

Civil society has undergone a major revival as a concept for understanding the relationship of the state to the individual and the value of collective political action in a democracy. This revival has taken place not only in the atmosphere of academic and especially philosophical musings, but also in the concrete programs, budgets, outreach

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[28] This for example has been cited to be the case with the Scandinavian media. See Geoffrey Weller, "Political Scrutiny and Control of Scandinavia's Security and Intelligence Services", *International Journal of Intelligence and Counterintelligence*, 13, no 2 (Summer 2000), 185.

[29] See the Statewatch website at: http://www.statewatch.org/

and related activities of international and bilateral assistance programs and in the declarations and efforts by governments and international organisations to engage in dialogue with civil society and to be more inclusive of civil society perspectives in their decision-making and policy implementation processes. At its essence, civil society concerns the actual efforts of civic actors and groups to mobilise popular opinion, educate the public on security-related issues, lobby and pressure governments on policy decisions, and engage with other civic groups at home and abroad to effect political change.

By reflecting on the new interdisciplinary focus that has given rise to the idea of security sector reform, our understanding is only slowly developing the relationship between civil society actors on the one hand, and the various institutions of the key security sectors on the other hand. In this paper, I have only begun the process of identifying the types of civil society organisations which might be considered to play a role in each of the three sectors of security policy. Much more research needs to be done on a case study basis, within each sector, and within individual countries. Our task as scholars and members of policy and democracy-promotion communities is to look more closely at what civil society organisations actually do in specific contexts through their attempts to shift and influence power relations. It is also to look at the willingness of governments – declaratory and actual – to listen to, consult with and involve civil society organisations in policy formulation and implementation.

Approaching civil society from a security sector reform perspective is particularly valuable because it forces us to view civil society in ways that are more complex than the simplistic oppositional relationship that is often presumed to exist between state and civil society. The role of the modern state is central to the provision of security to individuals and society more broadly, and although other actors it has the capacity to contribute to security to some extent (via private military companies, private security companies for corporate and home protection, and community watch type organisations). In this sense, the role of the state cannot be replaced. A security sector reform perspective enables us to view civil society organisations' varying range of relationships with the government and the state, on a continuum from opposition to collaboration, and to appreciate especially the partnership dimension that is inherent in good governance.

Inversely, looking at security sector reform through the prism of civil society emphasises issues of accountability, inclusiveness in policy formulation, responsiveness of governments to citizen needs, and ultimately, the legitimacy of governance. It reminds us that, in the final analysis, the client of state security institutions is the individual citizen, and that the reform of security sector institutions must be undertaken with a dual focus on efficacy and public accountability.