Preface

Ambassador Dr. Theodor H. Winkler

Security Sector Reform is more than just another academic theorem or fashionable term emanating from the post-Cold War security debate. It is a broad and ambitious notion concerned with establishing and improving security relationships and architectures most commonly associated with liberal democracy. As a consequence of the changed nature of security under the conditions of the post-Cold War era, the reform of the security sector commensurate with democratic norms - has become a key challenge not only for the developing world and emerging democracies but also for the established democracies of the Euro-Atlantic area. The urgency of applying coherent concepts with operational validity is in stark contrast to their limited availability. Though a great deal has been achieved in this field in recent years, there is still a strong need for strengthening the conceptual foundations of the subject matter and, based on this, developing policy-relevant tools.

The systematic gathering, analysing and evaluating of international expertise in democratic control, management and reform of the security sector is one of the main functions of the Geneva Centre of the Democratic Control of Armed Forces (DCAF). This publication is a result of target oriented efforts by one of its specialized Working Groups, that on "Criteria of Success and Failure in Security Sector Reform". It presents, in a reader-friendly format, a collection of specialized contributions from experts in various fields and focuses on both theoretical expertise and practical experience. It offers a broad range of views and arguments developed through discourse and continued debate. The broad spectrum of issues raised in this volume finds its roots and justification in the complexity and diversity of the task involved.

Intended to assist officials, parliamentarians, civil society actors, researchers and, in particular, staff planners involved in the design and implementation of concepts and policies for addressing the new risks and challenges, the book establishes a framework for assessing target oriented progress and success in reform processes. It contextualizes the role of democratic control of armed and security forces in the context of security sector reform processes taking place in Central and Eastern Europe and demonstrates the relationships

between those developments and the global dimensions of security sector reform. In contrast to many other publications, the authors reflect on and substantiate the expansion of the discourse of security itself and clearly specify the normative bias, the implications and consequences of this expansion for security sector reform.

DCAF would like to thank all those who gave advice and assistance, and without whom this volume could not have been realised. Particular appreciation is to be expressed to the contributors who joined their efforts in a pragmatic and fruitful cooperation despite the differences of origin and views. This also includes members of DCAF's International Advisory Board and the Centre's staff who substantially assisted the project with pertinent advice and constructive critique as well as technical support. It is hoped that this volume finds a wide audience among the security community and contributes to moving forward the discourse on security sector reform.

Ambassador Dr. Theodor H. Winkler
Director, Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Introduction

Wilhelm N. Germann and Timothy Edmunds

Security Sector Reform (SSR) is a broad and ambitious notion that concerns establishing and improving those security relationships and architectures most commonly associated with liberal democracy. SSR has emerged from the post-Cold War security debate and builds on the assumption that democracy and sustainable socio-economic development are unachievable if the basic security needs of states, communities and individuals are not met. The SSR concept has also gained increasing practical relevance as part of the Western countries' efforts to encourage democratic transition in other parts of the world. These have generally focused on issues such as the establishment of civilian control and oversight of security sector organisations and their professionalisation and modernisation around democratic norms and practices. SSR has also been linked to political and economic aid conditionality in both Europe and elsewhere in recognition of the security sector's key role in processes of post-authoritarian or post-conflict transition and in particular in contributing to questions of internal and international stability and conflict prevention.

SSR self-evidently concerns the reform of the 'security sector'. As the essays in this volume make clear, this is a contested concept. However, at its broadest, SSR takes a holistic approach that includes all organisations with the legitimate authority to use force or to order or threaten the use of force to protect society and its citizens. As such, it can include military forces, paramilitary organisations, police structures, border control services, intelligence services, the judiciary and those elements of the state engaged in the formulation and oversight of security policy. Conceived as an agenda for helping to establish the principle of good governance in developing countries, SSR was initially designed as a condition for international assistance to governments striving for economic development and democratisation. In recent years, SSR has also emerged as an increasingly important agenda in the emerging democracies of post-communist Central and Eastern Europe. In particular, SSR issues have been at the heart of the membership criteria and conditionality associated with Western security alliances and political institutions such as NATO and the EU.

SSR is not simply a concern of countries engaged in processes of political and economic transition. It is also an agenda which has great relevance for established democracies in what is a constantly evolving security environment. Indeed, since the end of the Cold War, states across Western Europe have faced a variety of SSR challenges. For example, large, conscript-based armed forces structured for the defence of national territory in the event of a European land war have become unsuited to evolving post-Cold War missions that increasingly demand deployability and flexibility. Moreover, the events of September 11 2001 and the subsequent 'War on Terrorism' have highlighted

the importance of security sector elements such as customs services and both domestic and external intelligence organisations. This in turn has involved an approach to national security that moves beyond the traditional questions of defence reform and military capability improvement to include the security sector – and security sector reform more widely. In addition, the period since September 11 2001 has seen military interventions by the US and its allies in both Afghanistan and Iraq. Both of these actions have been followed by the need to engage in externally sponsored post-conflict nation building, of which SSR is likely to be a centrally important component. In these contexts, the international community is confronted by the need to consider more carefully the norms and values it intends to promote and protect in this area and the practical reform steps that this will entail.

SSR today therefore is a concept with significant relevance and practical utility. However, at present there is no consensus within either the old or new democracies as to what its guiding norms and principles should be. Serious practical questions remain of how best to accomplish SSR, within what organisational framework, and with respect and reference to what norms and criteria. Of course, specific elements of these questions are always likely to be contingent on particular national circumstances and contexts. However, SSR is an inherently normative concept. In addressing the question of security sector *reform*, it inescapably prioritises one way of doing something above another. Indeed, in Europe at least, this normative element of SSR is primarily shaped by the part that SSR can play in democratisation. This volume explores these questions in greater depth by focusing on the central element and objective of SSR in the European context: the establishment and consolidation of democratic control over the security sector.

Since the beginning of the 1990s, the states of post-communist Central and Eastern Europe have taken significant steps towards the establishment of democratic control of their defence and security sectors. In particular, much has been done to consolidate practices of civilian control in these areas. Across the region, common themes include the completion of constitutional reforms which have clarified parliamentary and presidential powers in relation to defence and security and the establishment of the principle of a civilian defence minister to whom the general staff is subordinate. In addition, most states have made progress in consolidating the democratic nature of these mechanisms for civilian control, for example through institutionalising the principle of parliamentary overseeing through the establishment of working parliamentary defence and security committees. Despite these generally positive steps, however, it is important to recognise that some states have progressed further in these areas than others and the results of reform differ considerably in their scope and intensity.

SSR in post-communist Europe has often taken place in the absence of international consensus on the normative and operational criteria for democratic reform in these areas. Throughout the 1990s, the Central and Eastern European states faced a variety of sometimes very different advice on best practice. In relation to democratic control of armed forces, for example, this ranged from the US perspective which sees professionally autonomous armed forces as the best guarantee of civilian

control, to the German model of the soldier-citizen. Indeed, although there are basic principles common to all democracies for establishing the proper place and role of their security sectors, the way in which these are translated into reality often differs quite dramatically. Nonetheless, despite the inherent diversities of individual SSR circumstances, there remains a need to think more carefully about how to assess and audit national experiences as well as Western assistance programmes in these areas. Key questions include which SSR concepts and strategies have been most successful, why this has been the case, and according to which criteria. The identification and systematic analysis of criteria for success in SSR and the elaboration of a conceptual framework for assessing progress and evaluating results thus remains a matter of continued intellectual and practical importance.

Against this background, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) established a Working Group on 'Criteria for Success and Failure in SSR (CSF)' in November 2001. The aim of the group was to bring together an international team of experts from the academic and policy spheres to analyse best practice in evaluating SSR in the European context. This volume results from the work of the CSF Working Group. Starting from the premise that there is no universally applicable model for SSR, this volume explores the question of how best to evaluate SSR in the European context and analyses the conditions for determining and confirming criteria of success in this regard.

Part I addresses the conceptual ideas and aspirations underlying the principle of SSR. Timothy Edmunds's chapter, 'Security Sector Reform: Concepts and Implementation', provides an overview of the SSR concept with particular reference to the experiences of Central and Eastern Europe since the collapse of communism. Wilhelm Germann analyses the development and significance of SSR in the context of the changing demands of the European and global security environment, while Nicholas Williams assesses future SSR challenges posed by the terrorist attacks of September 11 2001. In his contribution, Gerhard Kümmel asks why states should engage in SSR abroad, concentrating particularly on the importance and influence of international norms of behaviour from promoting democratisation and democratic control of armed forces.

Part II looks further into how norms and requirements for SSR have been established in practice. Dietrich Genschel provides an overview of core principles and prerequisites for democratic control of armed forces in established democracies, while Owen Greene and Victor Yves Ghébali analyse the existing provisions of the EU, OSCE and OECD in these areas. Willem Matser and Christopher Donnelly assess the role of NATO and its outreach programmes and accession process in promoting SSR in post-communist Europe. Finally, the chapter includes a summary compiled by Lea Biason, which outlines existing international norms and criteria in relation to questions of SSR. The third part of the volume explores in more detail the practical and methodological questions of how to evaluate progress in SSR. Wilfried von Bredow and Wilhelm Germann discuss the theoretical and practical demands of assessing success and failure in SSR. Zoltán Martinusz provides an analysis of how to develop and improve SSR assessment criteria. In the concluding chapter Wilhelm Germann

summarises the conditions for the establishment of generally applicable criteria that are considered relevant for success and failure in SSR and thus provides the future direction of continued endeavours in this regard.

The authors have provided their contributions to offer practical guidelines and examples of best practice for political planning and decision making, review and adaptation in democratising states. The broad spectrum of issues raised in this volume is a consequence of the complexity and diversity of the task concerned and illustrates the still evolving and dynamic nature of the SSR concept. Nonetheless, we hope that the contributions offered here add significantly to our understanding of the development and practice of the SSR concept in the European context and point the way for future research and policy development in this field.

1 Security sector reform:

Concepts and implementation

Timothy Edmunds

1.1 What is security sector reform?

Security Sector Reform (SSR) has emerged as a key concept in policy and academic circles in recent years. Its origins stem from two main areas. First, from the development community, who have increasingly acknowledged the important role that the 'security sector' plays in issues of economic development and democratisation.[1] Secondly from the field of civil-military relations (CMR), particularly in relation to developments in Central and Eastern Europe, where post-communist circumstances have led many analysts to think more holistically about key aspects of the CMR debate.[2] SSR takes a holistic approach to the security sector that manifests itself in two ways. First, by recognising the importance of militarised formations other than the regular armed forces in (civil-military) reform efforts. Secondly by recognising that the role of security and security sector actors in political and economic reform is important and complex, and not simply limited to questions of military praetorianism and civilian control over the armed forces.

There is no clear and agreed set of definitions for SSR. Present usage tends to be dictated by the concerns of particular academic or policy communities. Two approaches define the scope of the definitional debate. The first is concerned with those militarised formations authorised by the state to utilise force to protect the state itself and its citizens. This definition limits SSR to armed organisations such as the regular military, paramilitary police forces and the intelligence services. The second approach takes a wider view of SSR, defining it as those organisations and activities concerned with the provision of security (broadly defined), and including organisations and institutions ranging from, for example, private security guards to the judiciary. However, arguments over the definitional issue in SSR can be unhelpful and prevent analysts making progress on real issues of reform. A way out of the mire of the definitional debate is to take a *problem driven* rather than a *definition* or *institutional*

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[1] See, for example, Jane Chanaa, *Security Sector Reform: Issues Challenges and Prospects* (Oxford: Oxford University Press for the IISS, 2002); Malcolm Chalmers, *Security Sector Reform in Developing Countries: An EU Perspective* (London: Saferworld and the Conflict Prevention Network, 2000); Dylan C. Hendrickson, *A Review of Security Sector Reform* (London: Centre for Defence Studies, 1999); Chris Smith, 'Security sector reform: development breakthrough or institutional engineering', *Conflict, Security and Development*, 1:1 (Fall, 2001). *Towards a Better Practice Framework in Security Sector Reform: Broadening the Debate* (Clingendael: International Alert and Saferworld, August 2002).

[2] See, for example, Andrew Cottey, Timothy Edmunds and Anthony Forster, 'The second generation problematic: rethinking democracy and civil-military relations', *Armed Forces and Society*, 29:1 (2002); Taras Kuzio, 'The non-military security forces of Ukraine', *Journal of Slavic Military Studies*, 13:4 (December 2000); Ekaterina Stepanova, 'The use of Russia's 'grey area' forces in post-conflict environments, *CMR Network*, No. 4 (January 2002).

driven approach to SSR. In this context, both poles of the definitional spectrum can be incorporated within the SSR concept, with specific contexts and circumstances dictating which elements of SSR are most applicable for addressing particular problem areas.

A problem-driven approach defines the broad scope of SSR and then uses the elements of this that have relevance for the particular problem or context concerned. Broadly, the security sector can be defined as being concerned with 'the provision of security within the state'. However, SSR also suggests an explicitly normative direction for the concept in the sense that *reform* prioritises the provision of security within the state *in a preferred way*. Therefore, a normative working definition of SSR is that it concerns 'the provision of security within the state in an effective and efficient manner, and in the framework of democratic civilian control'. Specific elements of SSR – such as police professionalisation or democratic control of armed forces – all fit into this broad definition and help to add to a more complete understanding of the SSR process as a whole. These specific elements do not occur in a vacuum, and need to relate to the wider SSR process, but the extent to which they do so will depend largely on the particular problem being addressed. Thus, for example, in Ukraine, democratic control of armed forces necessarily needs to consider the role of intelligence services or Interior Ministry troops as well as the regular military because they are particularly politicised actors in this area.[3] In contrast, in Hungary, issues of democratic control of armed forces remain concerned much more specifically with the regular military.[4] This definition therefore accepts that there are distinct targeted components of SSR, while recognising that there are also generic cross-cutting issues inherent in SSR which have relevance to the security sector as a whole.

This definition of SSR contains two key normative elements. The first of these is the importance of *democratisation* and *civilian control* in any process of SSR. The second is the importance of developing *effectiveness* and *efficiency* in SSR. While related, these two pillars of SSR can have their own particular demands, rewards and problems.

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[3] James Sherr, 'The development of civil-military relations in post-Soviet Ukraine' in Anthony Forster, Timothy Edmunds and Andrew Cottey (eds), *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces* (Basingstoke: Palgrave, 2002), pp. 211–27.
[4] Pál Dunay, 'Civil-Military Relations in Hungary: No Big Deal', in Andrew Cottey, Timothy Edmunds and Anthony Forster (eds), *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards* (Basingstoke: Palgrave, 2002), pp. 64–86.

1.2   Why security sector reform?

SSR is a central element in any process of post-authoritarian or post-conflict transition. In particular it plays an important role in the following six related areas:

Democratisation: The security sector can be an important obstacle to democratisation. Security sector actors are potentially influential in domestic politics, with their monopoly (or at least dominance) of the state's tools of coercion. If, as was the case in much of Central and Eastern Europe, security sector actors are politicised, then they may be tempted to act in a partisan or praetorian manner in relation to domestic politics. Even if security sector actors do not have praetorian tendencies themselves, they may be the subject of attempts by partisan factions within the civilian sector to draw them into politics and disrupt democratic processes. Thus, effective and democratic civilian control of the security sector is a key component of any process of democratisation.[5]

Good governance: Good governance refers to the mechanisms and arrangements through which appropriate public goods are provided for the citizens of a state in an effective and efficient manner. A key public good is security. It enables people to live their lives and carry out normal economic activity without fear of conflict, violence or banditry.[6] Because of this the security sector can be both an enabling force for good governance, and a significant obstacle in its way. Thus, an effective security sector is a crucial element in tackling corruption or organised crime. Effective and efficient border guards, for example, are a key mechanism for preventing drugs smuggling or other cross-border criminality. If security sector actors are engaged in activities which intensify these problems – for example, if border guards are unable to effectively address smuggling or are actively engaged in it themselves – then good governance can be undermined.[7] More widely, efficiency in the security sector is a central component of good governance. This concerns the affordable provision of effective security arrangements, in a manner which does not place inappropriate demands on society or the economy.

Economic development: Economic development and activity is damaged by instability and unpredictability – both factors which stem from the ineffective provision of security.[8] Corruption, for example, can undermine legitimate economic activity. Companies may be reluctant to invest or operate in states where security for their employees or legal protection for their interests – such as

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[5] See for example: Samuel Huntington, 'Reforming civil-military relations', in Larry Diamond and Marc F. Plattner (eds), *Civil-Military Relations and Democracy* (Baltimore: The John Hopkins University Press, 1996), pp. 3–11.
[6] See for example: Keith Krause and Michael C. Williams, 'From security to strategy: foundations of critical security studies', in Keith Krause and Michael C. Williams (eds), *Critical Security Studies: Concepts and Cases* (London: UCL Press, 1997), pp. 43–7.
[7] Alice Hills, *Consolidating Democracy: Professionalism, Democratic Principles and Border Services*, DCAF Working Paper No. 27 (Geneva: DCAF, July 2002).
[8] Chalmers, *Security Sector Reform*.

through enforceable contract law – is absent. As with good governance, the security sector can play a key role in addressing these problems through the effective provision of a secure environment conducive to development. If it is dysfunctional, it can be a central impediment to reform. In addition, post-conflict (including post-Cold War) societies often have bloated and inefficient armed forces that are a substantial drain on state resources. While effective SSR is generally expensive in the short to medium term – through demobilisation costs, professionalisation or the purchase of new equipment – in the long term an effective and efficient security sector brings major economic benefits.

Professionalisation: Professionalisation as used in this context refers to security sector actors that are able to fulfil the demands of the civilian government of the state in an effective and efficient manner. Professional armed forces, for example, are those who have a clearly (state-) defined role, and who are structured to fulfil this role in the most appropriate manner.[9] Thus, in much of Central and Eastern Europe, the change in the geopolitical and geostrategic landscape brought about by the end of the Cold War fundamentally altered the role and purpose of the armed forces. Professionalisation has been an important part of the process by which states in this region adapted their armed forces to this new environment.[10] They have considered the requirements of the new security environment, and attempted to build or refashion their security sectors to meet this in the most appropriate way. Professionalised armed forces are therefore tailored explicitly to defined tasks and roles, and are better able to meet future military challenges and requirements.

Conflict prevention: SSR is an important element of the wider conflict prevention agenda, particularly in regions emerging from conflict. Successful SSR, in the sense of the provision of security in an effective and efficient manner in a framework of democratic civilian control, can add to stability both internally and regionally. Internally, SSR can facilitate the effective management of tensions and problems which can lead to instability and conflict. Externally, a predictable, professionalised security sector under democratic civilian control and with a clearly defined role can act as an important regional confidence building measure. Moreover, the democratic peace concept suggests that democracies – with democratic civil-military relations – are less likely to go to war with each other. The development of an increasingly stable security community in Central and Eastern Europe appears to support this thesis.[11]

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[9] 'Professional' should not automatically be taken to mean 'all-volunteer'. While a professional *soldier* is a volunteer rather than a conscript, a professional *military* can include conscripts as long as it fulfils the criteria outlined above.

[10] Anthony Forster, Timothy Edmunds and Andrew Cottey, 'Reforming postcommunist militaries', in Forster et. al. *The Challenge*, pp. 233–49.

[11] See for example: Alex J. Bellamy, 'Security Communities in Transition: The European Experience' in Alex J. Bellamy, *Security Communities and their Neighbours: Regional Fortresses or Global Integrators?* (Basingstoke: Palgrave-Macmillan, forthcoming 2004).

Integration with Western institutions: SSR has been an important accession criterion for countries wanting to join Western institutions such as NATO and the EU. NATO particularly has been active in promoting SSR issues in Central and Eastern Europe through its Partnership for Peace (PfP) initiative and its Membership Action Plans (MAPs). While future decisions on accession are likely to be informed as much by political reasons as by specific SSR successes, SSR remains an important factor in post-communist countries' processes of engagement with NATO. Indeed, the experience of the new NATO members – whose SSR programmes did not focus sufficiently on the development of effective, efficient and interoperable armed forces – has led to the introduction of more stringent technical SSR criteria (in the form of the MAPs) for other prospective NATO members, and progress in SSR likely to be a necessary precondition of any further expansion of the PfP.[12]

1.3   Implementation

SSR is a process rather than an end-point. International and domestic security requirements are inherently dynamic, and all states have to be able to adapt their security sectors to meet these demands effectively. Democracy too is a continuous process, and all established democracies adapt and reform their democratic procedures in accordance with changing circumstances. Thus, for example, the terrorist attacks of September 11 2001 have initiated a major review of security sector controls and priorities in the United States. However, SSR does make particular demands in post-authoritarian and post-conflict societies. In these environments, there is often no established procedure for democratic control of security sector actors, despite the fact that there may have been very strong civilian – though not democratic – control during the authoritarian period. Structures for the bureaucratic management of security sector fit authoritarian rather than democratic patterns and are often deeply politicised. Security sector actors themselves are often also politicised, and used to playing (or being used to play) a key (partisan) role in domestic politics. The security sector – or at least elements of it – is likely to have been a key instrument of authoritarian control, and as a result tends to be tied to the old regime in relation to both ideology and its own interests.[13] If a society is emerging from conflict, then the security sector will have to undergo a fundamental role change from one structured around the demands of conflict – in which it is likely to have played a central role – to one more suited to a peacetime environment. In general this will involve a diminution in the size and importance of the security sector, and so is likely to threaten security sector actors' own sectional interests directly. The SSR agenda also incorporates a range of often institutionally separated domestic institutions, with their own chains of command, responsibilities and bureaucratic norms and procedures.

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[12] Frank Boland, 'Military matters: mapping the future', *NATO Review* (Spring 2002), pp. 1–3.
[13] See for example: Zoltan Barany, 'Civil-military relations in communist systems: Western models revisited', *Journal of Political and Miltiary Sociology*, Vol. 19 (Summer 1991); Amos Perlmutter, 'Civil-military relations in socialist authoritarian and praetorian states: prospects and retrospects', in Roman Kolkowicz and Andrzej Korbonski, *Soldiers, Peasants and Bureaucrats: Civil-Military Relations in Communist and Modernizing Societies* (London: Allen & Unwin, 1982).

All these factors both necessitate and are potential obstacles to SSR. However, several lessons emerge from the experiences of Central and Eastern Europe in this area over the past ten years. In particular, it is clear that SSR processes in the post-authoritarian environment fall into two overlapping and interrelated phases, 'first generation' reforms, and 'second generation' reforms.[14] First generation SSR concerns the establishment of new institutions, structures and chains of responsibility for the security sector. Second generation SSR concerns the consolidation of previous reforms, and the effective and efficient operation of institutions and procedures at a sustainable cost for the state and society. In addition, SSR in Central and Eastern Europe has occurred at a time when other areas of transition – such as the introduction of market economies and wider political reform – have been more pressing priorities for governments and societies. This has meant that the political commitment and resources available for SSR have been limited, and has forced governments to prioritise their activities in this area. In general, therefore, Central and Eastern European states have concentrated on issues of democratic control of the security sector rather than the effective and efficient operation of the security sector itself.

1.3.1 *First generation security sector reform*

First generation SSR has a clear basis in the traditional civil-military relations literature. To this end it is primarily concerned with the establishment of appropriate structures for (democratic) civilian control, and measures to depoliticise security sector actors and remove them from partisan intervention in domestic politics. Key elements of first generation SSR include the establishment of civilian control over the security sector, with a clear delineation of responsibilities between relevant actors, including the executive, legislature, bureaucracy, security sector formations and different levels of government (federal, republican, local etc.). In the case of regular armed forces, for example, this means the establishment of clear roles and appropriate structures for civilian control through defined chain of command responsibilities for the commander in chief (often the president), the general staff, the ministry of defence, defence minister and parliament, and a clear delineation of responsibilities between different levels of government. In Central and Eastern Europe this has occurred through the drafting and implementation of constitutional and legislative provisions which clearly identify roles and responsibilities.[15] Clear, civilian-dominated chains of command ensure that control of the security sector remains firmly in the hands of civilians and that security sector's role is limited to that defined by legislation or the constitution.

First generation SSR also establishes the principles and structures for overseeing and transparency of security sector issues. In Central and Eastern Europe this has generally entailed

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[14] Cottey et al. 'The Second Generation Problematic'.
[15] Andrew Cottey, Timothy Edmunds and Anthony Forster, 'Introduction: the challenge of democratic control of armed forces in postcommunist Europe', in Cottey et al. *Democratic Control of the Military*, p. 7.

empowering parliament to oversee and approve security sector budgets, and the establishment of systems of parliamentary committees to scrutinise security sector policies (such as a defence committee, a policing committee and so on). Processes of civilianisation of security sector bureaucracies, and the depoliticisation of the security sector itself are also key elements of first generation reform. While the latter remains a long-term process, many of the post-communist countries in Central and Eastern Europe have addressed this by removing overtly political elements within their security sectors, including political officers and personnel with strong partisan connections to the old regime. When the West German *Bundeswehr* absorbed the East German National People's Army, for example, all soldiers over 55 years old, all political officers, all generals and admirals, and all personnel who had worked with the *Stasi* were retired. This removed the ideological core of the NPA, and allowed fundamental reform to occur.[16] While other states in Central and Eastern Europe generally did not (and because of different national circumstances were not able) to purge their security sectors to the same degree, all implemented policies of depoliticisation of one sort or another.[17]

Finally, a key element of first generation SSR is to provide the groundwork for reforming and professionalising security sector formations. This entails defining missions, tasks and structures for security sector actors in line with the priorities outlined in relevant legal documents such as national security concepts. Where this has been most successful in post-communist Europe, it has involved a 'first principles' assessment of what a country's security needs actually are, and what the specific role of security sector actors is in addressing them. In turn this provides a map for the future reform of the security sector that allows for coherent future resource and development planning.[18]

1.3.2 *Second generation security sector reform*

First generation reform is a necessary but not sufficient element of SSR. Indeed, while many states in Central and Eastern Europe have made significant progress in first generation issues, in practice SSR reform challenges remain in key areas. The majority of these lie in areas of second generation SSR, and are concerned with the further consolidation of democratic procedures of oversight and transparency, the way structures and institutions implement policy, improvements in effectiveness and efficiency, and the wider engagement of civil-society. For example, while mechanisms for civilian control of the armed forces have been widely established across post-communist Europe, in practice second generation reform issues mean that difficulties remain in key areas. Thus, while Central and

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[16] E. Richter, 'Integration of the former GDR forces into the *Budeswehr*: a success, but why?', paper presented at a workshop *Security Sector Reform in Central and Eastern Europe: Criteria for Success and Failure*, Geneva Centre for the Democratic Control of Armed Forces, Geneva, 20–23 November 2003.
[17] Andrew Cottey, Timothy Edmunds and Anthony Forster, 'Conclusion: soldiers, politics and defence in postcommunist Europe' , in Cottey et al. *Democratic Control of the Military*, p. 254.
[18] Christopher Donnelly, 'Shaping soldiers for the 21st Century', *NATO Review*, 48:2 (Autumn 2000), p. 31.

Eastern European armed forces have been removed from domestic politics, and praetorian tendencies have largely been eliminated, in most countries, the military still has a disproportionate (and sometimes exclusive) influence over defence policy.[19] This is often not because structures and procedures for civilian control of defence policy have not been established, but because of a distinct absence of *civilian expertise* in – and often interest in – defence issues. The development of an informed civilian cadre that has the skills and experience required to, for example, provide effective parliamentary oversight of the more technical aspects of defence policy is therefore a key second generation SSR issue.[20] Expertise in new areas does not develop overnight, and this is clearly a long-term element of SSR. However, it is crucial if democratic oversight of the security sector is to function properly.

A related second generation SSR issue concerns the *capacity* of security sector bureaucracies both to implement policy, and to support adequately the oversight and transparency functions of other areas of the security sector infrastructure. If the Ministry of the Interior, for example, does not have the resources, mechanisms and qualified staff to provide a detailed breakdown of where and how the budget for interior ministry forces is spent, then detailed and effective oversight of that budget is difficult. Capacity problems have manifested themselves in a number of ways across Central and Eastern Europe. These include an absence of detailed information on security sector spending, poor analysis of available policy options, unrealistic assessments of the relationship between goals and resources, and bureaucratic structures unable or unwilling to implement security policy.[21] Capacity problems may also be intensified by a lack of expertise among new civil servants in security sector bureaucracies. In turn this may reinforce the reluctance of security sector actors to facilitate further reform because of a perception of civilian incompetence in security sector issues.[22] Again, building capacity is a long-term component of the SSR process, but without it the consolidation of democratic procedures is problematic.

In common with bureaucratic reform problems, second generation SSR issues are visible within security sector formations themselves. Thus, a commitment to reform at the highest level of the armed forces will be difficult to implement if the mid-level officer corps remains unconvinced of or does not understand the rationale behind the reform process. In these circumstances reform programmes may not be adhered to in practice because of creative non-compliance or simply because of ignorance.[23] These problems are likely to be reinforced if – as is likely – SSR involves a transformation of the role and structure of particular elements of the security sector that will threaten jobs or damage individual interests. The development of security sector education and training programmes may go some way towards tackling these problems, but in many cases it is likely that

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[19] Ibid., p. 31.
[20] Ben Lombardini, 'An overview of civil-military relations in Central and Eastern Europe', *Journal of Slavic Military Studies*, 12:1 (March 1999), pp. 16–24.
[21] Cottey et al. 'The second generation problematic', pp. 41–2.
[22] Donnelly, 'Shaping soldiers', p. 33.
[23] Ibid., pp. 32–3.

only generational change within the security sector will address them fully. Similarly, post-conflict downsizing of the security sector can create further problems, and add to the cost of implementing SSR. Indeed, while downsizing may reduce security sector-specific budgets, often this transfers expense to other sectors of government finances such as welfare.[24] Effective retraining programmes for demobilised personnel will add further costs to downsizing programmes, but if they help to prepare former security sector personnel effectively for life in the civilian economy, they will bring benefits to the overall economy in the long-term.

Finally, the effective engagement of civil-society in security sector issues is of crucial importance to SSR. Society more widely is central to the legitimation of security sector actors, particularly (though not exclusively) in a democratic context. Without societal legitimation the security sector's role in the effective provision of security for a state's citizens will be fundamentally undermined. Moreover, civil-society is also central to many of the 'new' roles that security sectors are increasingly expected to play – such as humanitarian intervention – which require more complex and potentially fragile mechanisms for legitimation than traditional defence of national territory missions.[25] Without public support the security sector's participation in these 'new tasks' becomes problematic. In addition, civil-society plays three roles in the consolidation of democratic control of the security sector. First, through the media, non-governmental organisations, academics and so on, it provides an alternative, non-governmental source of information on security issues for both policy-makers and the public at large. Secondly, civil-society provides the opportunity for popular debate, discussion and criticism of security issues. Finally civil-society can act as an important mechanism for holding other actors in the security sector to account through exposing malpractice, forming critical judgements and so on. In much of post-communist Europe, civil-society engagement – and indeed civilian engagement more widely – with security sector issues is limited, and during the communist period was non-existent. This is beginning to change – and the NATO involvement in the Kosovo campaign, for example, brought security issues to the fore in many societies – but remains a key factor in second generation SSR across much of the region.[26]

1.3.3   *Measuring performance in security sector reform*

Because SSR is a process rather than an end-point, measuring 'success' or 'failure' can be problematic. The holistic nature of SSR means that 'success' – or at least 'performance' – is only likely to be visible after time, when the 'big picture' can be considered. Particular reforms may be

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[24] See, for example, the Croatian experience in: Timothy Edmunds, *Defence Reform in Croatia and Yugoslavia, 2000-03*, Adelphi Paper (Oxford: Oxford University Press for the IISS, forthcoming 2003).
[25] Christopher Dandeker, 'The military in democratic societies: new times and new patterns of civil-military relations', in Jürgen Kuhlmann and Jean Callaghan (eds), *Military and Society in 21st Century Europe* (New Brunswick and London: Transaction, 2000), pp. 37–8.
[26] Dick Baly, *Promoting Civil Society in Good Governance: Lessons for the Security Sector: A Donor Perspective*, DCAF Working Paper No. 33 (July 2002), pp. 1–5; Cottey et al., 'The second generation problematic', pp. 46–8.

assessed as 'successful', but can be undermined if other elements of the security sector system are unchanged. Thus, a professionalised police force may be considered an SSR success, but the implications of this for SSR as a whole may be undermined if, for example, the judiciary remains corrupt and partisan.[27] 'Successful' SSR therefore is closely linked to 'successful' processes of wider democratisation and development. However, these difficulties do not mean that performance cannot and should not be evaluated, or that success on a case by case basis is irrelevant without wider success in the 'big picture'. Success in particular areas of SSR helps to advance the SSR process as a whole by providing momentum for reform and offering examples of success and good practice. In addition of course, it offers important advantages in the specific area of SSR concerned.

There are three methods of evaluating performance which attempt to provide criteria for marrying together both programme specific and 'big picture' evaluations of SSR. The first of these is a *generic framework* approach. This provides a normative, 'ideal type' against which performance can be measured. Thus, for example, an ideal type for democratic control of armed forces may include factors such as transparency in defence budgeting, effective parliamentary oversight of defence policy and civil-society engagement in defence issues.[28] At its crudest, this approach measures performance by 'ticking' a series of boxes, each of which corresponds to particular normative criteria. This approach can work well for considering the overall progress of SSR, but struggles to provide assessments of specific elements of the reform process. In most cases, the normative criteria involved in a *generic framework* assessment are not absolutes, and are open to subjective interpretation and variation. Moreover, within a broad ideal type – such as democratic civil-military relations – there can be many different models of how to achieve this. Thus, democratic civil-military relations are provided by very different systems in the United Kingdom and the United States. Imposing particular models on countries with different historical, political, structural and social traditions and circumstances can be problematic and counterproductive.

A second method of evaluation is the *collective/regional approach*. This measures performance against specific international institutional agendas. Thus, in Central and Eastern Europe, NATO's MAPs provide specific goals and indicators which must be achieved in SSR.[29] This approach has the advantage of providing specific criteria for the SSR process to work towards. Its disadvantage is that it can encourage an SSR process which is focused on 'jumping through hoops' rather than pursuing holistic reform. In Central and Eastern Europe for example, NATO interoperability criteria

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[27] See for example: Alice Hills, 'Defence diplomacy and security sector reform', *Contemporary Security Policy*, 21:1 (April 2000), pp. 52–6.

[28] See for example: Dietrich Genschel, 'Principles and prerequisites of democratic control of armed forces: best practices in established democracies', in Chapter 5 of this volume; Zoltán Martinusz, 'Measuring success in security sector reform: a proposal to improve the toolbox and establish criteria', in Chapter 11 of this volume.

[29] See for example: Owen Green, 'International standards and obligations: norms and criteria for democratic control of armed forces in EU, OSCE and OECD Areas', in Chapter 6 of this volume; Lea Biason, 'International norms and criteria on democratic control of armed forces: a reference tool', in Chapter 9 of this volume; Boland, 'Mapping the future'.

have led some countries to concentrate on the development and reform of small cadres of their armed forces to meet NATO criteria at the expense of the development of the military as a whole.[30]

A third method of evaluation is the *process/facilitation* approach. This focuses on specific empirical rather than normative criteria, which act as 'facilitating elements' for reform.[31] Thus, for example, it concentrates on measuring factors such as transparency or oversight rather than 'democracy'. This method provides a useful mechanism for measuring progress in certain areas, but can miss out on the bigger picture of SSR.

1.4   Criteria for success and failure in security sector reform

Despite the difficulties of implementing and evaluating SSR, Central and Eastern European experiences point to a variety of strategies for addressing these problems.

1.4.1   *First generation SSR*

While first generation SSR is only an initial step in the reform process and is not sufficient in and of itself, it does provide the essential context for future reform efforts. Moreover, it is an area where visible successes are achievable in the short term and these in turn can create and maintain momentum for more in depth second generation SSR. A key reform in this area is the establishment of structures for civilian control over armed forces. In federal systems this entails clearly delineating appropriate responsibilities between different levels of government. In addition, visibly bringing civilians into the security sector decision making processes through, for example, the establishment of parliamentary defence committees or a National Security Council with a high proportion of civilian members, can be important. A concerted effort to increase the number of civilians in security sector ministries also feeds into this process. Even if there is an absence of civilians with relevant expertise, these first steps towards civilianisation are important because they lay the groundwork for long-term second generation SSR.[32] Crucially, these first generation reforms are easily measurable, and if sufficiently publicised, can help to illustrate progress in core areas of SSR in a short period of time. First generation reform is a necessary but not sufficient condition for SSR. As such it also needs to be accompanied by measures which target second generation SSR issues.

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[30] Anthony Forster, Timothy Edmunds and Andrew Cottey, 'Reforming postcommunist militaries', pp. 247–8.
[31] Gerhard Kümmel, 'Why engage in security sector reform abroad? International norms, external democratization and the role of democratic control of armed forces', Chapter 4 of this volume; Wilfried von Bredow and Wilhelm N. Germann, 'Assessing success and failure: practical needs and theoretical answers', Chapter 10 of this volume.
[32] Lombardini, 'An overview', pp. 16–24.

1.4.2   *Second generation SSR*

Second generation SSR tends to deal with the most intractable and difficult areas of the reform process and so is often inherently long-term and difficult to measure. However, progress in second generation issues is visible throughout Central and Eastern Europe. Certain SSR strategies have been particularly useful. These include, first, the provision of appropriate and coherent training for military personnel, and for civilians working in security sector bureaucracies. Over the long term, this can help to address inertia and opposition to reform by creating indigenous communities of reformers within the security sector itself.[33] Secondly, appropriate programmes for retraining security sector personnel dismissed as a result of reform or downsizing programmes can better prepare them for civilian life and increase their chances of finding civilian employment. This will allow former security sector personnel to better contribute to the economy as a whole and will lessen welfare demands on the state budget as a result of post-security sector unemployment. Increased employment opportunities will also lessen the number of former security sector personnel who become involved in organised crime or other destabilising activity as a result of dismissal. Thirdly, the establishment of human resource management structures and procedures within the security sector, including appropriate career paths, promotion based on achievement, and competitive salaries, is central to its professionalisation.[34] These measures are likely to improve retention rates and lessen the temptation for security sector personnel – such as border guards – to become involved in or complicit in illegal activity. Finally, the engagement of civil-society actors with security sector issues should not be seen as a threat by official security sector actors. In practice, constructive and proactive engagement can make a positive contribution to SSR, by strengthening the legitimacy of the security sector and providing an opportunity to widen and deepen mechanisms for democratic oversight and transparency.

1.4.3   *Engagement with the West*

Active engagement with Western countries and institutions also brings advantages to the SSR process. Thus, for example, in Central and Eastern Europe, NATO's specific programmes to encourage SSR – such as PfP – have advanced the pace of reform processes. This has been particularly visible in the Baltic States where Western engagement has been both in-depth and long-term, and where SSR has made significant progress.[35] While Western engagement in SSR is not without its problems – Central and Eastern European states have sometimes complained of conflicting, inappropriate or partisan advice – it does bring advantages. These include training for security sector personnel (including civilians) both in-country and at Western institutions, the provision of local advisors and financial

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[33] Timothy Edmunds, Andrew Cottey and Anthony Forster, *Defence Diplomacy in Central and Eastern Europe: Challenges to Comparative Public Policy*, Future Governance Papers (Hull: University of Hull, February 2001), p. 8.
[34] Donnelly, 'Shaping soldiers', p. 33.
[35] See for example: International Defence Advisory Board to the Baltic States, *Final Report* (10 February 1999), http://www.mfa.gov.lv/ENG/POLICY/security/idabreport.htm.

support for the reform process.[36] As with many first generation reforms, participation in Western sponsored activities – such as sending officers to Western staff colleges – can provide a visible demonstration of a country's engagement in SSR which can be easily publicised. In addition, many states in Central and Eastern Europe have been active participants in peacekeeping or multinational security sector activities. These help to expose security sector personnel to the norms and operating procedures of other countries and are high profile opportunities to communicate good practice and professionalism to domestic and international audiences. For example, the participation of Czech armed forces in peacekeeping missions has served to increase significantly their prestige among a previously sceptical general public.[37] However, if training and multinational experience are to have a real impact on SSR, it is important that the participating personnel or units are returned to positions within the security sector where they can have a genuine impact. The 'knock on' effects of officer training to the security sector as a whole may be limited if, for example, all Western-trained officers are subsequently posted to headquarters jobs rather than returned to their units.[38]

1.4.4 *Local strategies*

SSR cannot be imposed from above. While models of security sector organisation from other countries may be useful as reference points for particular SSR programmes, it is unlikely they will be successful if they are used as rigid blueprints for reform. Different historical, political, structural and social legacies create environments which require local, context-specific strategies for reform.[39] Thus, for example, the British constabulary model of policing differs greatly from the *gendarmerie* tradition in France, the *carabinieri* model in Italy or the role of interior ministry forces in much of post-communist Europe. Moreover, long-term SSR entails key second generation issues such as the development of expertise, and effective mechanisms for security sector planning. In this respect, the local process of developing appropriate democratic security sector arrangements can be at least as important as the policy end-point itself. Imposing an externally generated blueprint for reform avoids (sometimes difficult) domestic security sector planning processes, which in themselves are a fundamental part of SSR more widely. Finally, reform needs reformers. If the SSR process is not driven from within the local context then it is likely that it will remain superficial, and will not tackle the underlying problems of the security sector. Often, of course, reformers will be hard to find in the

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[36] Andrew Cottey and Anthony Forster, *Defence Diplomacy? Oxymoron or New Tool of Security Policy*, Adelphi Paper (Oxford: Oxford University Press for the IISS, forthcoming 2003).
[37] Štefan Sarvaš, 'Attitudes of the Czech public toward national security, the military and NATO membership', *Journal of Slavic Military Studies* 11:3 (September 1998), p. 86.
[38] Edmunds et al., *Defence Diplomacy*, pp. 6–7.
[39] For a wider discussion of this question, see: Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington DC: The Carnegie Endowment for International Peace, 1999), 96–101; Wade Jacoby, 'Tutors and pupils: international organizations, Central European elites and Western models, *Governance: An International Journal of Policy and Administration*, 14:2 (April 2001), pp. 169–90.

security sector itself – particularly if it perceives that its interests will be threatened or damaged by SSR. Under these circumstances, it can be useful to consider where reform is happening in other policy sectors (such as in finance ministries for example) and about how to harness and utilise this momentum and experience to help encourage reform in the security sector itself.

1.4.5   *Problem areas*

SSR entails changing often powerful and influential institutions with established traditions, interests and agendas of their own. Because of this it is always likely to be challenging. However, Central and Eastern European experiences point to particular difficulties in two areas. First, fundamental SSR is often *expensive*, particularly in the short to medium term. In the long term SSR will bring economic advantages for the reasons outlined above, but during the transitional phase professionalising and downsizing the security sector will often lead to an *increase* rather than a *decrease* in state budgets.[40] If SSR is to be successful therefore it requires a realistic financial commitment from the government concerned. A second SSR problem concerns a tendency to concentrate on reform of the regular armed forces, to the exclusion of security sector actors such as interior ministry forces or the intelligence services. This has occurred for two main reasons. First, because the prospect of NATO accession (which as an organisation is orientated towards regular armed forces) has been one of the key drivers of SSR in the region, reform has been biased heavily towards the military. Secondly because secretive institutions such as the intelligence services are inherently more difficult to penetrate and engage with than other elements of the security sector. However, the experience of countries such as Ukraine illustrates that often it is these other security sector actors who pose the most difficulty in relation to their engagement in domestic politics or their exclusion from democratic mechanisms for oversight and transparency.[41] It should be stressed again that SSR is a multifaceted issue, which entails reform efforts across a number of different governmental and policy spheres, often with different chains of command, responsibilities and bureaucratic norms and procedures. If it is to occur in a coherent, effective and successful manner therefore, it is critical that future reform efforts also include the more 'difficult' areas of the SSR agenda.

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[40] Donnelly, 'Shaping soldiers', pp. 30–1.
[41] Sherr, 'The development of civil-military relations in post-Soviet Ukraine', p. 224.

1.5   Conclusions

SSR has emerged as a key concept in policy and academic circles in recent years. It recognises that the role of security and security sector actors in processes of political and economic reform is important and complex, and not simply limited to questions of military praetorianism and civilian control over the armed forces. The scope of SSR will vary according to particular problems and circumstances but can broadly be defined as concerning 'the provision of security within the state in an effective and efficient manner, and in the framework of democratic civilian control'. SSR has important implications in six related areas: democratisation; good governance; economic development; professionalisation; conflict prevention; and integration with Western institutions. A reformed security sector can facilitate progress in all of these areas. A dysfunctional security sector can inhibit progress. While SSR is a process rather than an end-point, and has relevance for all states, particular SSR problems are faced by countries in post-authoritarian or post-conflict transitions. These include the politicisation of security sector actors, the absence of a clear delineation of security sector responsibilities and democratic, civilian controlled chains of command, problems of effectiveness and efficiency. SSR may also threaten the sectional interests of security sector actors themselves. Post-conflict security sectors are often outsized and a substantial drain on state resources. SSR in transitional states can be conceived as consisting of overlapping first generation and second generation reform issues. First generation reform is concerned with the establishment of appropriate institutional structures and legislation for democratic civilian control and depoliticisation. It is a necessary but not sufficient element of SSR. Second generation reform concerns the further consolidation of democratic procedures of oversight and transparency, the way structures and institutions implement policy, improvements in effectiveness and efficiency and the wider engagement of civil-society. SSR is complex and involves a variety of different interests and institutions. However, Central and Eastern European experiences point to several key criteria for successful implementation. These include the early adoption of key first generation reforms; the adoption of clear strategies to address long-term second generation reform issues; constructive engagement with the West; and the importance of developing local solutions for SSR problems.

2 Security sector reform in the Euro-Atlantic area: Choice or imperative?

Wilhelm N. Germann

2.1 Introduction

The new realities and challenges governing security in the post-Cold War era have brought about a variety of pressing reasons for engaging in security related reforms. These range from adjustments in traditional concepts and force structures, to today's altered security requirements, to comprehensive political reorientation and transformation, including the establishment of entire new national and regional security architectures.

These reform steps can not be pursued in isolation. New security challenges are global in nature. Their expressions are blurring the traditional distinction between external and internal threats. The terrorist attacks of September 11 have dramatically revitalised security as a primary collective concern for all states. As the roots and consequences of the new challenges are global, responses will have to be global as well, and built on cooperation rather than rivalry among powers and other actors. Adequate answers to contemporary security needs call for new conceptual ideas beyond those guiding traditional defence reform efforts and agendas.

It is against this background that the present paper reviews the challenges and prospects of the substantially changed security environment, evaluates the adequacy of current responses and revisits security sector reform (SSR)[1] as a theoretical and empirical concept concerned with developing and maintaining appropriate national security relationships and architectures. Focusing on the security needs and provisions for and within the Euro Atlantic area as a region of conceptual cohesion and manageable comparability, it delineates the broader context of related reform requirements, analyses the conditions for conceptualising the notion of security sector reform (SSR) as a guiding model for concrete action and explores the factors influencing the successful realisation of its aspirations. In so doing, the paper will contribute to the establishment of a conceptual framework for practical, problem-oriented and coordinated analysis and decision making.

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[1] If not otherwise defined this paper follows the broad understanding of SSR as a deliberate concept for significant changes in a country's security architecture leading towards a situation more suited to that country's needs. This concept involves all governmental and societal actors having a legitimate share in the state's monopoly on exercising power. Related operational concepts, norms and definitions are discussed in Chapter IV of this paper. See also Timothy Edmunds's paper on 'Security sector reform: concepts and implementation' in Chapter 1 of this volume.

2.2 The changed nature of security and consequences for reform

2.2.1 *The new challenges*

The post-Cold War developments have substantially altered the security landscape.[2] On the one hand they have brought about new chances for spreading peace and stability in an increasingly interdependent world.[3] However, on the other hand they have also generated dramatic evolutions with regard to new sources and types of conflict. These have resulted in the emergence of new patterns of applied violence[4] and their use in new types of war and warfare.[5] These new phenomena are jeopardising the common aspiration for progressively achieving a more peaceful, stable, equitable and rational political and economic world order. They challenge traditional threat perceptions as well as the validity of conventional assumptions on what constitutes security today. They are also placing a heavy burden on those responsible for designing and implementing adequate concepts and postures in order to address the new risks and threats.

These new risks and threats to the security of states, their societies and individual citizens are mainly generated by non military factors. As a consequence of the demise of the Cold War confrontation and the subsequent collapse of the bipolar security system, the focus on military threats and responses to these has substantially receded. We are facing a world today in which the immediate threat of an escalatory all embracing war has dramatically diminished. Most countries in the world do not face acute threats of foreign invasion. However, as recent armed conflicts have demonstrated, the world has not become a much safer place.[6] Military problems, hegemonies and power politics still exist. The greatest challenge of the contemporary world, however, is not rivalry over power or

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[2] In the context of the argumentation pursued in this contribution reference is to be made e.g. to: the end of the ideological and structural bipolarity and European divide, the dissolution of WP and SU and the emergence of a multitude of independent successor states, the further political and geographical integration of Europe, the evolution of extended Euro Atlantic Security structures, the 'third wave of democratization', the realisation of a dense network of arms control treaties and agreements, globalisation, increased technological progress and the 'revolution in military affairs (RMA)' on the one side and the reappearance of conflicts and wars and emergence of complex new risks to peace and stability etc., on the other.

[3] The inherent changes and their consequences are analysed and documented by a multitude of monographs and sources. Among those the following have to be highlighted: Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era*, NY (1991); Barry Buzan, Ole Weaver and Jaap de Wilde, *Security – A New Framework for Analysis*, Bolder, Colorado (1998); Charles Moskos, John A. Williams and David Segal, *The Post Modern Military Forces after the Cold War*, NY (2000); Lawrence Friedman, *The Revolution in Strategic Affairs*, IISS Adelphi Paper 318, London (1998); Klaus Naumann (former Chairman MC NATO), *Frieden, der noch nicht erfüllte Auftrag*, Hamburg (2002).

[4] See Ulrich K. Preuss, *Krieg, Verbrechen, Blasphemie: Zum Wandel bewaffneter Gewalt*, Berlin (2002).

[5] With regard to contemporary conflicts and wars and related methods of warfare see in particular: Mary Kaldor, *New and Old Wars – Organized Violence in a Global Era*, Stanford (1999) (and the extended German version: *Neue und Alte Kriege*, Frankfurt (2000)); Herfried Münkler, *Die Neuen Kriege*, Reinbek (2002); Thierry de Montbrial, *L`action et le Système du Monde*, Paris (2002) and Rüdiger Voigt (ed.), *Krieg – Instrument der Politik? Bewaffnete Konflikte im Uebergang vom 20. zum 21.* Jahrhundert, Baden-Baden (2002).

[6] The Balkan wars accompanying the dissolution of the FRY, the wars in the Caucasus, the continued armed conflicts within and around Afghanistan, the numerous civil wars in the Sub Sahara region, the more or less open conflicts in South East Asia and finally the conflicts in West Africa testify to the fact that only interstate wars have become more remote but not wars and armed conflicts as such. See Herfried Münkler, *Ueber den Krieg – Stationen der Kriegsgeschichte im Spiegel ihrer theoretischen Reflexion*, Weilerswist (2002).

territorial expansion. Instead, it concerns new threats of global terrorism, the proliferation of weapons of mass destruction and organised crime, as well as local and regional conflicts.[7]

These factors are mainly the result of developments preceding the immediate consequences of the collapse of the bipolar security system. They find their roots in the proliferation of technology and production skills, that enables even small developing countries to acquire weapons and delivery means which can pose a real threat to major powers. Furthermore they include the growing gap between rich and poor countries as another source of instability and tension.[8] Ethnic unrest, poverty and famine and environmental deterioration have increasingly come to the forefront and feed on discontent and desperation. Their consequences are aggravated by expressions of militant nationalism and religious fundamentalism, by incompetent government, social injustice and a lack of democracy. These factors generate not only serious security problems such as illegal migration, or the smuggling of drugs, small arms and people etc.[9] They also create breeding grounds for extremism that can, in turn, produce regional unrest, escalate ethnic and religious conflicts, stimulate terrorism and lead to continued violation and the abuse of human rights by a variety of actors including states themselves.[10] A growing number of states are too weak to control developments on their territory and, consequently, have become a base and asylum for international crime and terrorist networks.[11]

The United Nations, whose main purpose is to harness the strength of its member states in order to maintain international peace and security, has limited abilities in this area, despite the enormous collective resources and capabilities of its members.[12] The emergence of 'asymmetric wars'[13] has put to the test traditional legal and political security mechanisms that are still based on the prevention of armed conflict among states and the non-interference in their internal affairs.[14] 'Classical' wars are becoming historically discontinued[15] and obsolete.[16] What some have termed 'new

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[7] SIPRI Yearbook 2002, Press Release, 13 June 2002.

[8] Münkler (Die neuen Kriege, op. cit., p. 17) points out, that it is the potential prosperity and expected wealth rather than definitive poverty that creates the more important incentive for and cause of war.

[9] See The Alliance`s Strategic Concept, Washington, Nov. 1999 paras 3 and 20 ff.; Lord Robertson, Investing in Security, *NATO Review,* Brussels, Autumn 2002; Münkler, Die Neuen Kriege, op. cit., pp. 131–73.

[10] See Christopher Donnelly (Special Adviser for Central and East European Countries to the NATO Secretary General), European Security and the Challenge of Terrorism, unpublished manuscript, Brussels, March 2002, p 2.

[11] See Buzan, People, op. cit., pp. 52 and 96 ff.

[12] See Robert D. Kaplan, *Reisen an die Grenzen der Menschheit*, München (1996), p. 17 ff.

[13] Münkler refers to three developments that characterise the emerging new wars: (a) the erosion of state power and privatisation of martial violence; (b) the asymmetry of the latter, meaning that unsimilar/unequal adversaries/opponents fight or combat each other and (c) the successive autonomy of hitherto militarily controlled patterns of applied violence. These developments, in particular in their expression as terrorism, have for the time being found their culmination in the 9/11 terrorist attack. (See Münkler, op. cit., pp. 10/11 and 54.) Terrorist attacks are seen as part of the strategy of asymmetrical warfare. They aim at causing maximum damage to opponents, societies and states with a minimum of own risk and involvement. The damage envisaged and caused is not primarily of a material nature but rather focus on psychological effects and results. Related strategies follow the experience that modern societies are most vulnerable where they can be attacked most easily. This refers in particular to their psychologically highly sensitive economic networks. (See Herfried Münkler, Das Ende des Klassischen Krieges, Warlords, Terrornetze und die Zukunft kriegerischer Gewalt, in: Neue Zürcher Zeitung (NZZ), 14/15 Sept. 2002, p. 73.)

[14] See Münkler, Das Ende, op. cit.; M.J. Glennon, 'The rule of law is breaking down', *International Herald Tribune*, 22 Nov. 2002, p. 7. See also Karl M. Meersen, 'Selbstverteidigung als werdendes Völkerrecht', in: *Neue Zürcher Zeitung*, 18 Feb. 2003, p. 5.

[15] Münkler, Die neuen Kriege, op. cit., p. 7.

[16] Ibid.

wars' are fought by semi- or para governmental and even private actors such as local warlords and guerrilla gangs, globally operating mercenary firms and international terrorist networks for which violence and war (among themselves and/or against societies and states) have become a permanent and often lucrative activity.[17] The illegal trade in drugs, arms, intellectual property, people and money is booming. Like the war on terrorism, the fight to control these illicit markets pits governments against agile, stateless, and resourceful networks. These wars will continue to be lost until new strategies are implemented to deal with the larger, unprecedented struggle that now shapes the world as much as confrontations between nation-states once did.[18] In these struggles the difference between war and crime, between the legitimate use of force and coercive business fades. The distinction between combatants and outlaws has become increasingly blurred. Under these conditions violence becomes an independent and uncontrolled self-driving factor, taking hostage of societies, their citizens and values.

Since the war in Bosnia, the European countries have been repeatedly reminded that this changed nature of war and warfare is not restricted to the third world but involves the Euro Atlantic area directly. The privatisation of violence and asymmetrical threats are not only phenomena in and for regions with so-called faltering or 'failed states'.[19] As the 9/11 attacks have demonstrated, these phenomena have – in the form of international terrorism – also seized the prosperous zones of the northern hemisphere. No country can escape a certain type of vulnerability. Long neglected, and often indirect threats have turned into direct and physically felt realities. Even an overwhelming military superiority does, at this juncture, not provide a convincing and effective guarantee against asymmetric threats.

There is not one single cause that creates these new security conditions and generates acute or potential new threats. Rather it is a combination of different factors. Their causes and phenomena are of a global nature. However, since many of the risks are global, responses should also be global. Since they are multidimensional and comprehensive, their answers also have to be comprehensive. This affects security alliances, nations and societies alike. The increasing number of cases that call for humanitarian foreign intervention in order to end protracted massive violation of human rights or civil wars contrasts sharply with the diminishing preparedness and capacity of the international community

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[17] Of all the wars conducted over the last 45 years, fewer than one-third were classical inter-state wars. All the others were intra-societal or intra-state wars in which local militia, internationally recruited guerrilla groups, worldwide operating terrorist networks as well as local and regional warlords were involved. Targeted or neglected victims are not the opponent's armed forces but the civilian populations. The ratio of military to civilian casualties in those wars has been completely reversed. (See Münkler, op. cit., p. 26 and Kalder, op. cit., p. 246). Potential loss of life is normally considered as regrettable collateral damage. For terrorists however, civilian targets are just seen as legitimate targets as are the military ones. They are even more attractive because of the relative ease in attacking them and the tremendous psychological impact such an attack could have. (See E.V. Buckley, Introductory remarks to the PFP Planning Symposium in March 2001, EAPC/PFP (PMSC) N (2001) 0018.

[18] Moises Naim, 'The five wars of globalization', in *Foreign Policy* Jan/Feb. 2003, pp. 28–37; see also Richard Friman and Peter Andrea, *The Illicit Global Economy and State Power*, Lanham (1999) and John Arquilla and David Ronfeldt, *Networks and Netwars*, Santa Monika: RAND (2001).

[19] The term has been introduced by Madeleine Albright in reference to those states (like Somalia, Angola, Sudan and Afghanistan etc.) that did not succeed in establishing a lastingly stable internal order through the installation of a central authority with the monopoly of using power, law enforcement and taxation. See Preuss, op. cit., p. 42.

to engage in such missions. As the current disputes over the adequacy of an armed intervention in Iraq demonstrate this is a challenge with unexpectedly far-reaching consequences for redefining security and for providing the necessary conceptual, material, managerial and operational answers for security related reform efforts.

2.2.2 *The search for adequate responses*

Against this background it is no longer appropriate to define security exclusively in terms of defending territorial integrity, state sovereignty and freedom of political self-determination. Security today is no longer simply synonymous with defence and can no longer be considered solely as the absence of war and military intimidation. The substantially changed criteria and prerequisites of security as a public good have made its realisation an ever more sophisticated, multidimensional, interrelated and increasingly cooperative endeavour. It is a task which under the prevailing circumstances calls for the implementation of a more balanced and better coordinated 'double' strategy based on the mutually supporting elements of *protection* (including dissuasion and defence) and *prevention* (on an extended material and geographic scale).[20]

The *protection* of state sovereignty and territorial integrity remain the primary tasks for most states. However, related postures are also affected by the growing demand for respect of democracy and human rights. These include the establishment of related economic and social conditions. All these premises are clearly stipulated, e.g. in the Charter of Paris for a New Europe.[21] The dimension of 'human security',[22] already present in the UN Charter, but inhibited by the bipolarity of the Cold War, has become an integral part of strategies for preventive action, humanitarian intervention and relief activities in threatened and war-torn societies. It has become quite difficult for states and security organisations to fall back behind these standards in the reform of their means and operational concepts, despite their partly selective individual interests and the new challenges such as those caused by Al Qaida or Saddam Hussein.[23]

Post 9/11 security still contains major military elements. To varying degrees armed forces remain the pillars of national security interests and provisions.[24] However, existing risks and emerging threats require different responses than in the past with regard to both protection as well as prevention. These demand a different array of means, including those that are not primarily military. With regard

[20] See Klaus Naumann, Schutz und Prävention – eine Doppelstrategie, in: *NZZ*, 6 Nov. 2002, p. 7.

[21] Declaration of the Heads of States of the CSCE on 'A New Era of Democracy, Peace and Unity' adopted in Paris on 21 November 1990, in particular the chapter on 'Human Rights, Democracy and the Rule of Law.

[22] See Francisco Rojas Aravena, 'Human security: the emerging concept of security in the 21st century', in: *Disarmament Forum* (UNIDIR) 2 /2002, pp. 5–14; Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), *Security Sector Reform in Developing Countries*, Bonn, October 2000; UNDP, Human Development Report, New York. 1994.

[23] See Peter Maurer (Head Political Directorate, Swiss Ministry of Foreign Affairs), Menschliche Sicherheit – neues Konzept der Aussenpolitik, in: *NZZ*, 2 December 2002, p. 11.

[24] 'There can be no doubt, that effective military means will remain a precondition for our security. As Kofi Annan once memorably put it: `You can do a lot with diplomacy, but much more with diplomacy backed by effective military force.' Lord Robertson, Defence and Security in an Uncertain World, Speech held at the European Forum, Brussels, 17 May 2002.

to the latter, passive defence options and protective measures remain essential, but they have changed in nature. The new challenges require new options and capabilities, both offensive and defensive, in order to protect populations and facilities at home adequately and for dealing with terrorism and the causes for 'humanitarian intervention'[25] at their source. Nowadays armies may have to be deployed in support of domestic police operations. They may have to go out to deal with the threat in the countries from which it is generated. Today forces must expect to be deployed beyond national territory, sustained there (perhaps over long periods) and used. As Christopher Donnelly observes, 'this will not be passive peace keeping or deterrence by simply waiting. Troops will have to fight.'[26]

This has always been the ultimate task of soldiers. However, under the new conditions and changed circumstances for preventive action and protective intervention against asymmetric threats abroad this requirement represents a serious burden for all actors involved. What is new for many countries is that this is not the direct defence of the homeland in a well-known geographical, cultural and legal environment wherein acting within the restrictions of proportionality and international humanitarian law remains relatively easy and manageable. It is no longer an environment in which the soldiers` motivations are generated and maintained by the visible and genuinely felt connection with the people, territories and values to be protected and defended directly. In peace support operations and in particular in actions against terrorism abroad this link is much more indirect and abstract and may cause unpredictable repercussions on civil-military relations in times of crisis and war. This is particularly the case when operations with ground forces are required. These circumstances and risks call for solid professional skills and abilities on both sides – military and civilian. Furthermore they call for shared views on guiding norms and values and the common conviction of the legitimacy and appropriateness of defending the latter in the way and place chosen. It is this context that raises the importance of public awareness of their democratic norms and values and the democratic structure and management of their respective security sectors.

As a consequence, the kind of forces that alliances, *ad hoc* coalitions of the willing and individual countries may choose to project, maintain and use abroad, in the wider sense of legitimate defence, confronts nations with the need for substantive reforms of and within their military systems. Reforming the latter, however, has to go beyond the efforts invested so far, that have focused almost exclusively on defence reform. As experiences from the interventions in Bosnia and Afghanistan have drastically demonstrated, these have to be embedded in an overall reform of the guiding security architectures and extended security sectors commensurate with the growing recognition of security as a multidimensional phenomenon and the increased importance of economic, social, legal, cultural and other causes of insecurity and conflicts.[27] This, however, raises other vital issues and objectives of

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[25] See Herfried Münkler, *Ueber den Krieg: Stationen der Kriegsgeschichte im Spiegel ihrer theoretischen Reflexion*, Weilerswist (2002), pp. 236–42.
[26] Chris Donnelly, European Security and the Challenge of Terrorism, op cit, p. 4.
[27] See Buzan, People, op. cit., p. 171.

reform: those of the scope, management, responsibility and accountability of security sectors,[28] on the one hand, and of the relevance of democratic structures and oversight, on the other.

2.2.3   *The scope of actors and the role of democratic security structures*

The realisation and maintenance of adequate security structures at legitimate costs to societies have become the responsibility and competence of an extended scope of actors – at both national and international levels. As a logical consequence of the fact that security is no longer purely a military concern, it is even less solely the preserve of ministries of defence and foreign ministries, traditionally the main bodies involved in and responsible for security cooperation. The nature of threats to security *at home*, the unpredictability of asymmetrical attacks, the variety of unprotectable targets and vulnerabilities of different quality, sensitivity and scope as well as the probability of having to use armed forces internally in policing and domestic law enforcement functions, require an *a priori* delimitation of competences and an increased coordination among the various actors. This is indispensable in order to act legitimately and react adequately, in a timely way and successfully in a state of emergency.

This is also true for activities *abroad* – in humanitarian interventions as well as in other peace support operations. As particular operations in Kosovo have revealed, for example, a much more sophisticated pattern of civil-military task sharing including the involvement of an extended range of agencies and actors is necessary in order to cope successfully with tasks such as separating conflicting forces, establishing and securing of ceasefires, providing humanitarian assistance, maintaining law and order and simultaneously establishing the foundations for rebuilding confidence and reconciliation. Soldiers are not trained and prepared for substituting mayors, managers, chief administrators, law enforcement personal and so on in war-affected cities and communities. They were obliged to do so temporarily in Bosnia as well as in Kosovo due to a lack of any alternatives and they did it surprisingly well, but these and related tasks would have been more economically and competently accomplished by civilian experts made available by international organisations, individual states and their respective institutions.

As a consequence security requires a much higher degree of burden sharing and coordination within and among international organisations and internally, among the 'external' ministries and their agencies (armed forces, intelligence services), with those of the 'interior' ministries (internal affairs; education; finance; overseas development; transport; environment) and their agencies (police forces;

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[28] With regard to substance and scope of what constitutes the 'Security Sector' this paper follows the operationalisation of the term by Malcolm Chalmers (*SSR in Developing Countries: an EU Perspective*, Saferworld/University of Bradford, January 2000) taking 'Security Sector to mean all those organizations which have authority to use, or order the use of force, or the threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. It includes: (a) military and paramilitary forces; (b) intelligence services; (c) police forces, border guards and customs services; (d) judicial and penal systems; (e) civil structures that are responsible for the management and oversight of the above.'

security services; disaster relief agencies etc.). Today security incorporates social development and demands the involvement of all elements of society in a way which the Cold War days did not.[29] It calls for mechanisms of security related good governance. Meeting these new security requirements demands the reform of national structures and patterns of investment and governance. Likewise it demands the further evolution of security-related international institutions and their interlocking mechanisms. There have been a number of proposals for conceptualising the idea of 'Security Sector' as an operational concept for related reform(s).[30] However, defining new concepts solely by the scope of actors involved, rather than by normative objectives and functional needs of their interrelationships and coordinated mechanisms, falls short of the necessary normative and operational requirements of an overall reform.

Coordination of conceptual approaches and operations in a vast field of varying challenges and vulnerabilities among actors of different size and power, culture and political orientation, needs an integrating element for sustained commitment and lasting cooperation. Under the prevailing circumstances and conditions, this role is implicitly pursued through the awareness of shared values within democratically structured and controlled security sectors. The foundation of reforms of democratic structures and procedures responds to functional as well as normative needs and explicit preferences. It reflects shared values that generate the preparedness for cooperative action, role and burden sharing with regard to their common protection and defence.[31] The pursuance of democratic rules and the promotion of societal participation and shared responsibilities, establish the necessary source of legitimacy for the maintenance of armed security forces and support for required preventive or proactive armed intervention. It is a precondition of and for good governance. It also creates a barrier against an undesirable alienation between societies and their armed services as a consequence of further decisions to abolish conscription.[32] This trend places the burden of military contributions on an ever smaller group of highly professionalised soldiers and affects civil-military relations as well as the legitimate democratic control of the armed forces.

Armed forces that are democratically controlled and fully accountable are part and parcel of a mature democracy. Democratically reformed and integrated defence and security forces generally spend scarce resources more efficiently, are less of a burden to the overall economy and are able to work more efficiently with other ministries and agencies. Civilian control prevents the armed forces from intervening in party politics, taking sides or enhancing their position.[33] Furthermore, experience suggests that democracies do not wage war against each other,[34] meaning that democratically

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[29] See Donnelly, op. cit., p. 3.
[30] These are thoroughly discussed by Dylan Hendrickson and Andrzej Karkoszka, 'The security sector and the challenges of its transformation', op. cit.
[31] See Lord Robertson, Defence and Security, op. cit.
[32] See Wim van Eekelen, Democratic Control of Armed Forces: The National and International Dimension, DCAF Occasional Paper No. 2, Geneva, October 2002.
[33] See Joo, op. cit.
[34] Empirical surveys of the wars conducted in the last century support the conclusion reached by Immanuel Kant that republics tend to be extremely prudent in their decision to go to war, as those who make the decision are identical to those

controlled and guided armed forces pose a considerably smaller risk of internal abuse and of threatening international posturing. The obligations of democratic, civilian control of the armed forces are pertinently summarised in the provisions of the OSCE's *Code of Conduct on Military Aspects of Security*[35] and political documents of other regional organisations. They are of a political nature and thus not (yet) legally binding. Yet, design and implementation of future concepts and strategies can no longer be perceived without explicit recognition of their normative provisions.

2.3   Security sector reform in the EA area: efforts and realities

2.3.1   *Trends and intentions*

Over the past decade, many efforts have been invested by established and emerging democracies in transforming and reconciling individual security architectures and adapting and reforming policies, structures and postures of security alliances in line with these changed and changing requirements. NATO member countries committed themselves to a broader view on and vision of security in the Alliance's New Strategic Concept.[36] They opened the Alliance's activities for cooperation on a broader scale through the establishment and development of the Partnership for Peace programme (PfP)[37] with the former communist countries of Central and Eastern Europe. NATO member states pursued defence reform as an ongoing process with greater intensification after the Washington Summit of 1999, when the Defence Capability Initiative (DCI) was launched. The process of appropriate reforms was placed under further scrutiny after the September 11 terrorist attacks. At their recent 'transformation summit' in Prague NATO member states endorsed *inter alia* the creation of a special NATO Response Force as well as a military concept for defence against terrorism.[38]

In the case of Partners in the PfP, in particular those participating in the 'Membership Action Plan' (MAP), defence reform (though, not security sector reform) is pursued seriously and closely monitored by the Alliance.[39] PfP started out by concentrating on assisting partners in their defence reform efforts. Meanwhile, many nations have gone a long way and are well into major reviews of security sector priorities in order to tackle the new threats and risks. Both allies and partners continue their reform agendas with the increased awareness that reform of the armed forces and of the broader security and defence forces and structures have to be viewed together.

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who have to bear the costs and consequences: the politically active and participating citizens. Kant deduces from this a significantly reduced preparedness of democracies to wage war. With regard to a detailed and differentiated discussion of the validity and applicability of the 'theory of democratic peace' see Münkler, Die Neuen Kriege, op. cit., pp. 207 ff.

[35] See Victor Yves Ghébali, 'The normative contribution of the OSCE to the democratic control of armed forces: the added value of the OSCE Code of Conduct of Politico-Military Aspects of Security', in Chapter 7 of this volume.

[36] See initial concept of 1991 and revised concept of 1999 in *NATO-Handbook 2001*, pp. 35 ff.

[37] See initial concept of 1994 and revised concept of 1999 in *NATO-Handbook 2001*, pp. 61–94.

[38] See November 2002 Summit Declaration, in: NATO Press Release, Brussels, 21 Nov. 2002.

[39] George Katsirdakis, Defence Reform and NATO, unpublished manuscript, Brussels, Spring 2002.

The countries of post-communist Central and Eastern Europe (CEE) are engaged in considerable efforts in relation to the downsizing, restructuring and retraining of their military forces. Having formed part of a heavily militarised environment under communism, these were no longer affordable or appropriate in the context of democratic change. Moreover CEE countries made considerable efforts in order to enable their armed forces to contribute to crisis management and peacekeeping operations in the interest of stability and security of the whole of Europe.[40] Furthermore, they have initiated and continue to promote the process of realising appropriate democratic structures of their security sectors and democratic oversight over their armed services.[41]

The European Union and its member states have increased their roles in conflict prevention through targeted promotion of human rights, democracy, the rule of law and good governance.[42] They have focused their external assistance for promoting security related reforms in developing and other countries in transition with the objective of enhancing these countries' chances to establish the political, institutional, structural and economic foundations for democratisation. The exclusion of security problems from the development policy discussion is declining.[43] This change in focus has also occurred in the approach of the World Bank, the Organisation for Economic Cooperation and Development (OECD) and other multinational organisations involved in development assistance.[44]

All these international actors have important roles to play. So do the results of their reform endeavours. With regard to the overall objective of increasing internal and external security and promoting international stability at legitimate and bearable societal costs, the best outcomes will only be achieved through role and task sharing and closely coordinated collaboration on the basis of an agreed and convincing operational concept. This, however, is a precondition that has been badly neglected among international agencies, NATO members and their partners as well as among actors within national security sectors. This neglect has substantially hampered timely initiation, pursuit and realisation of the necessary reform steps thus calling for compensating additional and more focused efforts.

2.3.2 *Reform realities*

Most practical efforts towards reforms in the security domain, including those made by and within established democracies, have remained selective and limited. Their adequate realisation in terms of a balanced and pertinent holistic approach as intended by the concept of SSR has so far suffered from a

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[40] See Andrew Cottey, Timothy Edmunds and Anthony Foster, 'Military matters – beyond Prague', in: *NATO Review*, Brussels, Autumn 2002.
[41] For a detailed report on related tasks and problems see Andrzej Karkoszka, 'Defence reforms for democracy in Eastern Europe from 1989 to 2002', in: *Procedures of the DCAF elements of the 5th International Security Forum in Zurich in November 2002*, Geneva, Spring 2003.
[42] See Chalmers, op. cit.
[43] See Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), op. cit.
[44] See Jane Chanaa, *Security Sector Reform: Issues, Challenges and Prospects*, IISS, Adelphi Paper 344, London 2002.

variety of practical obstacles. Due to the burden of inherited assets and habits, and in particular, unaffordable costs at competing priorities, the scope and intensity of security sector reform efforts are often still governed by a difficulty in thinking beyond the concept of traditional defence reform. This has prevented corresponding reform concepts and agendas from definitively reaching beyond defence reform agendas. As a result, the multitude of related reform efforts are still conducted within the limits of traditional regional security concerns, national habits and preferences, economic constraints and correspondingly narrow concepts on the one hand, and only partial implementation of comprehensive reform ideas on the other hand.[45]

The progress achieved so far towards pertinent adjustments and adaptations of policies and structures in the Euro Atlantic framework should not be underplayed.[46] The overall results, however, are hardly satisfactory. With a view to current and foreseeable security challenges the potential of preventive policies is neither adequately conceptualised, nor materially supported. With regard to the implementation of existing options, few of Europe's men and women under arms are usable in practice. Only few of them are sufficiently trained and skilled, adequately equipped and easily deployable professionals who are interoperable with US forces on an equal footing.[47] Decisive reform steps in terms of policies, postures and related material adjustments are still outstanding despite the decisions taken at the last NATO summit in Prague.[48] As Donnelly observes, 'much of Europe's defence budget continues to be spent on maintaining the wrong kind of armed forces for today's threats'.[49] Experience from Kosovo to Afghanistan shows that most of Europe's troops can still only be used for certain limited tasks in peace support operations and in combating terrorism.[50] The Alliance definitely needs more harmonised concepts for crisis and conflict prevention and management and corresponding new capabilities.[51] However, this is only one side of the coin and does not take into account the required additional aspects of defence and security sector management, civil-military task and responsibility sharing and societal cohesion.

Armed forces will be confronted with a variety of tasks that are more of a policing nature and go well beyond those activities for which soldiers are usually trained and equipped.[52] Separating belligerents, resettling refugees, the delivery of food and medical supplies, providing security for humanitarian organisations and so forth create demands that, if not entirely new, are certainly of a

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[45] See among others A. Karkoszka, Defence Reforms for Democracy, op. cit.

[46] See Cottey, Edmunds and Foster, Military Matters, op. cit.

[47] See Th. Winkler, *Managing Change. The Reform and Democratic Control of the Security Sector and International Order,* DCAF Occasional Paper No. 1, Geneva 2002, p. 27. http://www.dcaf.ch/publications/Occasional_Papers/1.pdf.

[48] The November 2002 NATO 'transformation summit' adopted, e.g. a comprehensive package of measures based closely on NATO`s Strategic Concept of 1999; however, without seizing the opportunity to substantiate further the necessary conceptual adjustments for a more synergistic civil-military role sharing in its core functions. See NATO Press Release, Brussels 21 November 2002.

[49] Donnelly, op cit.

[50] Ibid., p.4.

[51] Following NATO`s Secretary General's repeated reminder that allies need more wide-bodied aircraft, and fewer heavy tanks, more precision-guided weapons, deployable logistic support troops, ground-surveillance systems, and protection against chemical and biological weapons. It needs forces that are slimmer, tougher and faster, forces that reach further, and can stay in the field longer. See Lord Robertson, Investing in Security, op. cit.

[52] See Kaldor, New and Old Wars, op. cit., pp. 124 ff.

larger scale than those which the military has traditionally contended.[53] Combating terrorism as 'the war of the future'[54] is not a military task in the traditional sense, but rather a protracted police and intelligence operation of a truly global dimension.[55] This is to a certain degree also true with peace support operations, humanitarian interventions and post-conflict reconciliation tasks. However, the armed forces of NATO members and partner countries continue to be trained and educated within the conceptual limits of managing symmetric conflict situations. This is also true with regard to the establishment and management of mechanisms for civil-military role and institutional task sharing.

Most European countries, therefore, face the difficult challenge of security sector reform including military reform on a massive scale.[56] What is true for NATO member states, candidates for Alliance membership and traditional democratic partners, is even more the case for the emerging democracies and other countries in transition. Their relatively difficult economic conditions have forced them to set hard priorities. These are mainly seen in meeting the conditions set for NATO and EU membership. Their efforts with regard to any improved efficiency of their forces and to realising the principle of democratic overseeing of the security sector as precondition for internal stability and external cooperation have, however, remained fragmented.[57]They do not yet meet the requirements of an adequately pursued broad and holistic concept.

The reform processes underway will take a long time to see through. But their implementation is being spurred on by the realisation that, were they to be postponed even further, reform would be even more difficult in the future. However, to translate this assertion into action, the prevailing lack of conceptual decisiveness has to be overcome. If the further widening of the gap between the growing needs for combating terrorism and international involvement in humanitarian interventions on the one hand and reduced capabilities for such actions on the other, is to be halted, new and collectively supported reform efforts are needed in order to generate more appropriate conceptual ideas and material prospects for their collective realisation. It is against this need that the chapter now reconsiders what the holistic approach of a (or *the*) concept of SSR [58] may contribute in this regard.

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[53] Moskos, op. cit., p. 3.
[54] Madeleine Albright, cited in Moskos, op. cit., p. 17.
[55] Winkler, op. cit., p. 27.
[56] According to C. Donnelly, inherent reform requests: (a) to restructure military forces within an alliance context so that they can play a useful role in new forms of warfare; (b) to develop other national security forces (police, gendarmeries, border guards, intelligence and counter-intelligence services) so that they can cope with the new threats and provide for their international collaboration (either through NATO, the EU, or other agencies); (c) to develop the inter-ministerial cooperation necessary to enable the various ministries which now need to cooperate to deal with the threat actually to do so effectively; and (d) to invest more heavily in crisis and conflict prevention. See C. Donnelly, op. cit., p. 7.
[57] Chris Donnelly, 'Military matters: reform realities', *NATO Preview,* 49: 3, Autumn 2001.
[58] In the following, attention should be paid to the use of the term 'security sector reform': it clearly makes a difference in conceptual outlines and related agendas whether SSR is used as e.g. a simple logical reference to an activity or value-free expression of a task or an objective, a value-laden conceptual notion, programme or agenda or a reference to a specific theory or well-known empirical concept etc. Current usage continues to be dictated by the concerns and interests of particular actors and agencies and remains a source for misperception and misunderstanding. What is meant by SSR has to be 'operationalised', i.e. described in the context and purpose of its use and against the realities of every given case. The pursuance of this rule is a precondition for necessary clarity in conceptual work, declaratory policy and implementation strategies.

2.4 The concept of 'security sector reform'

2.4.1 *Revisiting security sector reform*

'Security sector reform' could well be perceived as an effective answer to the challenges discussed above. However, it has never been conceived as a comprehensive operational answer to the deficiencies of international security and stability. Many of its basic aims and aspirations have (although under different circumstances) already been integral parts of the wider security concept and related strategies and agendas without explicit coordination and operationalisation under this or another similar term. SSR as an operational term and notion is surprisingly new. It has its roots in the post-Cold War academic debate on issues of good governance within the framework of development cooperation and has been further elaborated as a concept for assisting states, in particular those in transition to democratic structures, in enhancing the security of their citizens through the establishment of well-governed security sectors and democratic structures.[59] Further development of the underlying approach has also increased the interest of established democracies in improving their overall security provisions by better managing the interrelationships between, on the one hand, the armed forces, the police and other internal security agencies, border guards and the intelligence community and, on the other hand, between the respective components of the security sector and the constituent institutions of the democratic state and this in peace, crisis and war.[60]

Although SSR is gaining ground as a broad and ambitious notion concerned with developing and maintaining certain types of security relationships and architectures most commonly associated with liberal democracy, no shared understanding exists at the international level of what the term means and what issues related concepts and agendas should cover. There is still no clear and agreed set of definitions either. With a view to the underlying motives and ideas, different conceptual understandings compete. While the development oriented SSR agendas of individual donor countries and international agencies focus on issues of good governance and democratic structures in particularly exposed countries, SSR processes in the emerging democracies are of a much wider scope and intensity. They include the realisation of principles and objectives such as democratisation, good governance, economic development, professionalisation, conflict prevention and integration with Western institutions.[61]

The inherent logic of SSR as pursued by the development community starts from the assumption that state aspirations to democratic governance and stronger economies require capable administrative and political structures and that a key element of this is a well-governed security sector. This comprises the civil, political and security institutions responsible for protecting the state and the

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[59] See in particular Dylan Hendrickson and Andrzej Karkoszka, 'The security sector and the challenges of its transformation', in: *SIPRI Yearbook 2002: Armament, Disarmament and International Security*, Stockholm (2002), pp.175–201.
[60] See Winkler, Managing Change, op. cit., p. 5.
[61] See Edmunds, op. cit.

communities within it. SSR is thus part of an attempt to develop a more coherent framework for reducing the risk that state weakness or failure will lead to disorder and violence with the potential of spillover to neighbouring countries and/or other regions. The restoration of a viable national capacity in the security domain should be based on mechanisms that ensure transparency and accountability, and is a vital element of the overall effort to strengthen governance and a precondition for the security of the society and its citizens. It is also a basis for the realisation of contemporary human security standards as stipulated in the Paris Charter or Sections VII and VIII of the OSCE Code of Conduct.

These issues are also important elements of NATO`s (and the EU`s) attempts to formalise operational answers to new asymmetrical threats and their symptoms. However these are still pursued under different labels. They mainly focus on the most pressing of the various aspects, and in particular combating terrorism. It is explicitly the European Atlantic Partnership Council (EAPC) that has emerged as the prime catalyst for greater conceptualisation of the notion of SSR in order to make it central. As the report on the recent meeting of its Politico Military Senior Committee (PMSC) on Cooperative Security in the Euro Atlantic Area and the Changing Functions of Security Sector Reform concludes: 'Security Sector Reform is a continuing process, bearing the hopes of a continent and the Alliance, [and] in turn the EAPC/PFP is beyond any doubt, the right tool of dissemination and promotion of this future concept.'[62]

The scope and substance of such a future concept are well illustrated in the proposal to include SSR as a new chapter in the PfP Partnership Work Programme. This proposal was introduced by the Swiss delegation in the EAPC/PMSC in April 2002.[63] Although a formal decision has not been taken, at this juncture observance of following EAPC activities indicates that there is increased support for the activities suggested.[64] These aim primarily at enhancing SSR issues such as in the areas of parliamentary oversight of armed forces; the legal dimension of the democratic control of armed forces; transparency building in defence budgeting and procurement; civilian experts in national security policy; democratic control of police and other non-military security forces; civil-military relations; conversion and force reductions; military and society; civil society building and civil-military relations in post-conflict situations.[65] These suggestions translate the normative direction of SSR into an operational proposal, following the broad understanding of SSR as a conceptual approach for the provision of security *for and within* the state in an effective and efficient manner that explicitly places related tasks and efforts into the framework of democratic civilian control.[66]

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[62] EAPC/PFP (PMSC) N (2002) 0059, Annex 4.
[63] EAPC/PfP (PMSC) N (2002) 0025.
[64] This has been confirmed by the PMSC Workshop on 'Cooperative Security in the Euro Atlantic Area and the Changing Functions of Security Sector Reform' held in Geneva from 30 September to 1 October 2002. See Chairman`s Report, EAPC/PFP (PMSC) N (2002) 0059.
[65] See EAPC/PfP (PMSC) N(2002) 0059, Annex 4.
[66] Edmunds, op. cit., p. 2.

2.4.2   *Security sector reform or defence reform?*

While the comprehensive normative approach to security is uncontroversial and fundamental, the practical effectiveness of its application in terms of SSR has so far been limited in developing countries and in other countries in transition. Despite the cogency with which the SSR philosophy is presented in the area of development assistance, operational success has so far only occurred in relatively exceptional circumstances.[67] The reform efforts of the emerging democracies in Central and Eastern Europe have mainly been guided by singular requirements and conditions explicitly set by the organisations they expect to adhere to, instead of following the coherent conceptual logic of SSR. Thus SSR has still to prove its practical value as a *guiding* concept for pertinent reform, despite its extensive potential for conceptualising and operationalising comprehensive practical 'holistic' approaches.

The continued absence of an agreed set of overarching definitions and universally agreed standards and their systematisation within a coherent operational concept suggest using SSR within its problem-oriented conceptual limits. This means to pursue SSR itself as a broad task with specific components concerned with developing and maintaining appropriate national security architectures for particular national situations and contexts and as a means of systematic, norm setting and problem-driven thinking about security issues and their interrelationships. This provides analysts and policy-makers with a framework for targeting what has to be addressed within SSR in qualitative and quantitative terms. This framework varies commensurately with contexts and circumstances. Thus there is no fixed concept that lends itself to a precise substantive definition or model. What in practice is meant by SSR in a given context and what policies may be effective and successful in internally or externally driven reform has to be defined in accordance with the realities of every given case.[68]

This limits SSR's potential to act as the framework for an overarching universally applicable comprehensive security concept and related strategy(ies). The question whether SSR as a more extended and holistic notion could integrate defence reform or, alternatively, become a more pertinent substitute remains academic. To do so would not make sense. While on the one hand too narrow a concept leads to inadequate programmes and agendas, too broad an approach tends to result in a lack of clarity concerning the core of the necessary reforms. Neither concept can successfully replace the other. Both security sector reform and defence reform are needed with regard to the effectiveness and appropriateness of continued reform efforts. In terms of assurance, defence reform may take precedence over SSR, but they are indisputably two sides of the same coin.

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[67] J. Chanaa, op. cit.

[68] This is, to a certain extent, also the case with defence reform, in particularly with a view to the changed and different exposure of nations to the new threats requiring differentiated responses and confronting alliances with the requirement of 'meeting the new different security needs of each of their members rather than the common need of the Cold War'. Chris Donnelly, European Security, op. cit., p. 3. This corresponds with L. Freedman's observation 'that the new circumstances do not prescribe one strategy, but extend the range of strategies that might have to be followed', op. cit., p. 10.

From this perspective it becomes apparent that SSR can no longer be seen as a relatively casual supplement to ongoing defence reform processes. It has become an obligatory additional effort and area of concern in planning and procurement for Alliance member states, aspirants and partners alike. In order to enhance their collective contributions to meeting the current and future security challenges, areas for practical cooperation need to be revised and the linkage between internal and external security better recognised and reflected. In addition to its traditional focus on the armed forces, PFP, for example, could serve reform, transparency and cooperation of a much broader segment of national security institutions. While NATO may not necessarily be the lead institution in a given area, there is a logical need for role specialisation, inter-ministerial and multinational cooperation and increased coordination among all parts of the security sector. Their realisation would improve coordinated preventive policies and increase societal support and active cooperation. It would also bridge the capability gaps and the gaps in reaction time between the different forces, services and agencies, taking into account complementarities with other international organisations and other value to be added. This can no longer usefully be done on an *ad hoc* basis as it is still practised in most of the partner countries.[69]

This would include but also go beyond the issues raised in the Swiss proposal in the EAPC/PMSC delineated above. What NATO needs to ensure in this respect is that its relationship with the European Union's ESDP, in particular with regard to civil-military role sharing really becomes complementary and operational.[70] NATO and the EU will have to coordinate their roles, functions and operations in order to profit from synergies and mutual compensation of individual weaknesses. Neither will be able to do all the tasks necessary in the future. Here too there will have to be prioritisation. If NATO and the EU's prudent approaches towards security sector reform could be instrumentalised in the spirit of shared responsibility and role sharing, this would not only enhance cooperation between various ministries, but would also generate clear payoffs such as capacity building and cost sharing, consolidation of inter agency communication and management and projection of institutional stability for the effectiveness and efficiency of the related security sectors and the stability in the regions at issue.[71]

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[69] See Klaus Naumann, In der Stunde der Gefahr, Frankfurter Allgemeine Sonntagszeitung, 5 Sept. 2002, p. 11.
[70] See Jeffrey Simon, *NATO at a Crossroad: Can it Cope with Post-September 11th and Enlargement Challenges?*, Working Paper presented at DCAF's May 2002 International Advisory Board Meeting (IAB).
[112] The recent agreement between NATO and EU on coordinated military cooperation between NATO and the EU`s own rapid reaction forces (announced at the EU enlargement summit in Copenhagen) raises the chances for related improvements. See J. Fitchett, 'NATO agrees to help new EU force', *IHT*, 16 Dec. 2002, pp. 1 and 9.

2.4.3 *Revitalising security sector reform*

Clearly more can be done to respond to new security challenges and to make better use of the opportunities the post-Cold War environment offers for the design and implementation of higher standards in the provision of (human) security. This goes for individuals and societies, nations, security alliances, international organisations and agencies involved in security provision. Reform towards the realisation of a broader security concept incorporating the conditions and normative aspects of democratic oversight and management of the respective security sectors is not an obligation for the emerging and consolidating democracies alone. The deficiencies discussed above explicitly ask for similar efforts from the well-established democracies of the traditional members of NATO and EU. The potential SSR bear for improving the unsatisfactory state of affairs has not yet been made use of in adequate terms and by all actors concerned. This can and must be changed.

There is no doubt that SSR is expensive and hardly fits into current budgets. But NATO and EU member states and their partners will have to make a choice. Either they pursue their reform efforts in the way NATO`s Prague 'transformation summit' set out, meaning to 'strengthen the ability to meet the challenges to the security of forces, populations and territory, from wherever they may come' through defence reform type capability adjustments.[72] Or, alternatively, allies and partners engage in supplementary efforts intensifying their conceptual deliberations started in the PMSC on SSR as efficiency raising and in the long-term indispensable but cost-saving complement. If the Allies and their partners are serious in their efforts to improve the security of their societies and citizens through the provision of appropriate means and postures, then there is no alternative to including the latter. This would help to compensate for narrow budgets through ever closer task and role sharing, coordination and cooperation in preventive and protective actions, to make better use of synergies harboured in increased institutional management and oversight of available assets. It would also help to improve crisis stability of their societies through promoting the awareness of common values and democratic structures. Furthermore it would lay the foundations for closing or at least narrowing the gap between the growing needs for preventive or genuine humanitarian intervention and the receding preparedness of collective answers to these needs.

This, however, is easier said than done. SSR as operational task and coordinated agenda needs increased public attention. Reform needs reformers. As the Kosovo or Afghanistan missions demonstrate, concepts alone do not work if one does not dispose of properly qualified personnel engaged in the task and motivated to implement it. This needs public awareness and societal support, particularly in relation to the budgetary consequences of reform. Reform requirements have to be explained to all the various organisations, interest groups and individuals involved in order to ensure their support. Civil-military relations and civil-military role sharing have a renewed priority with the need to avoid a gap developing between the nation and security forces and an alienation of the latter.

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[72] See Summit Declaration in: NATO Press Release, op. cit.

Just as effective SSR requires a capable state, so too does it rely upon the existence of functioning civic institutions. The public need to be reassured that the secure state is not the same as a police state and that the issue is neither to 'civilianise' the military nor to 'militarise' civil society.

There is another indispensable element of conceptualising, programming and sustaining defence and security sector reform processes: the importance of assessment and evaluation. A continuous evaluation of the successes and failures in implementing adequate norms, structures, mechanisms and procedures is a basic prerequisite for enabling appropriate adjustments and for adequately guiding and steering further processes. None of the aforementioned conceptual approaches includes corresponding provisions. Their theoretical design for and practical realisation in an ongoing process with vague and partly controversial objectives remain a difficult task.[73]

2.5   Conclusion

The provision of security under contemporary conditions calls for fundamental reform. Inherent requirements go well beyond the efforts undertaken so far in the pursuit of particular strategies for security related reforms. There is still an important lack of coherent guidance and orientation with regard to the design of a comprehensive and coherent conceptual framework for a coordinated and complementary common agenda. With a view to the changed nature of security and to meeting its challenges by 'maximising security at the least sacrifice of other social values',[74] the following can be concluded:

There is no question that fundamental and comprehensive security sector reforms are underway. However, states, international organisations and security alliances (such as NATO and the European Security and Defence Policy ESDP) do not follow identical strategies.[75] They continue to neglect the necessary coordination and role sharing – both internally and between each other. The potential of synergies offered by a revised and complementary concept of civil-military responsibilities and Europe's 'soft security contributions'[76] remains unexploited. Reform assistance to democratising and developing countries tends to lose its dynamics. This may lead to the neglect and further erosion of normative standards.[77] These trends have to be brought to a halt. Postponing the necessary adaptation and transformation complicates future reform efforts and also raises their costs.

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[73] See Wilfried von Bredow and Wilhelm N. Germann, 'Assessing success and failure: practical needs and theoretical responses', in Chapter 10 of this volume
[74] S. Huntington, *The Soldier and the State*, NY (1964), p. 3.
[75] A serious problem and obstacle in this regard stems from growing inconsistencies concerning the consequences the new challenges and types of war and violence imply for the adaptation and/or reform of the underlying system of International Law. While the Europeans still strive for developing the current system by adjusting it further to the changed constellations, the US have gradually started to step away from the logic of the 'Westphalean System'. While the European way represents an attempt to restore the indispensable minimal requirements of symmetric politics, the US seem to fall themselves in line with the asymmetrical approach. See Münkler, Das Ende, op. cit.; see also Jim Hoagland, 'Ending the war of egos: next task for NATO', *IHT*, 22 Nov. 2002, p. 9.
[76] See Th. Winkler, Managing Change, op. cit, p. 28.
[77] See A. Karkoszka, Defence Reform for Democracy, op. cit.

What is needed is a harmonised approach incorporating all aspects associated with the notions of 'defence reform' and 'security sector reform'. Both are indispensable in the attempt to establish an adequate conceptual framework for the provision of contemporary security. This framework should offer differentiated answers to today's risks and challenges. It should provide options that facilitate immediate operational cooperation and coordinated action. It should respond to the particular security needs of individual nations with regard to asymmetrical threats and internal as well as external vulnerabilities and pursue the standards set by agreed normative principles and international practices including the central issue of democratic control of armed forces. Furthermore it should enjoy transparency and public support and dispose of inherent flexibility for responding to unforeseeable developments and corresponding adaptation.

What is important in this regard is clarity and transparency in the use of terms and their contexts. As 'security' and 'defence' can no longer be used as a synonym, a distinction should be explicitly retained between the more narrow approaches to 'Defence Reform' and the broader ideas associated with 'security sector reform'. Any amalgamation, however, would be counter-productive. Definitions tend to fall short of necessary comprehensiveness. What is meant by defence reform or security sector reform will have to be operationalised, i.e. explained by the purpose and context of application. Since there is no single general applicable model, let alone a uniform approach for adapting, reorienting or reforming national security structures beyond the defence domain, each nation needs to adopt a tailor-made solution to suit its own national requirements and experience.

Context and conditions vary with the realities of any given case. Thus there is no such thing as *the* concept of security sector reform. While it is appropriate to use the term SSR in the general understanding of its inherent principles and objectives, any specific concept of SSR has to be constructed separately, responding to the prevailing requirements, tasks and circumstances of any individual case or area of activity. Although it seems logical to design a guiding overarching concept following the comprehensive thinking and normative aspirations associated with the notion of SSR, current practice indicates that practical reform activities will continue to be pursued within reviewed but still restricted problem-oriented frameworks. There is little incentive for the realisation of a truly holistic and harmonised ideal alternative of general applicability. Any ideal type description of the constituent elements and criteria of an overall security sector reform concept remains a useful methodological tool.[78] However, it does not suit well as operational concept and agenda. Its application would weaken the focus and concentration on the specific needs within given areas and cases.

Thus conceptualising SSR cannot mean the establishment and pursuit of one single overriding approach. What has to be pursued is the incremental build-up from individual elements (e.g. from principles such as democratisation or good governance). These have to be examined and

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[78] See von Bredow and Germann, Assessing Success, op. cit., as well as L. Biason, 'International norms and criteria on democratic control of armed forces: a reference tool', in Chapter 9 of this volume.

instrumentalised within overseeable and manageable areas of conceptual coherence – such as democratic control of armed forces. Such an approach would, as it is closest to most of the practical efforts currently pursued, harbour the most realistic potential for dividends. It would support a more accurate focus on the specific requirements of theoretical models for action and respond to identified specific practical needs. Governed by the continued orientation by generally agreed normative and operational principles and applied standards, it would also create a more precise reference for a reliable evaluation and assessment of success and failure in individual as well as overall security sector reform efforts.

This, however, represents an increased challenge to and burden for successful coordination of the inherent elements and practical responses including appropriate mechanisms for continual review and dynamic adjustments in a field that is, above all, political.

3   September 11

New challenges and problems for democratic oversight

Nicholas Williams[1]

3.1   Introduction

The implications of the events of September 11 2001 are not yet fully clear, but are becoming clearer. The world has entered into a period of serial and multidimensional instability. It will take time, measured in years, before democratic systems and their security structures adapt fully to the demands of a post-September 11 environment in which there is a heightened sense of social, economic and physical insecurity among the populations of Western and indeed developed countries generally. After September 11, the immediate priority of governments was to review and adapt their domestic security instruments to provide better protection and assurance to their publics. As importantly, governments in Europe are facing up to the challenge of transforming their armed forces to create effective rapid reaction capabilities, providing the means to intervene within as little as five to ten days and 'wherever needed'.[2]

The requirement for transformation of armed forces is not new. Generally, national security policies and postures take some time to appreciate the causes and effects of strategic shifts. Even when the implications of major events are soon apparent, such as after the fall of the Berlin Wall in November 1989, security structures can be slow to adapt and absorb them. Before September 11, European defence structures and capabilities were already subject to the transformation required by the end of East–West confrontation and the arrival in the 1990s of the new demands of crisis management. Yet, a decade after the end of the Cold War, the necessary transformations and re-posturing of European armed forces are still under way. This is partly due to the scale of the task; partly the result of the costs of military restructuring (while banking immediately the savings arising from force reductions, governments have preferred to invest over time in new military capabilities); and partly because there is no great sense of urgency. By definition, crisis management (the security priority of the 1990s) is a question of political choice, rather than a matter of direct national security. Creating crisis management capabilities is therefore not self-evidently urgent. It had thus been an

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[1] Attached to the Délégation aux Affaires Stratégiques, Ministère de la Défense Paris from the British Ministry of Defence. The views expressed in this note are personal, and should not be taken as reflecting the views of either Ministry of Defence.
[2] The Prague Summit Declaration, NATO Press Release (2002)127, 21 Nov 2002 records the decision to create a NATO Response Force (NRF) 'consisting of a technologically advanced, flexible, deployable, interoperable and sustainable force including land sea and air elements ready to move quickly to wherever needed'. The UK–France Summit Declaration, Le Touquet, 4 February 2003 sets out the aspiration of a deployment timescale of between 5 and 10 days.

evolutionary process, subject to the need to manage new defence programmes within declining defence budgets.

September 11 introduced a new dynamic, in three ways. First, by exposing the vulnerability of modern societies and the inadequacy of protective arrangements, the terrorist attacks on New York and Washington made clear that transformation of Armed Forces alone was not a sufficient response to the new security environment. It established the requirement for security sector transformation as a whole to respond to the threat of international terrorism, through the integration or alignment of all elements of security policy and its instruments (armed forces, police and judicial services, intelligence agencies). Secondly, by introducing a sense of urgency in security matters that had been absent for much of the 1990s. Security has climbed to the top of the priority list. And thirdly, by provoking a fundamental debate on the meaning of security, and the role of armed forces in its achievement.

3.1.1   *Significance of September 11*

In one sense the consequences of the attacks have been considerably less than was initially feared. While, at about 3000, the number of deaths marks September 11 as the most significant terrorist attack ever, the direct effect on the US and the global economy has been less than many predicted. It is true that eighteen months after the events, the global economy remains weak and the recovery that had been expected has not yet materialised.[3] However, the cause of slow or negligible economic growth in Europe and North America can be ascribed to the general sense of uncertainty and lack of economic confidence,[4] rather than to the effect of al-Qaeda.

More widely, the aftermath of September 11 suggests that Western societies are more robust than might have been supposed, both psychologically and in their capacity for continuity. The will of the United States and its allies to defend themselves and cooperate in the struggle against international terrorism is undiminished, despite the continuing regularity of terrorist threats and attacks. September 11 demonstrated that modern society, by analogy with the United States, is resilient, resourceful and capable of rapid recovery, even from the destruction of a facility as important financially, symbolically and geographically as the World Trade Centre. US consumer confidence, as one measure of the capability of recovery, was higher in the second quarter of 2002 than just before the September 11 attacks.[5] The unexpected resilience of US and Western societies to sudden major shocks does not, however, reduce the significance and consequences of September 11.

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[3] See 'Comment and analysis market uncertainty', *Financial Times,* Monday, 24 February 2003.
[4] In recent years the international economic system has experienced a series of shocks and uncertainties: the collapse of the dot.com bubble, the Enron and associated accounting scandals, war in Iraq, political struggle in Venezuela. The 'globalised' economy is possibly more resilient than the more rigid economic system of the 1970s which had great difficulty in absorbing the oil price shock of 1973.
[5] 'War jitters hit economic confidence', *The Times*, London, 26 February 2003.

The attacks confirmed the reality of asymmetric threat, and the extreme vulnerability of Western targets to it. The concept of asymmetry had perhaps been poorly absorbed by Governments before September 11, mainly because it had been discussed primarily as a weapons and technology based threat (the use of nuclear, biological and chemical weapons or cyber attacks by 'rogue states' or terrorists). As September 11 revealed, asymmetric threats can best be understood not in terms of the weapons or means used, but in terms of vulnerabilities. Asymmetrically exploitable vulnerabilities arise from imbalances and weaknesses in security postures, particularly the imbalance between highly protected interventionist armed forces, on the one hand, and relatively exposed civil populations on the other. A determined international terrorist group such as al-Qaida or a 'rogue state' will have neither the interest nor the means for direct military confrontation with a better armed and organised military opponent. They are familiar with the West and know the vulnerabilities of open societies. They will exploit such vulnerabilities by whichever means creates the greatest effect.

As well as confirming the reality of asymmetric threats, September 11 confirmed the persistence of the after-effects of a major terrorist attack. Despite the resilience of the US and the West, the damage done to the US both physically and in long-term resource terms is unprecedented and incalculable. The psychological effects and sense of insecurity persist at a level very much higher than before, a level of insecurity which obliges governments to invest more in security, and therefore less in public services than they would wish. The full implications of asymmetry had not been fully understood nor previously absorbed by Western governments either at home or abroad – calling into question the adequacy of existing protective means.

INCENTIVISATION OF STRATEGIC TERRORISM

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

TERRORISM AS A STRATEGIC THREAT

The scale and effects of the attacks have raised terrorism from a local or regional phenomenon to a strategic-level threat. In responding with armed force against terrorist bases in Afghanistan, the United

States exercised its inherent right of self-defence. This was a significant development. While localised or regional terrorism, as experienced in Europe for decades, has been combated through law enforcement agencies[6] within the framework of civil law, the US immediate response was primarily military in nature – the destruction of al-Qaida training camps, infrastructure and personnel in Afghanistan. This response gained a wide measure of acceptance, as demonstrated by the immediate response of NATO.[7] The September 11 attacks are regarded by the Allies and their partners as an aggression and covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.

But, as the US administration has made clear, the immediate military reaction in Afghanistan was only one part of the response.

A second part of the US response has been the pursuit of a long-term and comprehensive strategy for threat reduction and elimination, in which pre-emptive actions to forestall or prevent hostile acts are an option.[8]

A third part of the response has been a comprehensive adaptation of US security capabilities, offensive, defensive and protective.[9] A new emphasis has been placed on the protection of populations and facilities at home, 'Homeland Defence', while new concepts, capabilities and strategies for dealing with terrorism at its source are being developed, based on experience of the campaign in Afghanistan. Other Western governments are likely to follow, to the extent they can, in adjusting their military capabilities and security priorities to respond to the new security challenges of strategic terrorism.[10]

CHALLENGES FOR DEMOCRATIC OVERSIGHT

The new security environment will place new demands on legislators in terms of their role in the public and democratic scrutiny of the adjustments that will need to be made in the way that defence and security is organised. The paragraphs below indicate the extent of the new demands. Not only will democratic scrutiny need to increase in quantitative terms, as security climbs up the political agenda. There will also be a qualitative change, as the process of democratic oversight adapts to new

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[6] Germany, Italy, Spain, France and UK reacted to their respective terrorism as a law enforcement issue using police and gendarmerie within a judicial framework to respond to acts of law breaking. In the UK's case where troops were used, they were in support of the civil police and under their direction.

[7] Both the North Atlantic Council and the Euro-Atlantic Council made statements to the same effect on 12 September 2001.

[8] 'The National Security Strategy of the United States' issued in September 2002. Section V is entitled 'Prevent our enemies from threatening us, our allies, and our friends with weapons of mass destruction'. On page 15, 'To forestall or prevent such hostile attacks by our adversaries [i.e. acts of terror and the use of weapons of mass destruction], the United States will, if necessary, act pre emptively … the United States will not use force in all cases to pre-empt emerging threats.'

[9] See Michael O'Hanlon, 'Rumsfeld's defence vision', *Survival*, Summer 2002.

[10] 'The Strategic Defence Review: A New Chapter' issued by the UK Ministry of Defence (see UK MOD website www.mod.uk) which outlines adjustments necessary to British defence posture and plans in the light of the attacks of September 11.

interrelationships between the various security arms of the state. The existing models for democratic oversight are based on the specialisation and separation of the various security instruments of the state. Thus most National Assemblies and parliaments have committees which scrutinise defence, foreign affairs, internal affairs and intelligence separately because many Western countries organise those activities under clear and distinct chains of ministerial responsibility. The successful struggle against terrorism requires much closer relationships and interactivity between the 'security services' in the widest sense. It also requires secrecy. Effective parliamentary scrutiny of inter-security relationships is an essential democratic safeguard. The public will need to be reassured that the secure state is not the same as a police state.

3.2   The new strategic environment – continuity and discontinuity

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

3.2.1   Elements of continuity

- *Strategic continuity.* September 11 was a surprise and a shock, but not a strategic rupture. Key international actors, both states and organisations, have not seen their roles and relationships change in any fundamental sense. The US remains the predominant global power. Other actors – Russia, China, Japan, European Union, Saudi Arabia, Pakistan etc. – have responded as regional powers to the events and US requests for assistance in accordance with their long-standing geopolitical interests. Their international importance may have altered and adjusted to events after September 11: their strategic positions and relationships remain essentially as they were. Compared to the fall of the Berlin Wall in November 1989, which put an end to bipolarity as a strategic organising principle, September 11 has not had a major strategic effect. However, as noted below, significant discontinuities in traditional alliances have flowed since September 11, not from the military responses to the attacks themselves, but from the different political reactions to the US policy of threat reduction and elimination in regard to weapons of mass destruction (WMD) held by Iraq.

- *Regions prone to instability and crisis.* The world is still marked by regional disorders and conflicts, arising from economic, ethnic and territorial differences which retain the potential for provoking sudden crises. The Balkans, the Caucasus, Eastern Mediterranean, Africa … all remain

prone to conflict for reasons which antedate September 11. Thus the analysis of risks which caused NATO and the European Union to develop rapidly deployable crisis management capabilities remains valid.[11]

- *The importance of military forces in peace, crisis and conflict.* During the 1990s the role of military forces across the spectrum of peace, crisis and conflict became more precisely defined through engagements in a range of contingencies, particularly in the Balkans, but also elsewhere. In time of peace, the emphasis was placed on crisis prevention, mainly in the form of military cooperation; in time of crisis, the military role was seen in terms of a variety of actions from traditional peacekeeping and monitoring to the separation of opposing forces;[12] at the top end of the spectrum came military tasks in war, i.e. the defence of territory against aggression. The spectrum of military tasks throughout the cycle of peace, crisis and war has remained valid after the terrorist attacks of September 11. However, as indicated in the next section, the role of the military at both ends of the spectrum (peacetime and conflict) is likely to be intensified to the possible detriment of its centre (crisis management)**.** The simultaneous management of offensive operations in Afghanistan and strengthening homeland defence (both in the United States and Europe) is an indication of the shift in emphasis within the spectrum of military activity.

3.2.2   Elements of discontinuity

- *A further evolution in the nature of the threat.* International terrorism is not new. Terrorism originating in the Middle East has existed for the past fifty years, some of it having a global impact (e.g. the killing of Israeli athletes by Palestinian terrorists at the Munich Olympics, 1974). However, the attacks of September 11 introduced a number of new elements, both in their conception and implementation. In conception, for the first time, terrorists aimed for strategic effect (as opposed to the hitherto localised and political effect sought by 'regional' terrorists) by targeting sites (World Trade Centre, Pentagon and probably White House) with the highest military, commercial and political value for the United States. They were undoubtedly intending to undermine and diminish the United States as a world power by striking at its leadership, while encouraging those, particularly in the Middle East, opposed to the presence of US military forces

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

[12] For the European Union, the so-called 'Petersberg Tasks'.

and the exercise of US power in their area. Al-Qaida's intention was also to increase the risks and costs of alliance and association with the United States.[13]

In terms of implementation, the use of an economy of means to achieve mass disruptive effects has increased the 'level of ambition' of international terrorist groups, making the use of NBCR material more likely in a future attack. The coordination and timing of the attacks indicate a sophisticated level of planning and extensive logistic support to the terrorists.

- *Turbulence within international institutional order.* While there was international approval for the US military response to the aggression of September 11, its policy of threat prevention, including the option of pre-emptive action, has marked a new form of US global engagement. It has led to strains and unprecedented differences within international organisations.

  The debate on the legitimacy of pre-emptive action is fierce and unresolved. Many states consider it as contrary to the ethos of the international order as created by the United States in the aftermath of the Second World War. The purpose then was 'to construct a more stable international order than the one that collapsed in the 1930s'.[14] The emphasis was on creating international stability and a security framework in which the use of military force would be highly limited and controlled through cooperation in the Security Council of the United Nations.[15]

  Pre-emptive operations, selectively applied, may be a reasonable response to the kind of threats revealed by the attacks of September 11, which were certainly unimagined in the mid twentieth century and remained inconceivable until they occurred. As the US National Security Strategy says, traditional concepts of deterrence will not work against a terrorist enemy, possibly armed with nuclear, chemical or nuclear material, whose avowed tactics are wanton destruction and the targeting of innocents.[16]

  However, an explicit policy of pre-emptive action to remove threats before they emerge represents a significant rupture with the past and challenges a key principle, the limitation of the use of force through the UN, on which the international order has been based for over fifty years. In the eyes of those states primarily committed to the concept of upholding international stability and order through the United Nations, the policy of pre-emptive action has transformed the United States from a status quo state with an interest in preserving international order to one which is willing to bypass international structures in the use of force, albeit for the ultimate purpose of self-

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[13] Since September 11 terrorist attacks have been made against French interests (11 submarine engineers killed in May 2002 in Karachi) and German tourists in Tunisia. From September 2001 to February 2003, there were over 135 arrests of suspected Islamic terrorists in Europe, foiling possible attacks in France, Great Britain, Italy, and possibly Germany ('Terrorist arrests in Europe since September 11', *Daily Telegraph*, 25 January 2003).
[14] Robert Kagan, 'The World and President Bush', *Survival*, 43: 1, Spring 2001.
[15] Article 5 of the North Atlantic Treaty, signed in 1949, is based on the inherent right of self defence as recognised by Article 51 of the Charter of the United Nations. Nevertheless, the same Article states that measures taken by Allies in response to an armed attack 'shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security'.
[16] The National Security Strategy of the United States of America, issued September 2002, p. 15.

defence. The result is divisions among Allies, in the UN, EU and NATO.[17] The degree of opposition to US policy marks a significant discontinuity with the immediate past, though it remains to be seen whether this is solely related to the timing of military action against Iraq or a more significant rupture.

- *Zero warning threat.* Perhaps most significantly, the concept of 'threat' has returned to the strategic context**,** and hence a sense of urgency for those whose responsibility it is to protect their societies against the threat of attack. Unlike the threat as perceived by the NATO countries until 1989, the new threat is diffuse (being mobile, and geographically fragmented in its structures and basing – frequently the terrorists are 'forward based' in or linked to the societies they wish to attack). The new threat provides zero warning time for contingency planners. And unlike the crisis-driven risks of the 1990s, strategic terrorism cannot be imagined or planned against in terms of scenarios.[18] In regard to response, it requires a different array of means, including but not primarily military, than in the past.

- *Fragile boundary between internal and external security.* The once clear distinction between the protection of civil society within a state and the protection of its interests abroad by military and diplomatic intervention has been eroded and weakened. International communications, ease of individual mobility and the existence of sympathetic émigré communities make it impossible to draw a clear distinction in security terms between the external source of a threat, and its domestic realisation. Thus, terrorist networks and training camps based in Afghanistan drew Islamic recruits from small towns in Europe as well as the centres of radicalism in the Middle East.

    The terrorist threat is therefore not localised in its origin, nor is it specific in the countries it could target. The Allies of the United States acting in support of its campaign against terrorism may also become targets, deliberately or spontaneously: radical elements within European and other US friendly countries could decide to react without direction from al-Quaida and similar networks in response to what they would perceive to be anti-Islamic actions by the US and its coalition partners. The traditional dual approach to domestic and international threat, involving a functional distinction between armies which act against threats abroad and police who act against terrorists and criminals at home, may need to evolve into a more cooperative and integrated approach to threats, respecting of course the concept of police and civil primacy in domestic matters.

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[17] See for example 'Robertson struggles to rescue NATO', *Financial Times*, 12 February 2003.
[18] For example, the EU's rapid reaction capability (60,000 troops available within 60 days for deployment up to a year) is sized according to a range of possible scenarios in an arc of potential crisis geographically dispersed on the periphery of Europe. Such 'scenario based' planning is not possible against a terrorist threat which can choose and change both its means and its targets, and which in any case is frequently 'forward' based within European and other Western countries.

- *Shift to internal protection and reassurance.* The diffuse nature of the strategic terrorist threat and the increased possibility of attacks against significant domestic targets have brought a renewed interest in the protection of key sites and the public against sudden and major attack. Thus, the exclusive post-Cold War emphasis on rapidly deployable crisis management capabilities is being supplemented by a renewed emphasis on internal protection of civil populations and sites. In the past, sites of key strategic importance have been identified and protected because of their value in planned mobilisation and war efforts. Since September 11, civil populations and publicly significant sites have had to be added to the list of potential targets that require added protection in the face of the terrorist threat.

- *Public reassurance is a part of public protection.* The concept of protection includes that of public reassurance. Like regional terrorism, strategic terrorism seeks to destabilise a society psychologically through fear and uncertainty. The reassurance of the public by the visible presence of the security forces[19] at times of increased tension and threat is therefore a key anti-terrorist weapon: by reducing the sense of fear and insecurity, the authorities can considerably reduce the effect of terrorist threats and even outrages.

3.3   Challenges for democratic oversight of the armed forces

From the above discussion, it can be concluded that September 11 has created a challenge for civil-military relations and the effective democratic control and surveillance of armed forces in a context where the institutional framework for international stability is under severe strain. Strategic terrorism represents an additional and diffuse threat to the already demanding tasks of crisis management to which armed forces have been trying to adapt with difficulty.

There is now a new requirement for adaptation of the security sector to the new environment. It is clear that, to respond to the supplementary threat at home and abroad, new, flexible relationships have to be developed between the various forces of security (intelligence services, police, military and protective services such as fire and ambulance). Moreover, much of the struggle against terrorism will have to be conducted in secrecy. Thus parliaments will be faced simultaneously with demands for strengthening the security services within the state, as well as arguments for restricting information, for operational reasons, on the specifics of the response. Parliaments will also have to consider the balance between government commitments made within the international context, for example

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

solidarity with a country under threat from terrorism, and requirements of populations to put their national protection first.

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

Some of the *specific challenges* include:

- *Pressures for increased defence expenditure.* The fall in the general level of defence expenditure since the end of the Cold War has been significant (in real terms, from 1992 to 2001, 18% for the US, 8% for the European allies[20]), despite the commitment of most countries in Europe and North America to restructure and adapt their forces for new crisis management tasks. The need to adapt to the additional threat, at home and abroad, is likely to require at least a bringing forward of equipment and restructuring of programmes planned but not yet fully financed.

- *Is there a domestic role for the military in internal security in support of the police?* Normally, no: the military cannot do police work. But September 11 underlined that a major national or terrorist disaster demands huge and organised manpower resources over time to deal with the consequences, or prevent a reoccurrence. The military have reserves of organised manpower, and specialist competencies, which could be made available to the civil authorities to help deal with the humanitarian consequences of a major, possibly WMD, attack against a civil population.

- *Public protection and reassurance.* There may also be a role for armed forces domestically in reassuring publics by their visible presence, guarding key points, air defence etc. In such circumstances what powers should be given to the military, and what controls and oversight? As an extreme, but possible dilemma, what rules of engagement should apply in the case of a suspected hi-jacked airliner flying off course towards a capital's financial district? Effective democratic scrutiny should at least ensure that rules and responsibilities for the authorising lethal force exist in advance of crisis. The domestic deployment of military forces without a clear legal framework or definition of relationship with civil and law enforcement authorities is a recipe for disaster.

- *The end of conscription and the effects of professionalisation.* Apart from improving crisis management capabilities abroad, the most evident effect of professionalisation has been to reduce the number of organised personnel available for public service tasks at home. The need for a pool of trained reservists able to assist the regular military or supplement the emergency services has

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[20] NATO Press Release M-DPC-2 (2002) 139 20 Dec. 2002.

consequently increased. A less evident result of professionalisation could be an increase in the gap between the nation and state that was formerly bridged by means of military service. There is a risk that professional armed forces develop as an elite group, instrumentalised by the state but divorced from society. The relationship between the army and the nation is a question to be addressed by those countries which have ended long-standing dependence on conscription.

- *Democratic scrutiny of cooperation between security services including armed forces.* In most countries, the various organisations involved in security have tended to work separately, in accordance with their different and separate missions. Coordination and accountability have tended to be exercised at the top level in response to specific requirements. The possibility of mass terrorism will encourage greater cooperation and coordination at operational level, including the creation of contingency plans, the exercising of scenarios, and the establishment of close working relationships between the various security actors.[21] While this will strengthen the protective efficiency of the state, it will also create new demands in terms of democratic oversight.

- *The scrutiny of intelligence agencies.* Intelligence-derived information has acquired increased significance and weight in decision taking. While this information can be decisive in terms of policy formation, it often cannot be released or compromised for considerations of operational efficiency (protecting sources, as an example). At the same time, sceptical publics are inclined to suspect governments of manipulating information in their own political interests.[22] The need for adequate scrutiny of intelligence agencies has to be given due weight against the requirement for their operational effectiveness, which depends on maintaining the secrecy of their procedures, sources and sensitive information. The balance can be struck in different ways, as the German, UK, and US experiences indicate: whereas the US and Germany have scrutiny through the committee structure of their parliaments, the UK depends on extra-parliamentary committee composed of parliamentarians of recognised stature and integrity. Democratic scrutiny of intelligence agencies can also have a role in assessing whether governments are fairly presenting the assessments based on intelligence.

- *The demands of rapid reaction.* The commitment to creating multinational rapid reaction capabilities by NATO and the EU is meaningless without the capability to take rapid political decisions on their use. In this case, as indicated above, rapid may mean days. This puts huge strains on those countries where military action has to be authorised or endorsed by parliaments.

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

[22] See 'First casualties in the propaganda firefight', *Observer* (London) Sunday, 9 February 2003.

There is an evident strain between the requirements of national authorities and the requirements of international solidarity. National authorities, including parliaments, need the time to consider options adequately before deciding on a contribution to a multinational force. International organisations depend on the solidarity of their members in order to provide the protection they are organised to provide. International terrorism is now a global and strategic threat requiring increased international cooperation. Security may depend on the deployment of a multinational reaction force each national component of which is essential for successful deployment. Multinational rapid reaction forces therefore imply the creation of fast-track national decision taking procedures.

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

- *The right to privacy versus the right to security.* As state security actors integrate and align their efforts in the interests of homeland defence, so the requirement for information on individual citizens increases. The requirement is not for 'Big Brother' type active surveillance of population groups, but rather the identification and traceability of individuals considered to pose a security risk. Advances in information technology mean that that requirement is becoming realisable: it is now becoming feasible for previously separate records held by the state (tax, criminal, employment, health) and those held privately (credit cards, telephone, banking) to be accessed to provide a global view of a particular individual. In the United States the Pentagon's Total Information Awareness programme is an indication of the extent to which there is a security interest in having access to the full range of electronic information now available on citizens. But both in the UK and the US there is growing concern about the potential for abuse of personal data.[23] The permissible scope of government surveillance of individuals has become another difficult question, where the previous balance favouring an individual's right to privacy over a community's legitimate expectations of protection is being questioned by security specialists.

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[23] Graham Mather, 'Alarm sounds over Orwell's vision', *Financial Times*, 24 February 2003.

3.4   Conclusion

Though the events of September 11 did not result in a strategic rupture, they will leave no part of the security debate unaffected or unexamined. Divisions within NATO, EU and UN over Iraq indicate how difficult it will be to come to consensus on adequate responses to potential threats. The main significance of the attacks of September 11 is the incentive they have given to strategic or mass terrorism, increasing the possibility of the use of WMD material in a terrorist attack. Faced with the possibility of mass terrorism, governments will be obliged to examine their means of preventing and responding to an additional threat, which adds to an already demanding post-Cold war security agenda. Protecting and reassuring publics will have a much higher priority. There will be increased pressures for improvements in 'security capabilities' and higher expenditures. Military forces and reservists will assume a higher importance in the protective arrangements of domestic sites and populations at risk. Civil-military relations will also be affected, with the need to avoid a gap developing between nation and military. The effective domestic integration of security actors (in the form of close coordination and cooperation) will be a particular challenge for democratic oversight, as will be the legitimacy of counter-terrorist operations abroad. Effective scrutiny of intelligence agencies has to be achieved while maintaining their operational efficiency. Effective democratic control of security structures and their access to personal data is a necessary element of public protection and reassurance. The models, not the principles, of democratic control may need to be adjusted.

4   Why engage in security sector reform abroad?

International norms, external democratisation
and the role of DCAF

Gerhard Kümmel

4.1   Posing the problem

The issue of security sector reform (SSR) has gained quite a lot of interest within the last decade both in politics and in academia. However there is no consensus or agreement on what is actually meant by SSR and how it is to be defined. To map the scope of the debate, Timothy Edmunds (2001: 1) distinguishes two approaches to delineate what SSR refers to:

> The first is concerned with those militarised formations authorised by the state to utilise force to protect the state itself and its citizens. This definition limits SSR to organisations such as the regular military, paramilitary police forces and the intelligence services. The second approach takes a wider view of SSR, defining it as those organisations and activities concerned with the provision of security (broadly defined), and including organisations and institutions ranging from, for example, private security guards to the judiciary.

The first approach may be regarded as constituting something like the minimum consensus on what SSR includes and, thus, seems to be quite undisputed. Also, the examples Edmunds cites as belonging to the second approach seem to be quite legitimate, albeit with this arguably being more the case for the judiciary than for private security guards. Nevertheless, the real problems with the second approach rest in what is being put into the brackets, namely a *broad* definition of security. This resonates with the debate about the term, the meaning(s) and the dimensions of security. Within this debate, there is often an extension of the contents of the term security to include, for example, ecological, cultural, and, quite recently, human dimensions (see Buzan 1991; Daase 1991; Buzan, Wæver and de Wilde 1998). As a consequence, if these extended dimensions of security were included in the usage of the term security in SSR, this would surely mean overloading the concept because the number of actors involved in SSR would become legion.

Accordingly, what is recommended here is a more restricted use of the term security and thus of the term SSR in order to retain operability. Thus Malcolm Chalmers takes the

Security Sector to mean all those organisations which have authority to use, or order the use of force, or the threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. It includes: (a) military and paramilitary forces; (b) intelligence services; (c) police forces, border guards and customs services; (d) judicial and penal systems; (e) civil structures that are responsible for the management and oversight of the above (cited in Germann 2002: 5) .

This being said, it seems quite natural to assume that SSR is a domestic concern and a domestic task only – with correspondingly little or even nothing to be done by external actors. Yet, even a superficial look at the empirical reality is proof of the contrary. In a number of countries, the engagement of external actors, among them the Geneva Centre for the Democratic Control of Armed Forces (DCAF), in the process of SSR is central. And this is the puzzle that is to be solved in what follows.

To do so, I will operate on a metatheoretical level of analysis. In this regard, I will resort to globalisation and democratisation theories as well as to the ongoing debate in international relations on the significance and impact of values and norms in world politics. The reason for this is that SSR is part of the larger picture of liberalisation/democratisation and takes place in a world that is largely driven by processes of globalisation leading to structures of complex interdependence. SSR is also mostly used in the analysis as a black box disregarding its concrete elements and the mixture of them within the box. Moreover, SSR obviously carries on 'ought' or a 'should' dimension, meaning that it comes with a normative notion. SSR, then, is treated as an international norm that is recommended to a country and its society to help crafting and establishing functioning and democracy-compatible institutions. Next, to do this in an intelligent and successful way, it is necessary to consider the past because the experience of external leverage is familiar to Eastern Europe as the region that is of special interest here. Accordingly, avoiding the emergence of impressions and pitfalls of tutelage is of utmost importance when one wants to push for SSR from the outside. This will be the point when DCAF will finally enter the stage. This article, then, unintentionally will come up with a theoretically based argument that ascribes DCAF a very promising and unique position to advocate SSR in Eastern European countries (and in other parts of the world) as an external actor.

4.2 The interplay of inside and outside

SSR is part of the larger process of democratisation. Though democratisation is an ongoing task and concern even for mature democracies, it is usually used in situations in which a non-democratic system is making efforts to become democratic. Whereas other aspects of such transitions towards democracy (and market economies) are studied quite extensively (and although there has been a gradual change in this regard in the mid-1980s), the international dimension of this process is still an under-researched area. When it comes to comparative and quantitative research it is largely ignored.

This situation is rather paradoxical in view of 'the salience of international factors in this process' (Pridham, Herring and Sanford 1994: 2) and in view of the observation that democracy 'does not happen in an international vacuum' (Di Palma 1990: 183). This paradox is due to the intrinsic complexity of international relations and the wide range of external factors which make it difficult to assess the influence and importance of external factors and to establish unequivocal causal relationships (Pridham 1994: 11). A glimpse at the empirical reality shows the variety and the magnitude of external factors:

- In both the Federal Republic of Germany and Japan international politics was at the beginning of democratisation. Here, one can think of the military defeat in the Second World War and the determination of the victorious and democratic countries, and principally the United States of America, to create and substantially support democratic political systems and governments in these countries in the face of the emerging antagonism vis-à-vis the Soviet Union. Alfred Stepan (1986: 71f.) coined the term *externally monitored installation* to describe these events.

- Taiwan and South Korea are countries in which democratisation can – at least partly – be attributed to the direct and indirect effects of an export-oriented strategy of development. This strategy involved a thorough integration into the world market. As a result, the number of the political and economic elite's as well as the urban population's external contacts with democracies markedly increased (through university exchange programmes, studies in foreign countries, business and trade relations, cultural exchanges, and so on). These contacts provided the basis for a growing realisation that membership in the 'club' of Western industrialised countries (the OECD) would be facilitated by the liberalisation and the democratisation of one's own political system (Diamond 1992: 121).

- In the case of the democratic transitions and consolidations in Southern Europe, the regional structure was conducive to and promoted democratisation. The European Community required democratic political systems as a ticket to EC membership; Brussels not only provided economic incentives, but, at times, also resorted to political pressure to initiate democratic reforms.[1] Once a member of the EC, this membership furthered the democratic consolidation in Greece, Portugal and Spain (see Pridham 1991).

- By contrast, at times, the regional structure and, particularly, the policies of the United States, the hegemonic power, were adverse to democratisation in a number of Latin American countries. Under the impact of the East–West conflict and the global system confrontation

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[1] The 'freezing' of the Greek application for membership after the military takeover in 1967 is a case in point.

with the USSR, Washington often perceived democratic mass movements in Latin America as potential or likely intrusion targets for communist action. To prevent the Domino Theory from becoming a reality, the US conducted various secret service operations, e.g. in Guatemala (1954), Brazil (1964), Chile (1973) and Nicaragua (1984) (Forsythe 1992).[2]

It is obvious from these cases that it is very difficult to translate the international dimension into hard empirical data and variables. Since he could not identify a 'reliable empirical indicator for that purpose', Tatu Vanhanen (1997: 161), for instance, was persuaded to leave out an analysis of the significance of external factors and power resources in his study on the perspective of democracy in more than 170 states. Thus, most studies – like the analysis below – treat the international dimension in a more qualitative way.

When it comes to Eastern Europe and the post-Soviet space, most interpretations move beyond Whitehead's (1986: 20) assumption that in (re-)democratisation processes external factors may, at best, play 'a secondary role'; instead, some of these interpretations state that the democratic transition and consolidation are guaranteed or determined by external factors (Wagner 1992: 130; Peter 1994: 11). Though Przeworski (1993: 190f.) may be right in his identification of Eastern Europe's geographical location as the most important factor as to why this region may escape the culture of 'poor capitalism', and although the policies of European institutions like the EC/EU, the C/OSCE, the Council of Europe, and NATO/PfP/EAPC can be seen as crucial stabilising elements in these processes, these assumptions seem somewhat exaggerated. They leave out the specific (and this implies *different*) internal political, socio-economic, historical and political-cultural conditions and aspects in the countries concerned. They also leave out the possibility that the project of external stabilisation may overstretch their institutional and organisational capacities (Sandschneider 1996).

As a hypothesis concerning the weight of internal and external factors in democratisation processes in general and in processes of SSR in particular, then, we may preliminarily state that external factors alone are by no means a sufficient prerequisite for substantial and successful democratic transition/consolidation and SSR. Internal factors have to exist which support the democratising effects of favourable external conditions. By contrast, internal factors, if they are strong, may lead to successful democratic transition/consolidation and SSR despite the existence of adversary conditions from outside. Nevertheless, the international dimension does play a significant and, at times, decisive role in the transition to and consolidation of democracy. Developments in the international economic as well as in the international political system, changes in the relationship between prominent state and non-state actors as well as the existence and the functioning of international institutions are important external political as well as macro-economic frameworks

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[2] In turn, after the end of the East–West conflict, there is greater political space for democratic mass movements (Karl 1990: 15f.).

affecting democratisation. Therefore, we can expect prospects for democracy and SSR to be best when favourable internal conditions meet with a favourable external environment.

4.3   Dissecting the outside of democratisation processes

When looking at the outside dimension of democratisation processes and SSR it is necessary for analytic reasons to dissect the outside by looking at various categories of external factors. Philippe Schmitter, for example, distinguished four groups which he labels *timing, events, trends* and *cycles* respectively (Schmitter, cited in Merkel 1994: 324). *Timing* involves factors such as regional experiences, the constellation of alliances and international norms. Schmitter subsumed war, military interventions and conquest – but also capital flight – into *events*, whereas *trends* cover the mode of integration into the world market. *Cycles*, eventually, cover the economic trends and foreign indebtedness. In another attempt, Pridham (1994: 11) suggested a distinction between *background or situational variables, different external actors* and *forms of external influence. Background/situational variables* include the foreign policy patterns of the authoritarian era and changes within these patterns in the course of transition; the geostrategic environment, the state of the international economy, major international events in the transition period and the character of the international system as such. State and non-state/governmental actors such as different international organisations and transnational actors are grouped in the category *different external actors. Forms of external influence*, at last, comprise political, diplomatic, economic, monetary and cultural as well as covert/subversive or open, direct or indirect, coercive or persuasive means. Quite recently, Linz and Stepan (1996: 72–6) in their seminal comparative study on democratisation in Southern Europe, South America and Eastern Europe have looked at three dimensions of external factors: *foreign policy*, *zeitgeist* and *diffusion effects. Foreign policy* is obvious and covers the impacts of foreign policies pursued by other states on democratisation processes; *zeitgeist* – the spirit of the times – applies to long-term, prevailing international ideologies and normative frameworks, whereas *diffusion effects*, eventually, stem from short-term and recent events.

Though all of these attempts increase the insight in our topic, they seem to lack a deeper systematicity and sometimes, especially in Schmitter's case, their labelling seems somewhat confusing. Accordingly, in the following I will propose another way of categorising the international dimension by distinguishing five groups of external factors, mostly along the lines of various issue areas. In addition, these groups should not be considered as static, but as dynamic.

4.3.1 *The international security order*

This involves questions of war and peace and refers to the geopolitical and the geostrategic or alliances constellation in the world and in the region and the location of the country (in which there are relevant social groups willing to liberalise and democratise) therein. These aspects include several questions such as whether the respective country is a client state of a stronger state, a hegemon. In this regard, it is important whether the democratisation of a given country is in line with or in opposition to the foreign and security political interests of major dominant or hegemonic powers. Thus, democratisation may be supported or obstructed. In addition, there is the question of whether there are relevant transnational relations (peace movement, security experts), if there are transnational social groups active in this issue area and which kind of influence they exert.

4.3.2 *The international politico-ideological and normative order*

Here, it is important to look at the position of the country to be analysed, within the pattern of global and regional political conflicts. Again, it is important to consider whether democratisation serves or clashes with the interests of powerful states because this implies the possibility of an outside intervention for or against the democratisation of a country or the suppression of such a democratisation within a country. With an eye on the European region it is important to add the collapse and the breakdown of a hegemonic power and the impact of international political regimes/institutions to this issue area. Moreover, the pattern of predominant norms of international behaviour and action has to be taken into consideration as well as what Linz and Stepan called *zeitgeist*, the dominant spiritual/ideological mood of the times on the globe or within a given region, such as the pattern of ideological conflicts. In times of intense ideological conflicts the chances for transitions to democracy may be smaller than in times when liberalism does not face a serious competition ideology as in the present. The politico-ideological and normative dimension includes economic theories, as well, and is reflected, for example, in the identification of neoliberalism 'as the central ideological force in the Western world' (Przeworski et al. 1995: 5) Again, the transnational dimension has to be taken into consideration by looking at the pattern of politico-ideological transnational relations and by analysing the activities of relevant transnational actors in fields such as human rights, the women's movement and ecological groups.

4.3.3 *The international economic and monetary order*

Prospects for democratisation are influenced by the economic position and performance of the country concerned. In a world monetary system and in a world market overwhelmingly structured by capitalist production modes and trading patterns, economic relations are often marked by asymmetry or even

dependency. This is the core truth of dependency theory and world-system theory and their distinction between core, periphery and semi-periphery. It usually makes a difference whether a country is industrialised or dependent on exporting raw materials, whether there is a focus on one or a few economic partners or a greater diffusion of trade and finances. Variables such as credits, foreign indebtedness, capital flight and the moves and business decisions of transnational corporations as well as more macro-economic factors like the given economic cycle (recession or upswing) also come into play.

4.3.4 *The international communication order*

Technological innovation and development has enabled the media to produce a worldwide distribution of news and, thus, a global synchronicity of information; news from far-away parts of the globe show up on the world's TV screens, in radios, newspapers and on the Internet, and enhance the people's knowledge of political, economic and social living conditions elsewhere. This has led to the emergence of trans- and international forms of public opinion (see Kaelble, Kirsch and Schmidt-Gernig 2002). Since information is rapidly becoming a valuable element for a given society's capability to create associations of civil society, the media are a potential and actual contributor to democratisation processes in the world. The democratic revolution in various Eastern European countries was considerably spurred by the media as Western television and radio programmes found their way into the living room and thus into the minds of the people in Eastern Europe. This is where international demonstration, diffusion and learning effects come into play. They have been, as Bendix (1980: 603) has shown, a continuous element in history:

> the desire to be recognised and respected in the world also calls for the development of a modern economy and government which focuses attention on the advanced society (or societies) of one's choice. This reference to foreign models has become inescapable since the great intellectual mobilisation of the sixteenth century.

The international communication order and the media are likely to propel their impact.

4.3.5 *Time*

The time at which liberalisation and democratisation occur or are set in motion, is elementary and crucial for success or failure. It is easy to conceive that the chances for democratisation are better when the balance of outside factors in the international security, political, politico-ideological, economic/monetary and communication dimension or issue area is conducive to such moves rather

than adversarial.[3] Yet, democratisation often occurs spontaneously, i.e. the movement towards democracy – the democratic revolution, so to speak – is often begun within a country without paralleling this to favourable external conditions. Accordingly, this is why there is an element of injustice in the outside dimension of time.

What does, at present, all this mean with regard to SSR in Eastern Europe and beyond? The bottom line here is that in all of these five dimensions of external factors conditions for strategies of external stabilisation and democratisation have been and still are quite favourable: Within the international security order, since the 1990s, an immediate threat to the transformation countries has been notably absent. In particular, the prospect of NATO membership and the implementation of the Partnership for Peace (PfP) has led to a significant diminution of threat perceptions and have made it possible to direct more resources to internal reform and democratisation. However, in the future, this may change somewhat depending on the outcome of the present Iraq crisis. The international politico-ideological and normative order has been encouraging democratisation as well. The *zeitgeist* as democratic and economic liberalism is without a serious contender. The international economic and monetary order is on the whole supportive, too. Transition countries have been provided substantial economic and financial support. Furthermore, help has been provided to integrate into the world economy. Particularly, EU membership has to be mentioned here (for a theoretical discussion of the impact of international organisation see also Pevehouse 2002). Yet, the pro-democracy effects may become less effective if the economic and financial situation became more problematic due to mounting trends in the world towards recession. The international communication order has obviously also been selling democracy to the world and the time at which the transition was begun can be considered as favourable for democratisation.

4.4   The analytic framework: globalisation

Having dissected the outside into various sub-dimensions, it is now necessary to move to an analysis of the basic processes in international relations. Although the work on international relations 'takes place within a context of serious theoretical fragmentation and competing paradigms' (Holsti 1991: 165), it is quite agreed upon that the basic feature of international relations in modern times, and thus of democratisation processes in the world, is the process of globalisation, a term which has become a 'buzzword' in politics and political science (see Waters 1996). Globalisation in the sense of 'the multiplicity of linkages and interconnections between the states and societies' (McGrew 1992: 23) can be seen in the spheres of politics, economics, society, culture, science and technology (see Stiftung, Entwicklung und Frieden 2001). The range of military weapons has become as global as the extent of

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[3] Judging from this, the prospects for democratisation in the present and in the future may be considered as historically unmatched as is documented in the works of Freedom House (2002). However, this does not mean that the whole world will automatically become democratic.

economic and monetary relations. The same applies to the field of communication where information is simultaneously available all over the world and where the knowledge of and the mutual influence of different cultures grow (see also Reimann 1992). Equally, ecological problems and catastrophes increasingly have worldwide repercussions. In most cases, the actions of actors are no longer constrained to the national level, but have effects beyond the nation-state. They are supranational, regional and global. This, in turn, implies that the global context becomes more and more the framework of social actions (Bühl 1978; Stichweh 2000; Bornschier 2002).

However, although globalisation involves some degree of pressure towards homogenisation and mutual adjustment and also towards a very slowly emerging global culture (Featherstone 1990; see also Höffe 1999; Lutz-Bachmann and Bohman 2002), globalisation does not mean global harmonisation; various societies still live in different socio-political and socio-economic times. Globalisation primarily means a growing interdependence because of problems and threats. It is an asymmetrical process which distributes its consequences – its advantages and disadvantages – in an equally asymmetrical way. Thus, in the process of globalisation there are actors who gain more from this process than others.

The development of mostly asymmetrical and highly complex interdependencies in the globalisation process poses a fundamental challenge to the actors because this process provides new sources for conflict and is accompanied by what Keohane and Nye called interdependence susceptibility and interdependence vulnerability (Keohane and Nye 1977). In general, interdependence enhances the influence of factors beyond the actors' control. As a result, these actors lose a good deal of their sovereignty and leeway for action. Moreover, interdependence generates organisational and transaction costs which are, at times, weighed against the benefits of interdependencies. At times, then, growing interdependence costs produce resistance to bear them, especially when they are perceived (or interpreted by important or core societal and political groups) as exceeding the interdependence benefits. In these cases, the actors are tempted to retreat from interdependencies by strategies of dissociation or not to enter them right from the start when pursuing isolationist goals. (Jäger and Kümmel 1994; Bredow, Jäger and Kümmel 2000)

Because of the process of globalisation nation-states seem to increasingly lose their pre-eminence in international relations. International politics in modern times faces the proliferation of societal actors (among them transnational corporations, transnational terrorist and criminal organisations as well as Amnesty International, Human Rights Watch and Greenpeace) not only as international actors, but as politically relevant international actors, too (see Schrader 2000; Brühl et al. 2001; Josselin and Wallace 2001; Take 2002). As a result, beside the world of states and the states-centric world there has emerged the societal world and the multi-centric world (Rosenau 1990; Czempiel 1991). Thus, Arnold Wolfers's billiard model of international politics which interpreted the nation-states as single coherent and closed units, i.e. which treated nation-states as black boxes (Wolfers 1962), is no longer appropriate; the 'hard shell' of the nation-state (Herz 1974) has become

permeable. The scope of transnational relations has increased and triggered an intense and ongoing debate about the role of the state in international relations. Nevertheless and despite these pressures, the state still remains crucial in international relations.[4]

Again, we have to ask ourselves what this means for SSR. The basic line of argument here is that the optimism that may be derived from the previous section has to be qualified somewhat. Favourable environments do not necessarily make for a successful overall implementation of externally advocated policy. Most likely, the various elements of the black box SSR will not go through unchanged in individual countries. And in some countries some SSR elements may meet substantial opposition whereas in others they will simply pass the line undisputed. In terms of the kind of external actor that is advocating SSR one may derive from this section that the advice of non-state actors may be more acceptable than that of state actors; non-state actors – like DCAF – appear to have more authority and authenticity since they are seen as much less driven by partial, egoistic interests.

4.5   The focus: values and norms in international relations

SSR is a normative concept. Therefore this section will discuss more precisely the international normative order under the auspices of globalisation. Generally speaking, since the end of the East–West conflict a substantial growth of the literature on ideas, norms and culture in the academic discipline of international relations has occurred (see Jetschke and Liese 1998; Raymond 1997: 216–32). Though differences exist concerning the definition of international norms and concerning the delineation of the term norm in relation to terms like rules, principles, maxims, laws etc., there is a good deal of agreement on defining a norm 'as a standard of appropriate behavior for actors with a given identity' (Finnemore and Sikkink 1998: 891; see also Forschungsgruppe Menschenrechte 1998: 7). International norms may emerge as an ex post legitimation of successful interest- and power-based actions and as an already existing guideline for pending actions. They 'define political spaces and shape the character and tone of the international relations of an era. They may even constrain how states pursue their material interests' (Donnelly 1998: 3). As sources and roots of action, 'they may be *constitutive* in the sense that they define what counts as a certain activity; they may be *constraining* in that they enjoin an actor from behaving in a particular way; or they may be *enabling* by allowing specific actions' (Raymond 1997: 214). Therefore, international norms mark limitations; they are signs indicating that certain actions may face certain reactions from the international environment.

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[4] Overall, the international system may best be expressed in Czempiel's 'lattice' model of international relations. Relying on the systems theory of David Easton this model reflects the increasing complexity and multidimensionality of international relations. The model is able to encompass the totality of international relations, i.e. from nation-states via international institutions to non-state actors like transnational enterprises, interest groups and even persons. It is conceived as an 'asymmetrical, three-dimensional, broken lattice', with conglomerations of connections in some parts and only loose connections in other parts (Czempiel 1981: 26).

In addition, there are a number of ways to measure norms. One may restrict one's analysis to written material, official documents and codified treaties, but one may also (and arguably more fruitfully) observe concrete action because norms need not be fixed in written form, but may be operating as informal rules of action. The 'long peace' of the East–West conflict, for example, was, at least partially, attributed to the operation of rules, norms and quasi-laws. They referred to the taboo of employing nuclear weapons, to the tacit agreement of the superpowers to avoid direct military confrontation or to the mutual respect of zones of influence. In a sense, then, one may speak of an international regime based on the implicit agreement of the two superpowers. Next, there are different opinions regarding the classification of norms. Whereas vertical typologies aim at ranking norms, horizontal typologies differentiate social, moral and legal norms. By contrast, Goertz and Diehl (1992: 640) speak of cooperative, hegemonic and decentral types of norms. There is also a lack of consensus about the criteria that explain the rise and fall of norms. In this vein, Martha Finnemore and Kathryn Sikkink (1998: especially 895–905) have introduced the concept of a life-cycle of norms, that will be presented below in a modified version which takes up thoughts of Robert Axelrod (1986), Gregory Raymond (1997), the Forschungsgruppe Menschenrechte (1998, see also Risse, Jetschke and Schmitz 2002) and of myself.

In the first phase of such a life-cycle of norms – the phase of norm emergence – norm entrepreneurs are the decisive actors. These may be state or non-state actors and put what they want to see as internationally normatively realised on the international agenda. They do so by resorting to advertising strategies, among them the instrument of persuasion, but by also resorting to coercive strategies if their power resources allow them to do so. As soon as a critical mass of state actors not only voice their agreement to the respective norm, but also introduce it into their practical foreign policy, the tipping point is reached and we witness the rapid diffusion of the norm. In the second phase, termed norm-cascade, various factors are at work, among them: the socialisation pressure that is exerted by states that already obey and follow the norm; the pressure towards adaptation; and the dynamics of imitation processes and of balance of power politics. Also, in governments, there is something at work that could be termed the aspiration to international recognition, acceptance and legitimacy that is paralleled by the aspiration of statesmen to personal integrity, prestige and honour.[5]

A number of empirical studies suggest that this tipping point is reached when the respective norm is intersubjectively recognised as valid by about a third of all the states in a given international system. Here, it is of special importance which state(s) accept the norm because obviously the agreement of some (more powerful) states is more crucial or essential than the agreement of some other (less powerful) states. To put it in the words of Robert Axelrod (1986: 1108), 'it is easier to get a

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[5] Nicholas Onuf (1998: 692) has elegantly put this into the following phrase: 'People want to think that their conduct is honourable, or good, or right.'

norm started if it serves the interests of the powerful few'.[6] Which state this is (or which states these are) depends on the issue area the norm under consideration touches, implying that the norm diffusion is considerably dependent upon the distribution of issue area specific power among the actors involved. The third phase, that of norm internalisation, is self-evident in terms of contents, but less easily delineated from the second phase than the second from the first phase. The reason is that the transition from a merely instrumentally motivated acceptance of a norm to a true and genuine internalisation may be fluid.

According to this, the model of the life-cycle of norms meets two out of three criteria which, following Robert Axelrod (1986: 1096), a theory of (international) norms has to cover: (1) to explain how norms emerge and how they come to be generally accepted; and (2) to identify the factors that influence the validity, maintenance and stability of a given norm. Yet, Axelrod's third criterion, namely to explain how a norm may decline and be substituted by another norm, is immanently touched at best. Here, the contents of and the power political support for the challenging norm must be analysed as well as the degree of commitment the still valid and existing international norm enjoys, the instruments employed and the distribution of power among the actors involved. Table 4.1 illustrates the lifecycle of norms.

Table 4.1   The lifecycle of international norms

	Phase 1: Norm-Emergence	Phase 2: Norm-Cascade/ Norm-Diffusion	Phase 3: Norm-Internalisation	Phase 4: Norm-Erosion
Actors	State/non-state norm entrepreneurs	States; international organisations; transnational networks	Legislative; bureaucracy	State/non-state norm destructors
Motives	Altruism; empathy; self-interest; instrumental rationality	Legitimacy; reputation; self-interest; instrumental adaptation	Legitimacy; conformity; prestige	Instrumental rationality; norm-competition; norm-collision, contra-hegemonic ambitions
Dominant Mechanisms	Communicative-argumentative convincing; persuasion; moral conscience building; strategic negotiation; coercion	Socialisation; institutionalisation; demonstration; dominance; balance of power	Cultural hegemony; legal codification; habitualisation; institutionalisation	'Deviant behaviour'

Source: Finnemore and Sikkink 1998: 898; modificational inputs from Axelrod 1986, Raymond 1997, Forschungsgruppe Menschenrechte 1998; Risse, Jetschke and Schmitz 2002.

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[6] The result of an actor's commitment to a given international norm may be ambivalent: on the one hand, established international norms are backed by influential actors because they often back the influence of these actors (Axelrod 1986: 1108); on the other hand, however, international norms also work to constrain the powerful actors' leeway of action (Barkin 1998: 234).

The operation and durability of international norms depend both on the sanctions that are available in case of a violation of a norm and on how much the actors feel obliged to follow the norm. This feeling of commitment is identifiable because norms 'are sustained by the feelings of embarrassment, anxiety, guilt and shame that a person suffers at the prospect of violating them, or at least at the prospect of being caught violating them' (Elster 1989: 99f). This is tantamount to saying that international norms do not stand in isolation; rather, they, in connection and conjunction with other norms, form a complex mosaic of interdependent and interpenetrating elements. In this normative system each norm may be placed on a continuum of permissiveness and restrictiveness and, in the course of time, this normative order, the relationship of the various norms to one another, is subject to change: 'Over time all norms vary with regard to communal meaning, perlocutionary effect, degree of internalisation, extent of conformity, pattern of deviance, and so on' (Raymond 1997: 235).

This implies that compliance with the norm is contingent, i.e. dependent, on the specific context. The literature on the enclosure of war substantiates the situationality and the changeability of international norms. In one case, a given action may be in line with the predominant international norms of the time whereas in others at another time the same action may be contradictory to the norms. The revolt against colonial rule in the nineteenth century led to bloody conflicts and met massive and large-scale resistance of the whites whereas after the Second World War decolonialisation increasingly became an international norm as it came to be regarded as legitimate. Accordingly, preventing the move to independence became more and more difficult (see Goertz and Diehl 1992: 662; see also Crawford 1993). Similar phenomena are known from other norms as well. The lynch-law, for example, once was a sufficiently established rule for the behaviour of the white population, while nowadays it is not. The same is true for the institution of the duel. The example of prohibition, in turn, corroborates that the establishment of norms may fail and that the replacement of an existing norm may not work. A theory of international norms has to account for such failure as much as it has to explain 'the critical issues of which norms matter, the ways they matter, and how much they matter relative to other factors' (Legro 1997: 31).

There may also be a collision of norms within the international normative order. Human rights norms, for instance, coexist with other norms. In recent years, they have increasingly come into conflict with traditional, classic principles of the international community such as the principles of territorial integrity, state sovereignty, self-determination and non-intervention (Schneckener 1997: 458). As a prominent example, UN Resolution 688 of 5 April 1991 is often cited because in the Gulf War the United Nations demanding a human rights based objective, namely the termination of the Iraqi suppression of the Kurds, disregarded the norms of sovereignty and non-intervention into the domestic affairs of a given state. With this allusion to the problem of humanitarian interventions (see Reed and Kaysen 1993; Lyons and Mastanduno 1995; Debiel and Nuscheler 1996; Pape 1997;

Hasenclever 2000) one can illustrate substantial changes within the international normative order and a shift of the weight and in the importance of individual norms.

Also, international norms themselves may change in outlook and contents as can be seen when looking at the principle of sovereignty. This norm, as others, is in itself context dependent and changeable (Walker 1993: 78, 168). In fact, since the time of the Peace of Westphalia the integral elements of sovereignty have changed as it became successively related to religion, monarchism, nation/nationalism and territory (Barkin 1998: especially 236–46). Currently, the international system is again characterised by changing perceptions of what constitutes sovereignty and thus a legitimate relationship between those who govern and those who are governed. The inroad to sovereignty related to the disposal of territory and the principle of non-intervention is a conception of human rights that has gained much attractiveness since the end of the East–West conflict. This substantiates the proposition that the new international environment in general and new international normative orders in particular often emerge from system wars (and, as in this case, their functional equivalents) or major economic depressions (Barkin 1998: 231, 234; Finnemore and Sikkink 1998: 909). Such a change in the international normative order can currently be observed from the human rights discourse. The increased importance of (political) human rights norms, their trans- and internationalisation may be regarded as a further development in the constitution of sovereignty.

According to this, states and governments that do not follow human rights standards are more likely to be exposed to intervention than those that conform to these standards (Barkin 1998: 229f., 246-248, 250). A parallel modification in the definitional bases of sovereignty is the increasing demand for the democratisation of political systems (foremost through democratic elections) and for the democratic accountability of governments (see Donnelly 1998: 19). The practice of various countries and international organisations to bind developmental aid to democratic-political conditionality and respect for human rights (see Uvin and Biagiotti 1996; Suchsland-Maser 1999) illustrates that human rights and democracy may become something like a new global civilisational standard (see Gong 1984). Democracy is perhaps on the point of becoming a 'global entitlement, one that increasingly will be promoted and protected by collective international processes' (Franck 1992: 46; see also Freedom House's annual surveys on *Freedom in the World*).

This resonates with one interpretation of globalisation processes that stresses their levelling off effects. As Carolina Hernandez (1997: 129) writes, '[i]ncreasing interdependence and the homogenising impact of globalisation should facilitate the erosion of whatever differences in values and culture remain between Asia and the West'. And Lynn Miller (1990: 246) adds that 'we are witnessing *the creation of a global political and normative culture* as the ideational expression of the emerging global village'. The sociological institutionalist literature that perceives institutions as rules and norms proposes that the isomorphisms that one may find in the world about state structures, institutions and agencies such as bureaucracies, administrations, educational systems and the police or the military may be taken as strong indicators of a process of global cultural homogenisation and

convergence thus evidencing the power of global cultural norm systems. It may be taken as an evidence of the operation of the global cultural system producing action similarity of dissimilar actors that, in failing or collapsing states, we witness the agency of the state to be incapable of managing and solving problems that occur (see Finnemore 1996; Jetschke and Liese 1998).

Yet, this proposition of an ultimately harmonious normative order is problematic in that it does not pay adequate attention to the aspects of power and coercion (Finnemore 1996: 339). It overlooks the fact that, as a very reaction to processes of globalisation, processes of fragmentation occur. Globalisation, then, does not only mean cultural homogenisation, but also means cultural homogenisation and heterogenisation (see the contributions in Featherstone 1990). The growing interaction frequency and intensity does not necessarily and automatically lead to increasing similarity, convergence and symmetry. Notable differences do remain (see Axelrod 1997).[7] Because of this, Roland Robertson (1995) has, in good time, coined the term 'glocalisation' and has introduced it into the globalisation discourse.

International democratisation and the international adherence to and recognition of basic human rights, then, are by no means to be taken as unilinear processes. Rather, they are broken processes in which we find both progress and regression. Nevertheless, international democratisation is a basic trend in international relations and, in the era of globalisation, it also has an interest-based facet. As the literature on the democratic peace contends that democratic states do not wage war against one another (see e.g. Russett 1993), the advocacy and promotion of democratisation is a security strategic instrument, i.e. one that furthers one's own security. The crucial issues, then, are the practical questions of how to pursue international democratisation and with which means and instruments. The changes in the definitional bases of sovereignty described above may have ambivalent repercussions. On the one hand, the elevation of international civilisational standards through political human rights and democratisation is to be welcomed. On the other hand, this process may not proceed smoothly and without conflicts.

To accentuate the international norm of democratisation too much may produce new conflict lines in international relations between democracies and non-democracies (Vincent 1993: 266); it may lead to something like a re-ideologisation of world politics accompanied by rising levels of violence in the world (Hoffmann 1981: 116). Accordingly, both Stanley Hoffmann (1981) and Robert Jackson (1995) plead for prudence and for primarily non-violent means to be employed when furthering democratisation. Something similar applies to the issue of political human rights as a constitutive element of sovereignty. Here, too, there are ample opportunity sets for confrontation because of double standards leading the conservative philosopher Panajotis Kondylis (1992: 113) to expect human rights to become successively a prominent 'battlefield' in international relations.

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[7] In this context, Zygmunt Bauman (1997: 323) speaks of a local self differentiation industry.

What this lengthy section implies for SSR is, first, that the dissemination of the international norm SSR is in the enlightened interest of the international community as it helps produce a stable, transparent and democratic international environment that is conducive to a peaceful international system. Secondly, SSR is currently in the phase of norm-cascade or norm-diffusion. To pass this phase successfully is not an easy undertaking as selling SSR may meet some resistance if pushed too hard or if it is too paternalistic. Compromise and quid pro quos, then, loom at the horizon, implying that SSR will look differently in different countries. This may suggest that it would be advisable, for the external actor, to define which elements of SSR are crucial and essential and thus, not debatable, and to identify others that are open for discussion and modification. Thirdly, in individual Eastern European countries SSR has not yet been activated and it may take some time to reach the phase of norm internalisation. This means that SSR from outside needs staying power and asks for a long-term commitment.

4.6   The region: the post-Soviet space

The issue of SSR should also be analysed with an eye on the past. As a whole, the international system after the Second World War was dominated by the East–West conflict. Within this system the Eastern bloc and the Western world constituted two distinct (and competing) sub-systems which were led by the Soviet Union and the US respectively.[8] The American and Soviet leadership styles, however, differed to a considerable extent. Whereas the US in most cases tried to gain voluntary support and consensus on the part of its allies, the USSR exerted unilateral hegemony over the countries belonging to its sphere of influence and its policies were intended to suppress democratisation. The unilateral-hegemonic style of leadership had important repercussions on the political systems of the respective allies.

The political systems of Germany between 1945 and 1949 (and partially up to 1955) and – even more so – the Eastern European countries after the Second World War can be interpreted as penetrated systems – a concept which was developed by James N. Rosenau. He defines such a system as one in which non-participants of a national society participate directly and authoritatively through actions which are conceived together with members of this society. They do so in order to realise their own goals. Penetrated systems are not static, but dynamic due to the change in the international as well as in the national environment. The lever to install a penetrated system is the shortage of capabilities in the respective national system and the penetrators use this lever when it is advantageous to them. The penetrated, in turn, accept this penetration as legitimate when it suits their goals as well, i.e. when they perceive this outside influence as useful. In Rosenau's conception, such a consensus is a basic

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[8] International systems usually consists of different sub-systems. We may speak of sub-systems if there is a 'repetitive pattern' (Czempiel 1981: 192) in transactions and interactions in regional, geographical or sectoral terms to be observed.

requirement for penetration. The chances for penetration are best in cases of instability of the respective system or after this system was militarily defeated (see Link 1977: 485 f).

The Soviets, the regional hegemonic power, made use of the geopolitical situation after the war and turned the Eastern European countries into penetrated systems. Indeed, communist rule in most of these countries was externally imposed. Looking at the cultural traditions, the economic development and the social structure of countries like Hungary, Poland or Czechoslovakia, it would have been no surprise if these states had turned to democracy after 1945. However, according to the late Milovan Djilas, Stalin took it for granted that the Soviet Union's military reach defined the Soviet dominated sphere of influence and this included Eastern Europe. In addition to the military aspect, the lever for this penetration was Soviet political and economic power. The armies of the Eastern European countries as well as their secret services were controlled by Soviet officers; the Soviet ambassadors and the Soviet embassies in these countries served as a further mechanism of control and penetration; also there was overwhelming leverage through the Communist Party of the Soviet Union (CPSU) which organised joint sessions with the central committees of the Eastern European communist parties (see Brzezinski 1976).

The Brezhnev Doctrine (1968) documents the Soviet penetration objectives. It translated an empirical practice which had prevailed since the beginning of Soviet rule in Eastern Europe into letters. The states falling into Moscow's orbit enjoyed a limited sovereignty at best; penetration and dependence were cemented by the incorporation of the Eastern European countries into the Warsaw Pact, the Council for Mutual Economic Assistance and into the socialist division of work and production planning (Jones 1981; Hutchings 1983). Eastern European sovereignty was constrained because of their involvement in the agenda of world revolution and world socialism, the contents of which, in turn, were defined in the Kremlin (Kramer 1989/90: 25). Deviations from this could not be tolerated as could be seen in the GDR (1953), Hungary (1956) and Czechoslovakia (1968). In this regard, a genuine transition to democracy within Eastern European countries was always likely to meet Soviet coercion.

Only changes within the Soviet Union itself could realistically open a 'window of opportunity' for democratisation in Eastern Europe. Despite its monolithic appearance, the USSR changed more during the 1980s than before. This metamorphosis was the result of internal and external factors (see also Snyder 1989). Externally, one can think of the 'creeping' effects of the CSCE process which, for example, encouraged the tentative formation of forms of civil society such as the Charter 77 in Czechoslovakia (see Skilling 1981; Bredow 1992); the intensification of American weapons developments (Strategic Defense Initiative, SDI) accelerating the East–West arms race which increasingly exhausted the Soviet resources (for an opposite view see Chernoff 1991); the Soviet 'Vietnam' experience in Afghanistan and the influence of 'unofficial diplomacy' (Berman and Johnson 1977). This included transnational relations, such as in the peace movement or in the field of scientific exchange where alternative Western conceptions of security and of common security were

taken up in the Soviet Union (Tismaneanu 1990; Checkel 1993; Risse-Kappen 1995; Hauswedell 1996; Risse-Kappen 1996).

The dynamics of the international economy are also important. The world market has been dominated by capitalist production structures to date and this seems likely to continue in the future. The market economic organisation of the economy proved to be more efficient and more wealth-generating than the socialist command economy. This became increasingly obvious in the USSR and throughout the Soviet empire thus generating discontent among the populations and a pressure for reform. Capitalism also displayed a superior competitiveness in innovation. As a result, there was a widening technological gap between Washington and Moscow which had considerable national security implications for the Soviet Union, too, because it became increasingly difficult to keep the pace in the high-tech arms production (see also Luke 1985).

Developments in the international communication system towards a telecommunication order characterised by global synchronicity of information were also important as can be seen by the term 'tele-revolution' (Baeg Im 1996: 283) coined to describe the processes of democratisation in Eastern Europe and the CIS. The Western-dominated global communication system (Bell 1993), the media and, in particular, television broadcasts were centrally important parts of democratisation in this region (see Tyson 1983). The reason for this is that, as 'technologies without boundaries' (Pool 1990), they permeated the Iron Curtain; they heightened the strength of the demonstration effect by transporting images of Western lifestyle and Western wealth which nourished the desire for similar living conditions. Moreover, they not only provided information on prior 'waves' of democratisation (Huntington 1991) in southern Europe in the 1970s and in Latin America in the 1980s, but they also exerted intra-regional international demonstration and learning effects from within the Soviet bloc which became especially important once the Brezhnev Doctrine had been renounced and democratisation processes gained momentum.

In addition, there were – at least from the perspective of Soviet elites – alarming signs of decay within the Soviet empire from the beginning of the 1980s. These signs could be attributed to the increasingly problematic socio-economic situation in the communist command economies compared to the wealth-generating market economies and resulted in an aversion of large segments of Eastern European societies to their political leaderships and to Soviet dominance. In an increasing 'imperial overstretch' (Paul Kennedy), the burden of empire became heavier which meant that, over time, Soviet penetration lessened in intensity.[9]

Arguably more important for the shifts in Soviet policies, however, have been first, the recognition of key policy-makers that there were internal and systemic difficulties within the Soviet economy as regards innovation and labour incentives and the efficient allocation of capital; and

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[9] As a result, we may state that penetration takes different forms at different times and varies in intensity. Hence, under conditions of progressing globalisation, it may be difficult to distinguish between a low-profile penetration and a relationship of an asymmetrical interdependence.

secondly, the willingness to respond to the ensuing necessity for considerable reform. At the root of the Soviet crisis was 'a mismatch between Soviet command political and economic structures and the imperatives of advanced capitalist production' (Deudney and Ikenberry 1991: 226). Gorbachev realised that the USSR because of its domestic difficulties was an 'incomplete superpower' (Dibb 1986) which was only able to keep pace with the US in military terms. In economic and technological terms the gap between East and West grew. This situation posed fundamental problems for the USSR. If the Politbureau wanted to prevent the country from entering a severe crisis of legitimacy which might threaten the very existence of the political system and the dominance of the CPSU, Moscow would have to improve its domestic economic performance. Gorbachev, backed by the scientific and technological Soviet elite, reasoned in a cost-benefit analysis that domestic economic and political reform was necessary to save the socialist system in the USSR and, thus his hope, beyond. Therefore, Gorbachev pushed through *Perestroika* and *Glasnost* in order to strengthen communist rule (see also Bialer 1988). He also initiated a new politics of *détente* with the US which led to the INF Treaty of December 1987 and to an improved cooperation in the UN Security Council. The reason for this is that domestic reform is facilitated by stability and predictability in external relations. In addition, Gorbachev tried to place 'mini-Gorbachevs', i.e. reform-minded forces, in the governments of the socialist camp.

In essence, then, Soviet foreign policy objectives and Soviet national interests were redefined and implied a change in the normative structure upon which the Soviet empire rested (see Legvold 1988/89; Holloway 1988/98; also highly instructive is Light 1988). Moscow's policies towards the *Solidarnos* movement in Poland serves as a vivid illustration. Here, the USSR had two policy options: either follow a traditional or 'business-as-usual' approach and, as in the GDR, Hungary and Czechoslovakia, intervene in Poland by force, or open the possibility of a non-communist government taking over the political power in Warsaw. Gorbachev opted for the latter.

In an *ex post* interpretation, doing so constituted *the* major turning point in the course of events because Gorbachev's decision exerted a fundamental demonstration effect on the region and led to significant shifts in the power political relationships in Eastern European countries. The 'Gorbachev factor' (Brown 1996) implied that the USSR would, to a very large extent, refrain from military means of intervention in the Soviet bloc. In practice, this was nothing less than a 'gate opening to democratic efforts' (Linz and Stepan 1996: 73) since it amounted to an act of 'dehegemonisation' (Di Palma 1990: 193) or decolonisation (Whitehead 1994: 41). Consequently, the 'Gorbachev factor' contributed to the reform and democratisation processes in the Soviet sphere of influence (Dawisha 1990) where democracy spread in a 'domino'-like fashion (Starr 1991). In other words, it was nothing less than the implicit renunciation of the Brezhnev Doctrine; it created the space for significant politico-cultural shifts in Eastern European countries (see Di Palma 1991); it set in motion a process of 'snowballing' (Huntington 1991: 33) and 'the domino-like collapse of the countries' in the region; it caused democratisation in countries like Czechoslovakia, Romania and

Bulgaria because there democratisation began 'almost *before* any significant domestic changes had occurred' (Linz and Stepan 1996: 235).

However, Gorbachev's very attempt to reform the USSR and create a rejuvenated, stronger socialism ironically helped to bring about the demise of socialism and the collapse of Soviet rule in the USSR and beyond,[10] because the democratisation in Eastern Europe spurred demands for liberalisation and democratisation in the Soviet Union itself. As a result, the structure of the international system as a whole was to change; the Warsaw Pact was to be dissolved; the USSR was to collapse; and the East–West conflict was to come to an end (see Bialer 1990; Niklasson 1994; Light 1994; Koslowski and Kratochwil 1995).

Events in Eastern Europe had repercussions throughout the world and their learning and demonstration effects were not only confined to the region. The response to the dawn of democracy in the East, however, was different in different parts of the world. On the one hand, the end of the Ceausescus as conveyed by television and other media, for example, created fear on the side of still ruling dictators and confidence and courage on the side of their opponents throughout the world (Berg-Schlosser and Kersting 1996: 100). Moreover, the 'democratic revolution' (Larry Diamond) nourished a transition towards political conditionality in international and developmental aid. The granting of financial aid and of credits was made conditional on perceptible advances in the field of political liberalisation and democratisation involving improvements of the human rights situation. Hence, there are reasons to hope for a spread of 'democracy by contagion' (Pridham 1994: 19). On the other hand, China served as an illustration of some still existing potential for a harsh reaction on the side of authoritarian leaderships towards democratisation demands. Here, the Chinese response to the events in Tiananmen Square in 1989 was that tanks and the military put a bloody end to the democracy movement (Kümmel 1997).

Apart from this, 1989 marked the end of the East–West conflict. Indeed, this constituted the most fundamental ceasure in international relations since the Second World War. The structural conflict in which the democratisation of Germany, Italy, Austria, Japan, Greece, Spain and Portugal took place vanished. Though the present is overshadowed by what is called the war against terrorism, a world-order-structuring conflict formation similar to that of the bipolar era has not yet developed. Instead, today we see a whole bunch of mostly regionally confined conflicts. International politics, then, is more complex and turbulent than ever – a factor which also impacts on the issue of SSR.

This short assessment of the Soviet empire's road to freedom and democracy substantiates some of our earlier findings. In particular, it underlines the necessity to avoid impressions of tutelage and to show respect, acceptance and tolerance (see also Owen 2002). Yet, it also comes up with some caveats, the most important one being the prospect of an even messier world order in the months and

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[10] Thus, the end of the East–West conflict validated the hypothesis that the transformation of the international system in general occurs through changes within its most important actors (see Waltz 1986: 343). Agents and structures, then, can be seen to be 'co-determined' (Wendt 1987: 360).

years to come. As a result, the consolidation and internalisation of democratic values, among them SSR, may be facing some difficulties in the future.

4.7   The issue: SSR in the post-Soviet space

In this section, the various strands of the analysis are synthesised with regard to SSR in the post-Soviet space. In particular,

- SSR is a normative concept since SSR is mostly understood as SSR under democratic auspices and with democratic contents. As such SSR is part of the larger picture of the democratisation of formerly non-democratic countries and societies.

- Because of the effects of globalisation processes as the driving force in international relations, because of the growing frequency of interactions, the intensification of transnational relations and the increasingly complex interdependence, external factors nowadays play a more important role in democratic transitions/consolidations and thus in SSR than in the past. This means that the chances for success of strategies of external democratisation including the field of SSR nowadays are better than before.

- These chances for success are also higher than before because of notable changes in the various dimensions of international relations following the collapse of the East–West conflict. Besides the changes in international security or strategic order, it is, in particular, changes in the international normative order in the sense of a mounting relevance of the ideas of democracy and human rights that have to be underlined. Democracy and human rights more and more resemble the framework of reference in international communication and in international public opinion and constitute sources of legitimacy for action. Deviating from this successively becomes a cost-intensive undertaking.

- The engagement in international democratisation at large and in SSR in particular is by no means an altruistic philanthropic endeavour in line with the ideas of democracy and human rights. Rather, it also reflects the genuine self-interest of actors on the international scene. Given the existence of complex interdependence, events and conflicts in faraway places may have immediate repercussions, spillover effects, over here. Thus, democratisation is a sound strategy to create a stable and peaceful international environment that is conducive to one's own interests.

- In this endeavour, the actors that may most promisingly pursue such democratisation may rather be non-state than state actors. Though SSR may be best pushed for by actors from both the state-centric and the multi-centric world respectively, non-state actors such as DCAF may

have a certain advantage over those from the state-centric part of the bifurcated world as they may enjoy more legitimacy and credibility due to some aura of impartiality.

- International norms of democracy and human rights also have an influence on the means and instruments to be employed when pursuing strategies of international, external democratisation. Orchestrating these policies by resorting to coercion and imposition may generally be regarded as inappropriate and illegitimate and, hence, may be dysfunctional and counter-productive. Instead, communicative strategies of discussion, convincing and persuasion seem to be more promising.[11]

- The historical context of the region in focus here is such that, in general, domestic politics in the countries of the region are understood as a marked deviance from the practices of the past. Democratisation receives considerable acceptance and recognition that, in turn, helps SSR.

- Yet, it would be too far-fetched to see the growing influence of the international dimension as an unequivocal trend in which external factors would eventually ascend to the dominant and primary explanation formula for transitions to and consolidations of democracy. Instead, in the future a major analytical task will consist of analysing the mutual relationship and interplay between inside and outside much closer than in the past. Though there is reason to assume an intensification between inside and outside because of globalisation,[12] this will not lead to a universal and homogeneous framework for interpretation since the post-Soviet space is subdivided into zones of different sociopolitical and socio-economic performance. By contrast, inside-outside will be subject to individual case scrutiny and SSR will look quite different in one country compared with another. This is to say that forces and events influencing political systems from outside are differently interpreted and thus reacted to in different countries.

- Reflecting this, there is a growing realisation in transition and democratisation research that approaches which either focus on structure/system or on actor/action do not match reality. Instead, both approaches should not be seen as mutually exclusive, but as compatible. Accordingly, both have to be taken into account in the analysis (Merkel 1994). In such a 'merger' approach, then, the international dimension may – generally speaking – be considered a fundamental background variable which provides the framework, the environment in which the transition to, the constitution of and the consolidation of democracy in general and SSR in particular take place. As a set of structural factors, it defines – to a considerable extent – the actors´ *opportunity set* (Jon Elster). Given its character and

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[11] Another factor working in this direction is the fact that the countries to be analysed have been penetrated systems in the past.
[12] An intensification which leads Dahl (1992: 250f.) to the proposition that because of this there may be a significant reduction in the time frame needed for projects of democratic transition/consolidation in the present and in the future.

composition, it may serve to enhance or restrict the options at hand for political systems and the actors therein. Hence, it may be expected that, first the way in which external impulses are 'digested' domestically, and secondly the strategy of central actors in dealing with an opportunity set provided by the international dimension will be crucial in the analysis. In other words, 'the effects of the external factors will be determined by the actors' *virtú* and *fortuna* to identify and make use of the *occasione*' (Merkel 1994: 324).

- This implies that a programme of implementing SSR that has been developed or is designed to be developed by external actors in its practical implementation in a given country will need a long-term commitment and will most likely undergo, at times and in certain cases significant, alterations and transformations. This being said, it may be worth thinking about identifying a core group of SSR criteria that should pass national implementation quite unchanged and depicting a group of second-rate SSR criteria where deviations may quite easily be tolerable.

- Recent findings on the implementation of human rights ideas in countries which hitherto have not acted in accordance with them suggest that they are successful if external interest in them meets internal interest in them (Risse, Jetschke and Schmitz 2002). Hence, the implementation of SSR in a given country may be alleviated if SSR is fully endorsed by crucial governmental and non-governmental actors in that country. This may be achieved by letting some of these actors (from the government, the security forces, but also from civil society) take part in the definition of SSR criteria.

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5 Principles and prerequisites of the democratic control of armed forces:

Best practices in established democracies

Dietrich Genschel

5.1 Introduction

The establishment of democratic structures and the pursuance of democratic overseeing of the state's armed services are at the centre of security sector reform efforts in transforming countries. These efforts tend to follow the conditions set, expectations expressed and examples given by the established (Western) democracies with regard to their related best practices. Yet, what these best practices of democratic control and oversight in the Western democracies are and what commonalities are governing the realisation of inherent norms and objectives has never been operationalised. No integral model and thus operational paradigm for concrete action exists. Advice is thus either provided on the basis of coherent national experience or of the perceived lowest common denominator of the various constitutional, institutional and behavioural aspects of current practices. The inherent normative principles and prerequisites of democratic control of the armed forces, however, can hardly be explored without reference to the characteristics of the political framework and social context in which such services are established, maintained and used. Therefore democratic control of armed forces and other security services has to be dealt with in a broader context of efforts to define, establish and support the (pertinent) role of armed forces and services in civil democratic societies.

It is with this understanding that this contribution draws attention to the very core of democratic principles on which security sector reform is built and that it presents the preconditions required to put life into such principles applied in governance, civil-military relations and the armed forces. The aim is to assist both political authorities and social actors in emerging democracies and transition countries in their efforts to reform their security sectors in accordance with democratic practices by selecting, systematising and evaluating the inherent principles and prerequisites common to most of the Western democracies. The approach used is more of a descriptive nature based on experience gained in this area from more than a decade of personal involvement in selected national (German) and NATO advisory functions. Its main purpose is to provide readers in European transition countries and those at Europe's periphery with a concise summary of political, legal, social and behavioural basics and institutional and procedural conditions as food for thought for their efforts in transforming to modern democracies of the Western type, to which most of them aspire to belong.

Although the basic principles and prerequisites summarised and systematised below are mainly drawn from the (West) German case of defence establishment and adjustment and continued security sector reform over the last decades, they are characteristic for almost all established liberal democracies in Western Europe. Differences and variations exist only with regard to details. The presentation of these principles and prerequisites in the form of ticks and bullets is intended and it takes into account the lack of empirical research and comparative analysis that would allow for more detailed comments and generalisation. While it is believed that the list provides a pertinent basis for practical and pragmatic target-oriented discussion with and advice for those who bear responsibility for planning, implementing, evaluation and adjusting inherent institutional and behavioural mechanisms for democratic control and oversight, this list may also serve as a framework for related and focused research.

In the *Principles* of the axiomatic foundations of the existence of well-established democracies and armed services therein, as summarised below, please note the following:

Prerequisites are political, social and behavioural conditions necessary and, in their combination, mostly sufficient for full implementation of the principles in social and political reality.

Commonality does not imply adherence to all principles to the same degree and in any detail. Different national histories and traditions also in the West condition the ways in which armed forces are structured and organised, educated, motivated and commanded. But the basics are shared by all of them.

Best practice does not imply that there are no deviations from the principles and violations of their content. The principles themselves take account of risks of misuse and deviant behaviour by providing corrective mechanisms. Overall the principles provide a vision of how democratic structures of the other armed services and behavioural features can best be harmonised to the benefit of both, with clear subordination of the armed forces under democratically legitimised political supremacy, without mutually degrading efficiency and effectiveness.

Armed services represent the key part of a state's security sector. They comprise as their elements the military, police, border guards, paramilitary structures and although regularly unarmed the intelligence services. Parliament, government and the judiciary are also part of the security sector in a wider sense. They are addressed in this article only insofar as they explicitly relate to some prerequisites.

Principles and prerequisites for *place and role of armed services in civil democracies* as elaborated in this contribution apply in general to all actors of the security sector. Differences in their missions and in the framework within which their basic tasks have to be fulfilled require variations in social prerequisites rather than in the political and legal principles.

The principles and prerequisites as described in this paper are coloured by the author's national (German) and NATO experience. What today is called security sector reform with its emphasis on democratic control of the armed services had already started in Germany many decades

ago. In the ten years after the end of the Second World War (West) Germany had no armed forces to speak of, with its security provided for by the Allied occupation forces. This period saw the emergence of a functioning civil society in the country, which set the terms for the establishment of new armed forces, recognising lessons learned from Germany's recent fascist dictatorial past. It was done, however, under what might be called 'laboratory' conditions. (West) Germany followed the same principles which governed the old Western democracies and those re-emerging from German occupation. They were the same that also presently govern security sector reform in most countries transiting from a dictatorial communist past towards a democratic state and society. There was also a sufficiently long period of uninterrupted planning for a sweeping reform effort that led to the new German Bundeswehr which from the outset was integrated in the North Atlantic Alliance. After almost fifty years the founding principles of the German armed services have proven their validity. The OSCE's *Code of Conduct on Politico-Military Aspects* of 1994 very much reflects the German experience. Therefore this article's German bias may be justified.

5.2 Principles and prerequisites of democratic control

5.2.1 *Basic principles in established democracies*

Basic principles form the constitutional, political, legal, international and normative framework within which SSR has taken place and is fully implemented.

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

Rule of law: The co-existence of people and state is governed by a system of laws, the basic principles of which are laid down in a constitution (the United Kingdom is the only Western democracy which does not have a written constitution).

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

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

International cooperation: Under conditions of globalisation and membership in international organisations, cooperation and responsibly sharing benefits and risks among allies and partners has increasingly become a constituent feature of modern established democracies.

Principles of and prerequisites for DCAF is ordered in two groups: political/legal and normative/behavioural.

5.3 Political and legal principles and prerequisites

(a)   FIRM ANCHORAGE OF ARMED SERVICES IN THE CONSTITUTION

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

The executive is accountable to parliament; armed forces are integral part of the executive. Supreme command authority is vested in a democratically legitimised civilian (head of state, prime minister, minister of defence, and minister of the interior). The missions of the armed forces are clearly laid out; the basics of parliamentary overseeing are stated with sole authority to approve the budget (which includes the defence budget) vested in the parliament.

Prerequisites

1. A written constitution (or, as e.g. in the UK an instrument of corresponding practice) approved by the people, respected by state and society and supported by all legal and political means.
2. An independent constitutional court.

(b)   RULE OF LAW

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

Prerequisites

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

(c)   SUPREMACY OF POLITICS

The armed forces as part of the executive arm of state power are subordinated to a democratically legitimated civil political leadership. There is an unambiguous chain of political and armed forces command authority with clearly defined responsibilities. Armed forces are politically neutral, but not without individual rights. Members of the armed forces have the right to vote and they understand and accept the political context of their existence. Their leaders provide professional expertise to the political leadership but ultimately follow final political guidance.

Prerequisites

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

5.3.1   *Civilian control of the armed forces*

(a)   PARLIAMENTARY OVERSEEING

The parliament's role is to draw up adequate legislation, to hold policy-makers to account, and to approve defence and security budgets. It scrutinises policy-making, defence planning and audit of budget implementation. Efficiency of resource management and internal auditing, appropriateness of structures and functioning of the armed forces, education, training, quality of life and law-abidingness of the armed forces personnel are further elements of parliamentary overseeing. Parliamentary overseeing results were appropriate in pointing out deviations of executive actions from declaratory policy. Parliament is not in command of armed forces. It is informed ex ante and it evaluates ex post. Employment however of the military inside and outside national borders needs parliamentary approval ex ante.

Although parliament usually functions in a transparent manner, it continues to have an obligation to control the security services which, in total contrast to all the other elements, accomplish their missions in strict secrecy. Ways and means exist to reconcile both interests.

Prerequisites

1. Parliamentarians and their staffs competent and skilled in security issues.

2. The existence of parliamentary institutions to implement/support oversight such as committees (budget, auditing, defence/security, and intelligence), ombudspersons, auditing offices and staffs.

3. Adequate parliamentary procedures such as hearings, inspections and investigations, special and routine debates.

4. Criteria, methods and structures like special committees or subcommittees to enable parliamentary oversight and auditing in secrecy.

5. The willingness of government and armed forces to provide transparency of structures and procedures as well as openness of information. Both voluntarily accept accountability for all they do (with special provisions in case of state secrets) to parliament and function accordingly. Inside the armed forces accountability is requested bottom up through all levels of the hierarchy.

6. The socialisation of armed forces personnel in order to ensure the utmost truthfulness and honesty of personnel as a precondition for transparency and accountability.

(b)   GOVERNMENTAL OVERSEEING

The government and the ministries responsible for the armed forces exercise control by issuing political and administrative guidance and overseeing the implementation of policy. In this respect transparency of the budget is of particular importance. Coordination of the ministries in security and defence-related issues and in particular a functioning system for crisis management are crucial parts of governmental oversight.

Prerequisites

1. Transparency and accountability at all levels of the armed forces' hierarchical structures and between their civil and military components.

2. Otherwise the same as under 'Supremacy of politics' above.

(c)   JUDICIAL OVERSEEING

The judiciary ensures that the existence and functioning of armed forces are governed by the rule of law and that law enforcement is exercised through legally established procedures. In cases of a more

serious infringement independent judges are involved. The upkeep of armed forces discipline and prosecution of criminal acts are separated, with the former under the authority of the armed forces, the latter a formal juridical matter.

Prerequisites

1. Intelligible legal provisions like those governing the upkeep of discipline, the lodging of formal appeals and complaints. A clear statement of the rights and obligations of armed forces superiors and enlisted personnel.
2. Independent legal experts in the field of defence and security.
3. Distinction between codifying disciplinary and criminal offences.
4. A clear distribution of responsibilities and authority to apply disciplinary sanctions, in particular those restricting personal freedom.
5. In cases of a more serious nature involvement of judges for approval of sanctions restricting individual freedom.
6. Special court procedures for military criminal offences.
7. Appropriate education in particular in preparation for command assignments; education and information of all armed forces personnel in security related legal matters.

(d)   CIVIL SOCIETY OVERSEEING

The strategic community consists of a range of competent media experts, research institution, the interested science community and a broad spectrum of NGOs concerned with issues of security and defence.

This provides alternative, non-governmental sources of information and opportunities for public debate. It can help to expose malpractice and so hold security sector actors to public account. The public is also an important source of legitimacy of armed forces.

Prerequisites

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

5.3.2 *Civil–military relations (CMR)*

Relations between civil society and its police and border guards are characterised by close day-to-day intertwining of their missions with that society. Respect and understanding is the basic rule of police and border guard employment inside civil society.

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

Relations between the military and – where applicable – paramilitary formations and civil society are of particular importance. CMR overlap with civil society involvement in democratic oversight. They are a main element in the integration of the military in state and society, to take account of societal developments and their repercussions on the armed forces, to retain legitimacy of the military and to maintain and improve its reputation. CMR are to meet societal pressure towards greater democratisation of security and defence policy as well as the armed forces.

CMR occur on three levels: government/parliament, civil elite and the general public.

(a)   GOVERNMENT LEVEL

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

In the context of parliamentary oversight – for instance during committee hearings – relations between military representatives and parliamentarians are characterised by truthful, and comprehensive information from all hierarchical levels of the armed forces, both voluntarily and on request.

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

(b)   CIVIL ELITE LEVEL

A part of the civil elite forms a 'strategic community'. The strategic community is characterised by an informal but close cooperation between civil and military experts. Educational institutions include security related aspects in overall civic education. Security and defence-related issues are subjects of scientific research and education, including sociological research inside the armed forces. Competent media experts meet with an open and transparent media policy of the armed forces. Politico-military leaderships regularly muster structured, permanent as well as ad hoc civil expert advice on principle issues of security and defence policy and management.

Prerequisites

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

(c)   GENERAL PUBLIC LEVEL

NGOs play an important role in drawing attention of parliament, government and media to specific security and armed forces related issues. Drafted and career armed forces personnel are the main connecting link to civil society at large. Armed forces personnel are widely integrated in societal organisations; draftees are stationed as closely as possible to their homes to make frequent contacts possible with known societal environment. National service men and women in particular communicate the reality of life within the armed forces to society at large. Their judgments and opinions condition the reputation of the armed forces in the eyes of the general public.

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

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

Prerequisites

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

5.3.3   *International cooperation and Integration*

The armed forces are involved in military, border guard, police and intelligence cooperation with such forces of allied, partner and other countries. The scope of cooperation varies widely according to the state of international relations and integration in international organisations or specific tasks of the international community. The intensity of cooperation is also determined by the context in which cooperation occurs. Integration, of course, is the most intense form of cooperation.

Prerequisites

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

5.4   Normative and behavioural principles: internal conditions of the armed forces

5.4.1   *'Citizen in Uniform' paradigm*

Conditions inside the armed forces are governed by the rule of law. Rights and duties of armed forces personnel are laid down in laws or other relevant documents. The serving member of the armed forces is regarded a citizen with particular duties to serve the common good of society. In the military he is generally regarded as a 'Citizen in Uniform'. Their primary duty is to fulfil their part in the armed

forces' mission in peace, crisis, conflict and peace support. Simultaneously exercising of civil rights is guaranteed. Legal and administrative procedures guarantee the protection of the rights and fundamental freedoms of armed forces personnel. It is crucial that the Citizen in Uniform pro-actively enjoys and exercises his or her human rights and fundamental freedoms as reflected in international law and in conformity with relevant constitutional and legal provisions while observing the requirements of armed forces service.

Prerequisites

1. An armed forces leadership conscious of the value of the rule of law, adequately educated with an appropriate code of ethics.
2. A leadership style and training methodology aimed at achieving high professional skills and capabilities while respecting the dignity of man.
3. Mature Citizens in Uniform with sufficient self-respect to make use of available legal means to protect their human dignity if need arises, while doing their utmost to fulfil their service obligations.
4. Awareness on all parts of the armed forces that such value orientation is not contrary to but facilitating best efforts to prepare and execute missions.
5. Appropriate socialisation and education of personnel.

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

Prerequisites

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

5.4.2 *Quality of life*

It is provided in ways that do not give the armed forces any privileges relative to other public services, but also not to discriminate them. Quality of life is supported by payment and pension schemes, social security and healthcare, housing, recreation and welfare.

Prerequisites

1. Sufficient financial means.
2. Transparency of the system and correctness in its implementation.
3. Awareness on the part of leadership and administration of the crucial role of quality of life for the motivation and mission orientation of all armed forces personnel.

5.4.3 *Personnel planning and management*

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

Prerequisites

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

5.4.5 *Administration of justice*

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

Prerequisites

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

5.4.6 *Independent chaplain service*

Armed forces personnel in modern democracies enjoy freedom of religion, conscience and confession as cornerstones of a free and democratic way of life. Pastoral care is carried out by military chaplains. Organisational forms taken by chaplains in carrying out their pastoral functions are adapted to the peculiarities of armed forces service. Participation in religious events carried out by chaplains is voluntary.

Prerequisites

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

5.5   Socialisation

5.5.1 *Leadership, training and education*

These are designed to provide normative, cognitive and practical competence and skills.

Differences in armed forces' missions and environments in which missions have to be fulfilled determine differences in the perquisites to be fulfilled by the elements of the armed forces **i**n the leadership, training and education structures.

Most prominent is of course the high degree of confidentiality and secrecy which surround the functioning of intelligence services. By its very nature, this reduces transparency, although not necessarily the accountability of these services. Modes of employment in this intelligence services are totally different from those of the other elements of armed forces.

The military's traditional role is preparation for combating an outside opponent, thus deterring aggression or fighting successfully should the need arise. In peace support operation this role is to separate opposing forces under strict rules of engagement. Use of armed power is an inherent element of the mission, although the likelihood of its employment varies.

The police in contrast safeguard security of the domestic population. In their law enforcement role the police can be confronted with opponents acting violently, which requires the application of

force. Their day-to-day duty, however, is service to the citizen and community in a peaceful environment. Close proximity to the citizen is the rule. Responding to a multitude of citizens' expectations for intervention in local conflict situations, damage limitation, assistance and support is the daily routine. While the police also comprise some formations with special missions – such as riot control – their general mode of employment is that of individual policemen or women.

Prerequisites for leadership, education and training as detailed below take account of the peculiarities of the armed forces elements, in particular with respect to variations in emphasis without changing the principles.

Post 9/11 missions and possible environments of employment with an increasingly blurred delineation of internal and external security may bring the elements of the armed forces even closer together. This will have further repercussions for implementation of leadership, education and training principles but not for the principles themselves.

Selection, education and training of leadership personnel (officers and NCOs in the military) and the prevailing leadership style determine conditions within the Armed Forces. The quality of units and formations is heavily dependent on moral, personal integrity, professional quality and commitment of the superiors. Therefore key responsibility is placed on adequate educational institutions. It is requested from each superior that he fulfils his tactical, technical and organisational obligations. But next to that he or she must be able to educate and treat his subordinates according to the values of a free, democratic society. Of particular importance is that the words of any superior at any level of command are in accordance with his actual behaviour. The principles of leadership, education and training are designed in a way to lead to high professionalism anticipating all possible difficulties and hardships that an actual engagement may entail while at the same time respecting human dignity of the serving citizen.

(a)   LEADERSHIP

Leadership follows the principle of mission type order. This restricts the superior to issuing an order with a clear objective leaving freedom of execution to the subordinates. The founding criteria is mission fulfilment. Subordinates use their freedom of execution. Both leaders and subordinates are accountable for their actions. Information and explanation are important means of a modern mission type leadership. This principle is to permeate the whole sequence of hierarchical relationships within the armed forces, with particular emphasis in the police, where detached duty of the individual police officer is a major mode of employment.

Prerequisites

1. That leaders themselves, on all levels, stick to the same principle of mission type order.

2. That leaders show exemplary behaviour and subject themselves to the same hardships to which their subordinates are exposed.

3. Mutual trust in competence and willingness between leaders and subordinates at all levels.

4. Particular capability of police.

5. Men and women down to the lowest level to function independently, within given rules.

6. An overall attitude of appreciation to be endowed with a high degree of freedom blending with the will to make appropriate use of such freedom.

7. Adequate education on all hierarchical levels.

(b)   EDUCATION

Education aims at internalising rules of behaviour in line with the value system as laid down in the constitution and in international conventions and declarations. It is geared towards discipline, readiness to take responsibility and initiative, willingness to make use of freedom of action and readiness to cooperate even under most severe stress. *Civic education*, including education in human rights, is an integral part of the overall armed forces education and aims at strengthening allegiance to the values of the democratic society the soldier is serving for. It is also central for appropriate functioning in a peace support environment.

(c)   TRAINING

Training aims at developing professional, tactical, technical and organisational skills. It is the main task of the armed forces in peacetime, with exception of the police, which is on duty at all times. Training is mission oriented and geared to produce operationally ready forces that can meet all requirements in all possible missions and withstand even extreme stress. Modern training curricula and methodology are tailored to requirements and capabilities of adults beyond school age. Safeguarding human dignity is imperative even in the most stressful training situation. Harassment is sanctioned as a disciplinary offence and in serious cases a criminal offence.

Prerequisites

1. The existence of an ethical code based on the values of a civil democracy and the rule of law.

2. Awareness on part of the political and armed forces leadership of the crucial role of education.

3. Sufficiently specialised and multilevel education and training infrastructure.

4 Inclusion of civil society pedagogical expertise and support of armed forces educational efforts.

5   Sufficient funding, equipment, infrastructure and high-tech facilities.

6   Careful selection of personnel for instruction and leadership/command assignments.

7   Careful political, parliamentary and executive armed forces oversight.

8   Appropriate international cooperation with adequate institutions of allied and partner countries.

5.6   Conclusion

Democratic control of the armed services is a crucial element of security sector reform. It can be established and maintained only in an appropriate framework of an established civil society, democratic governance, and rule of law. In Germany, for example, this framework was developed from scratch before new military armed forces were established. Its implementation followed an amazingly similar reform concept to the one which is presently termed security sector reform. In most countries currently in transition from a communist dictatorial past towards mature liberal democracy such sequencing is not possible. Democratic governance, a functioning parliament, the rule of law and a civil society have to be created simultaneously with reforming existing armed services. This means 'painting a moving train'. Despite this difference the German case remains exemplary because of the similarities of its situation after the Second World War and the present situation of many countries in transition. It was the need to overcome legacies of a dictatorial, criminal regime, the fact that people had collaborated with – if not wholeheartedly supported – such regimes in the past and the need to find one's way into the family of civilised, liberal societies and their common international associations.

Combining the basic principles of place and role of armed services in civil democratic societies with the prerequisites to be fulfilled for their application means to increase awareness that establishing basic principles in constitutions, laws or declaratory policy is only one aspect of security sector reform. In many countries in transition such principles are simply copied from Western examples. Genuine reform willingness and capacities of the newly independent transition countries, however, are put to the test by the way in which necessary political, legal, social and behavioural prerequisites are recognised, approached and fulfilled. This requires the creation of new or reform of existing institutions as well as establishing new democratic processes in government, society and the armed services. This constitutes a painful change of attitudes which in turn requires appropriate socialisation and active participation of all actors in that process.

6 International standards and obligations:

Norms and criteria for DCAF in EU, OSCE and OECD areas

Owen Greene

6.1 Introduction

This paper examines existing and emerging international norms and criteria relating to the security sector and security sector reform among EU, OSCE and OECD countries. Security sector reform agendas are wide, and this paper focuses particularly on norms and criteria relating to democratic accountability and control of the security sector. It aims to clarify ways in which normative processes in these areas can contribute to international efforts to promote and assist appropriate security sector reform (SSR).

Each society has its own elaborate set of formal and informal norms and standards on appropriate democratic oversight of each branch and role of its security sector. For example, practices are widely regarded to be democratically acceptable in some EU states that would be thought scandalously inadequate in others (such as the legal role of parliament in decisions to go to war). Democracies are bound to differ in many ways. So it is futile to aim at full 'harmonisation' of norms and standards of democratic states in relation to ensuring democratic accountability and control of the various elements of the security sector.

Nevertheless, there are some shared understandings of basic 'minimum' norms and standards that all OSCE and OECD states at least recognise and share in principle, and there are common agendas and debates relating to the further development of democratic accountability and control. As policies and programmes for democratic control of armed forces and SSR develop, it is important to identify and specify such existing or emerging shared norms, not least to facilitate international cooperation and the development of criteria for evaluation and lessons-learned processes.

In examining these issues, this paper works within the wider framework developed within the DCAF CSF Working Group, as expressed in the paper 'Evaluation of Security Sector Reform and Criteria of Success' by Wilhelm Germann.[1]

In examining the normative dimension of these issues, it is possible either to elaborate basic principles inductively from the practices of well-established democracies, or to examine explicitly elaborated and declared international norms. Dietrich Genschel's chapter 'Principles and prerequisites:

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[1] W. Germann, 'Evaluation of security sector reform and criteria of success: practical needs and methodological problems', paper presented at the international workshop on *Criteria for Success and Failure in Security Sector Reform*, Geneva Centre for Democratic Control of Armed Forces, Geneva, 5–7 September 2002; see also W. von Bredow and W. German, 'Assessing success and failure: practical needs and theoretical answers', in Chapter 10 of this volume.

commonalities of best practices in established democracies' adopts the former approach.[2] It identifies some basic principles of civil-security sector relations and democratic accountability and control that at least implicitly exist in good contemporary practices of the well-established Western developed democracies. The present paper complements this by adopting the latter approach; through examining existing and emerging norms that have to some extent been explicitly articulated and agreed at the international level.

The importance of developing explicit international norms is widely acknowledged. They provide an agreed basis for sustained international agreement and cooperation, and are a condition for effective development of international programmes and regimes. As described below, a number of important relevant international norms have explicitly been agreed through formal intergovernmental negotiations, particularly among OECD, EU and OSCE countries.

However, it is important to look beyond formal international treaties and agreements when identifying international norms. In practice the development and use of international normative standards is a dynamic and contested process, in which 'soft' or 'informal' agreements on norms can also be very important. Section 6.2 of this chapter develops this perspective, and briefly discusses understandings of formal and informal international norms and their practical significance. It further discusses relationships between international normative processes and the core issues for this volume: the development and use of criteria for success and failure of efforts to promote SSR and the democratic control of armed forces.

Section 6.3 then outlines and discusses some key international norms and standards relevant to SSR and democratic control of armed forces that have been formally agreed by states through OSCE, EU and other Euro-Atlantic institutions, including the OSCE Code of Conduct on Politico-Military Aspects of Security and the European Council's 'Copenhagen Criteria on Democracy'. Section 6.4 identifies and discusses emerging sets of international norms relating to accountability and reform of the security sector associated with soft or informal agreements. Section 6.5 concludes with a discussion of issues and priorities for promoting the further development of agreed international norms in this area.

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[2] D. Genschel, 'Principles and prerequisites: commonalities of best practices in established democracies', paper presented at the international workshop on *Criteria for Success and Failure in Security Sector Reform*, Geneva Centre for Democratic Control of Armed Forces, Geneva, 5–7 September 2002; see also D. Genschel, 'Principles and prerequisites of the democratic control of armed forces: best practices in established democracies', in Chapter 5 of this volume.

6.2 The significance of normative processes in international efforts to promote SSR

6.2.1 *The practical importance of normative processes*

Practitioners are often somewhat suspicious of extended discussions of norms. Why are normative processes important in practice for our purposes?

In relation to evaluation, the importance of normative criteria is quite clear. Assessments of success or failure of efforts to promote DCAF and SSR are inevitably complex and contested. They must involve assessments of the appropriateness of the objectives of specific efforts and programmes for reform as well as evaluations of the effectiveness with which these objectives have been pursued. Normative criteria are central to evaluations that involve comparisons with 'ideal types'. Further, they are also implicit in evaluations focusing on processes and procedures relating, for example, to mechanisms for oversight, transparency and consultation.

More widely, norms are also of central importance to the development and results of international SSR efforts. In practice, adequate agreement on norms and objectives is normally a precondition for effective development and engagement of international institutions, mechanisms and cooperation programmes to promote and assist democratic accountability and control over the security sector. Such international institutional and programmatic resources are critically important in SSR in most transitional and developing countries. Thus, although it is widely recognised that effective SSR depends greatly on domestic 'ownership' and support, it is also clear that this will often be insufficient to secure appropriate change without reinforcement and assistance from outside. In Central and Eastern Europe, for example, the pace and achievement of SSR, including improved democratic accountability, has depended greatly on pressure and support from NATO and its member states. The contribution of outsiders to SSR efforts is shaped, supported and sustained through the international and regional institutions and programmes of NATO, EU, OSCE, Council of Europe and other regional bodies.

Thus, positive reinforcement between domestic and international support for reform depends substantially on the existence of agreed norms. Moreover, the mobilisation and development of support programmes in these international institutions depend on significant agreement on norms and objectives among their members.

On a more detailed level, the effectiveness of specific international programmes and projects to support countries in SSR can only be evaluated well if there is clear understanding of the sets of normative objectives and assumptions on which such programmes are based. Often there is scope for debate about which operative norms are actually motivating the programme. International institutions typically acquire their own framing concepts and understandings of terminology, reflecting institutional mandates and compromises among member states, with the effect that declared normative

agendas are highly negotiated and sometimes contain tensions within them. The same is true of negotiated assistance agreements with particular 'recipient' countries. In this context, good evaluations require sophisticated understandings of the interplay and complexity of normative agendas and trade-offs in any international or assistance programme.

Thus it becomes clear that normative processes play a complex and dynamic role in the development and effectiveness of efforts to promote democratic accountability and control over the security sector. Norms do not only express basic agreement on principles for action. Agreed norms also have a constitutive role in policy process. Agreed norms are an important determinant of the capacity of international institutions and programmes to contribute to SSR, and of the ways in which they do so.

Normative debates are an intrinsic part of ongoing political and social processes on priorities, programmes and societal change. In principle as well as in practice, any individual and group participating in these debates can assert their own normative agendas and criteria. However, they are greatly strengthened when they can appeal to norms that have been negotiated and agreed within powerful institutions, and particularly when they have been agreed at an international level.

6.2.2 *Legal and political agreements*

In this context, formally agreed norms expressed in legally binding treaties plainly have the greatest force. International law rarely automatically trumps national interests in the area of security. However, governments are normally keen to remain within international law as far as possible. This is particularly true for well-established or emerging democracies where respect for law has high domestic value and (since the end of the Cold War) is also a key criteria for full participation in the benefits of valued institutions such as NATO, EU, Council of Europe, and OSCE.

Thus, norms and standards established in legally binding treaties have powerful weight in debates about policies and programmes relating to democratic control of security sector as in any other issue area. Moreover, legally binding international treaties are often 'domesticated' through national laws and regulations, enabling domestic legal institutions to be used to enforce them.

As will become clear below, as yet there are few specific and substantial norms relating to democratic control of the security sector that are clearly established in international treaties, in Europe or elsewhere. This would be a major problem if international norms require legal force before they become influential. However, in general this is not the case. Politically binding international agreements are also important, and often just as effective as legally binding treaties.

Political agreements are generally as effective in shaping behaviour as legal treaties if they have been carefully and precisely negotiated in a written agreement that has been explicitly signed and approved at a high political level. In that case, the determinants of effectiveness depend more on the

extent to which the agreement becomes embedded in policies, institutions, regulations and programmes than on its international legal force.

For example, although legal treaties can include sanctions for non-compliance, in practice these are rarely used in agreements relating to democratisation and security (in contrast, for example, to agreements on trade and investment): governments prefer to use the informal and programmatic 'carrots and sticks' to encourage implementation, which are as available for political agreements as for legal treaties. In most societies, domestic political pressure can be applied to governments through appeals to international political agreements almost as effectively as to legal treaties. The experience during the Cold War with human rights groups using the CSCE agreements to exert pressure on the Soviet authorities illustrates this point.

In fact, it is often more possible to achieve specific commitments through political agreements than through legal treaties. For a variety of reasons, government negotiators are often much more cautious about what to include in a legally binding text. This is particularly true in relation to issues such as governance and control of armed forces, police and other parts of the security sector. On such issues, governments may be willing to go a long way in expressing agreements clarifying minimum and good practices, but not to admit any international legal authority over such matters.

6.2.3 *Soft agreements and the politics of the norm lifecycle*

Political agreements on international norms are therefore important in this area. However, they come in a wide variety of forms. These range from the intergovernmentally negotiated texts approved at the highest political level, through international agreements established at lower levels of government, agreed programmes of international institutions, professional codes of practice recognised by governments, to widely shared norms specified by civil society groups. Some of these are quite formal and highly negotiated by all participating governments; others are quite 'soft' or informal.

To the extent to which disputes about governance and control of the security sector are treated as high politics, formal high-level international agreements are likely to be stronger and more influential than softer informal agreements.

Nevertheless relatively soft or informal agreements play an important role. First, they play an important role in the emergence of new international norms. Soft and informal agreements can be important precursors to more formal international commitments. Studies show that agreed international norms emerge through complex social processes, involving campaigns and 'norm entrepreneurs' operating in (and taking advantage of) a variety of institutional settings.[3] Advocates of new or stronger international norms may, for example, try to extend the application of commitments that have already been formally agreed in other contexts, or to formalise and strengthen transnational

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[3] M. Finnemore and K. Sikkink, 'International norms dynamics and political change', *International Organisation*, 52: 4, 1996, pp 887–917.

codes of good practice among relevant agencies or professional bodies. It is thus important to identify and examine emerging soft and informal agreements as possible bases on which to build stronger international programmes and agreements.

Secondly, soft and informal agreements can play an important role in widening adherence to and support for international norms. For example, countries may begin to align themselves with the strong international commitments adopted by a relatively small group of states (such as members of NATO or the EU) through participation in joint programmes or codes of conduct which express commitment to those norms but in a less formal or specific way. This links with the second key phase in the normal 'lifecycle' of 'successful' international norms: after they have emerged and been adopted by some countries and institutions, they need to spread (or 'cascade') to others.[4]

Thirdly, informal and soft agreements can play a key role in the 'internalising' and institutionalisation of formally agreed international norms. They play an essential role in specifying the implications of formal agreement and developing shared understandings about good implementation. High-level intergovernmental agreements often do not detail specifically how they are to be implemented. In successful agreements, this is generally elaborated through a set of supplementary sectoral agreements, cooperative programmes, codes of conduct, and such like. In this way, informal agreements can fill out and reinforce high-level formal agreements, helping to connect general intergovernmental commitments to efforts to change practices of the directly relevant institutions and agencies.

The following sections will discuss informal and 'soft' international norms among OECD and OSCE countries relating to democratic oversight and control of the security sector. One of the reasons why soft or lower level political agreements are often neglected is that their variety and scope is so wide, making it hard to be comprehensive. This chapter also cannot be comprehensive, but will rather aim to illustrate and to provide an overview.

6.3 Norms and standards relating to democratic oversight and control of security sector among EU, OSCE and OECD countries

6.3.1 *Introduction*

One of the distinguishing characteristics of OSCE countries, compared to 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, OSCE and many others. Moreover, they have relatively strong declared agreement on support for the principles of liberal democracy and the rule of law.

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[4] M. Finnemore and K. Sikkink, op. cit.

Thus, it is striking that there are as yet few legal or politically binding agreements within the area of the OSCE that specify norms or standards relating to democratic oversight and control of the armed forces or other parts of the security sector. There are some relevant substantial agreements, which are described below. But it is clear that this is an issue area where international norms and standards are still very much at the stage of emergence.

6.3.2 *Principles of democratic institutions and governance*

The member states of NATO, OECD, EU and Council of Europe have committed themselves to strong principles relating to democratic governance, human rights and the rule of law. In principle, these apply to governance of all sectors of society, including the security sector. Thus, although they do not include specific norms of democratic oversight and control over the military, police or other parts of the security sector, they do provide a basis for such norms.

It is worth noting that although these broad international principles of democracy, human rights and rule of law have a long history, until quite recently commitment to them (to say nothing of their implementation) was confined to only a relatively small group of states in North West Europe, USA, Canada, Japan, Australia, New Zealand and India. During the 1970s and 1980s, these international standards spread across much of Southern Europe. During the 1990s, adherence to these norms has spread much further, across much of Central and Eastern Europe, the Americas and some countries in Africa and Asia. All states in the OSCE area are now committed in principle if not in practice to these broad normative principles.

Formal international agreements on some principles of democratic governance were developed within the Conference on Security and Cooperation in Europe (CSCE) in the late 1980s, alongside those elaboration of standards relating to human rights and rule of law, taking advantage of the opportunities offered during the Gorbachev reform period to elaborate these within CSCE frameworks. Thus, the founding documents of the follow-on Organisation for Security and Cooperation in Europe (OSCE) – the Charter of Paris and the Helsinki Document (1992) – include explicit politically binding commitments to such principles.

Similarly, members of the Council of Europe (CoE) are committed to a range of key principles of democratic oversight and control, through a variety of agreements, codes of conduct and guidelines. These are found in formal and soft CoE agreements relating to: the rule of law, individual and minority rights, freedom of the media, access to justice, and penal systems. Again, these agreed standards generally include little or no specific reference to democratic accountability and control over the security sector, although they do have direct implication for police, judicial and penal practices. Most relevant CoE agreements are politically binding, but the CoE programmes are often particularly

focused on ensuring adoption of national laws and regulations that are compatible with standards agreed by CoE members.

Membership of the OECD club of advanced industrialised democracies includes numerous standards for democratic governance. Thus, extension of membership to Republic of Korea and Mexico in the early 1990s reflected progress in democratisation as well as good standing in liberal trade and investment regimes. However, although the OECD is centrally concerned with developing and sharing good governance practices, it is not focused on issues of democratic oversight, and relies on international standards and criteria of democratic practices established in other forums.

The end of the Cold War, and debates about accession to the EU of countries in Central and Eastern Europe, stimulated the European Council to specify some broad political criteria for EU membership. At its meeting in Copenhagen on 21–22 June 1993, the European Council laid down a number of broad criteria to be fulfilled by associated countries in Central and Eastern Europe in order to be considered for EU membership.[5] 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.

These 1993 'Copenhagen Criteria on Democracy' have subsequently been referred to repeatedly by EU institutions. They were a declared basis for the framework of the EU initiative to establish the Stability Pact for South Eastern Europe, launched at the Cologne EU summit on 10 June 1999. This declared that

> countries wishing to be admitted [to EU membership] must, however, meet certain minimum standards, including the Copenhagen criteria on democracy and market economy laid down in 1993 … the Stability Pact's stabilisation policy is not only about economic development. Without state institutions that work effectively and the democratic development of a state under rule of law, there can be no economic development and prosperity. Equally, democratisation and non-discrimination are also fundamental preconditions to guaranteeing internal and external security.[6]

The promotion and acceptance of democratic norms are thus embedded in the Stability Pact as far as South East European transition countries are concerned.

However, it is notable that the Copenhagen criteria on democracy are not elaborate or very specific. They simply express some basic principles of democracy. Their importance lies in the fact that they provide the basis for the EU to negotiate specific bilateral agreements with each accession and stability pact country. Such agreements have generally included some rather specific milestones towards establishing stable democratic and accountable institutions. For example, Stabilisation and

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[5] European Council, summit meeting, Copenhagen, 21–22 June 1993.
[6] European Council, summit meeting, Cologne, 9–10 June 1999.

Association Agreements with stability pact countries (such as Macedonia and Albania) have included measures to improve access to justice and police practices, and official accountability before the law.

6.3.3 *The OSCE Code of Conduct on Politico-Military Aspects of Security*

The OSCE Code of Conduct on Politico-Military Aspects of Security is the most prominent international agreement within the OSCE area that includes norms and standards that specifically address democratic oversight and control of key elements of the security sector – particularly the armed forces. This Code of Conduct was agreed at the OSCE summit in Budapest on 5–6 December 1994. As for all OSCE agreements, it is politically binding. However, it not only includes a number of specific norms and standards but also established a follow-on process: a biennial review process in which participating governments are invited to report and discuss their progress in implementation.

The OSCE Code of Conduct on Politico-Military Aspects of Security was developed within the framework of wider OSCE principles relating to security. These include the concepts of:

- comprehensive security: security is not simply a military issue but is secured through progress in all of the three OSCE issue 'baskets' – politico-military, human rights and fundamental freedoms, and economic and environmental cooperation;

- indivisibility of security: security cannot be obtained at the expense of others, and states have a legitimate security concern in the domestic affairs of other OSCE countries because bad internal practices can have wider security implications.

The OSCE Code of Conduct on Politico-Military affairs is thus primarily legitimised through its contribution to confidence-building and cooperative security in the OSCE area, rather than through international commitment to democracy and rule of law per se.

Further, it 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, the OSCE Code of Conduct establishes a number of important agreed norms and standards relating directly to democratic political control over the security sector and over the use of the armed forces. Section IV, para. 13 states

> Each participating State will determine its military capabilities on the basis of national
> democratic procedures, bearing in mind the legitimate security concerns of other States as well
> as the need to contribute to international security and stability. No participating State will
> attempt to impose military domination over any other participating State.

This paragraph is in a sense characteristic of the whole document, in that it establishes an important norm of democratic decision-making, but primarily in the context of norms to promote cooperative security among OSCE countries.

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' (para. 20);

- 'will further the integration of their armed forces with civil society as an important expression of democracy' (para. 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' (para. 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' (para. 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' (para. 23);

- 'will provide and maintain measures to guard against accidental or unauthorised use of military means' (para. 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' (para. 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 (para. 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 Aspects of Security a condition of NATO's assistance and cooperation with other members of the European Atlantic Partnership Council (discussed further below). 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

Importantly, the OSCE Code of Conduct explicitly establishes agreed international norms of democratic control relating to virtually all elements of the security sector (see paras 20 and 21). Nevertheless its focus is primarily on the military. It is only in relation to the military that more detailed norms of democratic oversight and control are specified in the Code of Conduct. Similar norms could in principle have easily been formulated for other parts of the security sector, including paramilitary and internal security forces and the police, but this was not done.

Similarly, the international norms and standards for democratic control of the military relate primarily to ensuring the control of the armed forces 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. The main commitment here is that there should be legislative approval of defence expenditures, and that there should be transparency and public access to information related to the armed forces (para. 22). Once again, these are very important principles, but they are quite general and do not address many aspects of democratic control of the security sector.

These limitations reflect a number of factors, including the agreed primary motivation and scope of the exercise (cooperative regional security) and the relatively basic level of shared norms of democratic control of the security sector among even the well-established democracies at the time of negotiation.

In spite of its limitations, however, the OSCE Code of Conduct on Politico-Military Aspects of Security stands out as the primary international agreement on norms and standards of democratic control of the security sector. It is politically binding, but agreed at high political level and embedded in relevant subsequent programmes of not only the OSCE but also NATO, the EU and other relevant institutions.

6.3.4 *Other relevant agreed norms and standards*

This author has not been able to identify any other formal multilateral intergovernmental agreements, whether legally or politically binding, of EU, OECD or OSCE countries (or subsets of them) that specifically establish norms and standards for democratic oversight and control of elements of the security sector.

This may be surprising in view of the substantial number of international agreements, mechanisms and institutions for cooperation among various elements of the security sector among these democratic countries, and the progress towards establishing clear international norms for democratic institutions and democratic governance at a more general level.

However, on review it is perhaps not so very surprising. International agreements on institutions such as police, border guards and interior forces are primarily concerned with functional cooperation rather than issues of democratic governance. Thus INTERPOL and EUROPOL has been concerned with facilitating cooperation in police investigations. Cooperation among border guards tends to be similarly dominated by issues of functional cooperation. In these contexts, discussions on principles clearly arise where they relate to law, respect for civil rights, and accountability of the relevant part of the security sector to the law and to executive authority – for example in relation to issues of 'hot pursuit', admissible evidence, extradition proceedings and exchange of intelligence on suspects. Issues of parliamentary oversight, for example, are secondary contextual issues in this context.

6.4 Soft and informal international agreements on norms of democratic oversight and control

In view of the relative absence of international agreements specifying norms and principles of democratic oversight and control over the security sector, attention should turn to the possible existence of soft or informal international agreements in these areas, for the reasons discussed in section 6.2 above.

6.4.1 *Institutionalisation of norms of democratic control and oversight of the security sector in international assistance programmes*

Well-established democracies and the institutions that they dominate (including NATO, EU, OECD, and the World Bank) have been focused less on elaborating norms of democratic control for themselves than for transitional, post-conflict and developing countries that they assist and support.

Thus, Nato's Partnership for Peace (PfP) programme with EAPC countries includes 'ensuring democratic control of defence forces' as one of its five objectives. In this context, NATO has identified a range of activities that should be considered as part of the specific PfP cooperation and assistance agreements established with individual partner countries.[7] These include establishing appropriate: political and legal concepts and institutions; defence and security related education for civilians and parliamentarians; development of balanced civil-military relations; progress in implementing the OSCE Code of Conduct; and information on concepts of defence structures (such as ministries of defence) in a democratic society. Agreements under the Partnership for Peace programme have tended to be somewhat flexible on which elements to prioritise. In contrast Membership Action Plans for aspiring NATO members have included detailed requirements under the above headings.

Similarly, donor countries in the OECD have gradually developed shared understandings through the OECD Development Assistance Committee on the role of assistance with security sector reform in the context of development aid programmes. These remain at an early stage. Development assistance agencies of some OECD countries have taken a lead in developing policies and programmes relating to SSR (particularly in relation to the military, police and border guards), including Canada, Denmark, Japan, Netherlands, Norway, Switzerland, United Kingdom, and the USA. However most of these agencies still approach this issue area cautiously in practice, and norms and principles for providing such assistance remain under discussion. Nevertheless, the OECD DAC has issued guidelines for assistance with SSR (agreed in 2001), which include reference to principles that support democratic oversight and control.[8]

Some of these countries have been pressing the IMF and World Bank to include support and capacity-building assistance to promote democratic oversight of public expenditure on the armed forces, police and other sections of the security sector in their programmes to support transparency and accountability in other areas of public expenditure. These latter programmes are now well established, and incorporate highly developed sets of norms relating for example to information management and accountability in relation to public expenditures in other sectors. However, both the IMF and World Bank remain reluctant explicitly to extend these to elements of the security sector such as the military and police.

Similarly the EU has supported, with caution, programmes to promote transparency and democratic accountability of the security sector in countries of Central and Eastern Europe, mainly through their PHARE and TACIS Democracy Programmes. This has included, for example, projects to promote oversight by legislatures, and for parliamentarians of countries of the former USSR to develop 'model legislation' on parliamentary oversight of the military sphere.[9]

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[7] Partnership for Peace Framework Document, issued by the Meeting of Heads of State and Government, NATO, Brussels, January 1994.

[8] 'Guidelines on assistance in security sector reform', Development Assistance Committee, OECD, Paris, 2000.

[9] For example, EU TACIS Democracy Programme Project on 'Enhancing transparency and openness in military policies and practices in the countries of the Former USSR', Bradford University, 1997–2000.

The OSCE, EU, Council of Europe, NATO and individual donor countries have cooperated in a more or less coordinated way to support police reform and access to justice programmes in a number of countries in Eastern Europe, including Stability Pact countries in South Eastern Europe. These have been reinforced through civil society programmes to the same ends (including those supported by the Geneva Centre for Democratic Control of Armed Forces[10]). Thus, for example, OECD countries and OSCE field missions have supported police reform programmes in Macedonia, Serbia and elsewhere, complementing Council of Europe and EU programmes to promote access to justice. In practice these programmes have to engage with issues of democratic oversight and control of the reformed services, and shared understandings on principles and norms and good practices have developed. However, these remain informal and uncrystallised at the international level.

6.4.2 *Professional codes of conduct and guidelines*

One of the characteristics of the countries within the EU, OECD and OSCE area is that there are dense transnational networks among officials, professionals, political parties, parliamentarians, industry, and civil society groups. This is the case for those concerned with the security sector as it is for other sectors such as health or education. These transnational communities provide a basis for the development of informal shared norms and principles relating to democratic oversight and control.

At a thoroughly informal, though important, level there is little doubt that these networks are contributing to shared understandings of what it means to be a professional soldier, policeman or woman or border guard in a democratic society. Just as induction of national military into NATO networks assisted in the democratisation process in Spain, Portugal and Greece in the 1980s, there is evidence that it has done so in relation to Central and Eastern Europe in the 1990s.

As discussed above, NATO and OSCE frameworks have contributed to the establishment of relatively strong international norms relating to democratic oversight and control of the military. Progress in other aspects of the security sector appears to be more limited.

However, it is not non-existent. For example, a process of establishing a code of police ethics is underway within the Framework of the Council of Europe.[11] This CoE Draft Code of Police Ethics includes quite elaborate and specific principles of police accountability, including accountability to local communities, local authorities, national government and parliament in a number of areas, including police practices, policing priorities and spending. This Code is as yet not finalised, but it seems that it will provide a specific set of agreed norms on these matters among Council of Europe members.

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[10] For details, see http:// www.dcaf.ch
[11] M. Caparini, presentation at DCAF CSF Working Group Expert Meeting, Geneva, 12–13 April 2002.

6.5   Conclusion

Commitments to broad principles of democratic governance and to democratic institutions are well established in international agreements among EU, OECD and now OSCE countries. Beyond these, there are some international agreements that include substantial norms and standards relating to democratic oversight and control of the security sector. Prominent among these is the OSCE Code of Conduct on Politico-Military Aspects of Security. These agreements are politically binding rather than legal treaties, but are nonetheless key reference points for OSCE countries.

These agreed norms and principles have been institutionalised in the OSCE, EU Council of Europe, NATO and other important institutions and organisations, and thus have significant influence. They provide a basis for supporting the elaboration of more specific norms into national laws, regulations and practices, supported in many cases in central and Eastern Europe through assistance programmes.

However, internationally agreed norms and standards for democratic oversight and control remain weak or inadequately developed in many areas, particularly in relation to legislative oversight over the executive and elements of the security sector other than the military. Although the core democratic countries of the EU, OECD and NATO would probably be able to recognise and endorse a relatively well-developed set of principles and good practices relating to democratic oversight and control, they have not as yet aimed to do so. Instead they have focused more on establishing principles and conditions for transitional or post-conflict societies that they are assisting.

The development of norms and standards of democratic oversight and control for cooperation and assistance programmes in Central and Eastern Europe is significant. Efforts to publicise and crystallise these emerging norms and standards could play an important role in the further development of agreed norms across the OSCE. Similarly, emerging codes of conduct on professional practice, such as the CoE Draft Code of Police Ethics, could provide an important basis for strengthening and widening commitments to security sector accountability.

The time appears ripe for renewed efforts to develop more formal and explicit sets of agreed norms relating to democratic control and oversight of the security sector across the countries of the OECD, EU and OSCE. There is widening concern about these issues, and it is clear that there are many inadequacies in well-established democracies as well as in transitional countries.

The emerging debates among EU and associated states about the 'democratic deficit' and 'accountability gap' in European defence and security policy could provide a good framework for pursuing the development of agreed norms and principles of democratic accountability and control.

8 Security sector reform and NATO enlargement:

Success through standardisation of standards?

Willem Matser and Christopher Donnelly

8.1 Introduction

Over the last fifteen years, developments in international relations and in the foreign and security policy sphere have accelerated in a way that national authorities and international institutions have had difficulty keeping up with. Relevant bureaucracies are often still in the process of assessing and implementing adjusted or new policies and structures when they are already overtaken by the next set of developments and events. The ongoing process of globalisation, technology developments and the growing impact of non-traditional and asymmetric threats to security, have forced authorities into an ongoing process of re-evaluation and adjustment. For the moment the gap between events and solutions seems to grow only wider.

In part this has been an extra catalyst for processes of integration already in motion, as NATO and EU enlargement. However, at the same time we see that these same factors, which support and accelerate the integration processes, also place an extra strain on the systemic effectiveness of that international cooperation. When driven by the 'real world' need for results, changes and adjustment, the necessity for reform and modernisation is becoming more and more pressing. It is tempting to try and simplify these complex processes. But can the development and setting of pre-adopted standards and criteria of a normative and functional nature lead to a quick solution?

There is a particular reason why the recent rounds of enlargement have brought the standardisation issue to the fore. Almost all the new applicants and recent new members were previously part of the Soviet Union or the Warsaw Pact Organisation system. This system was centralised and standardised to a very high degree, not only in technical military aspects, but also in all industrial aspects and even to a high degree in social and political issues. There was a near-total standardisation of tactics and training, enforced by Soviet military doctrine. The standardisation of equipment was maintained by the rigid application of Soviet State industrial standards. The standardisation of the political mechanism of the state, including control of the armed forces and the civil-military relationship, was ensured by communist party control, enforced from Moscow and monitored by the organs of state security. It was only natural, therefore, for the new applicants to make the mistaken assumptions that NATO also applied standards in this way, that NATO standards would be different from those of the Soviet Union and the Warsaw Pact Organisation, that they would have

to adopt these new standards, and that their access to and adoption of NATO standards was the key to membership.

In fact, NATO has never applied standards in this way, although it can be argued that such standards make for much greater military efficiency. The fact that new applicants were often slow to realise is that NATO is not a military coalition, but a political alliance. Its standards were initially set only by the expediency of essential security requirements. As the Alliance evolved these developed into general standards of democratic accountability. But no attempt was ever made to establish norms. Indeed the very idea was anathema to the principle underlying NATO. That there are as many different ways to build an army and national security studies as there are countries in the Alliance and that it was better for the Alliance not to try to dictate how anything should be done, rather let sovereign nations choose their own path. The Alliance therefore restricted itself to encouraging, rather than requiring or coercing nations towards achieving an agreed target for defence and security capability. It is interesting to note that throughout its entire history the Alliance has failed to meet the targets it has set itself for defence capability.

Nowhere is the diversity and lack of standardisation in NATO more evident than in the issue of democratic control of armed forces and the civil-military relationship. Each member nation has chosen a very specific way of attaining this goal, all reflecting specific national social peculiarities. The Norwegian, Turkish, German, and United States system of democratic control differ to an amazing extent in all their legal, social and practical military aspect. Yet they have one thing in common. They all work well within the given parameters of their national political and military culture. Further standardisation, therefore, was not an issue until recently. But the desire to open NATO to new members from the East, and the consequent need to help those nations transform their societies, their armed forces and their political-military systems from communism to democracy, are factors which have forced NATO today to address the issue of standards anew. In doing so, NATO now has to face a dilemma, the solution of which will determine the very nature of the Alliance for the future.

As Central and Eastern European countries contemplated joining NATO, the necessity of a total systemic re-design in the defence and security sphere became evident. The main stream for the high-end redesign in the security sector was of course to be found in the already ongoing NATO enlargement process. Indeed, in many countries security sector reform processes are NATO or NATO Enlargement related. Can this enlargement and integration process be accelerated and made more effective by developing and applying standardised criteria? Can such criteria be developed or are they already available and in place? If and when available, can such criteria be implemented and applied in an effective and objective way? And what are the prospects for the realisation of norms and principles of democratic control of armed forces in this regard? Would it be appropriate to apply a rigid set of principles and standardised criteria commensurate with NATO`s explicit conditions with regard to 'Democratic Control of Forces and Defence Structures' as stipulated in the various Partnership Work

Programmes (PWP) and EAPC Action Plans? To be able to answer at least some of these questions it is first necessary to have a closer look at the enlargement and integration process itself.

8.2   Context

Since the fall of the Berlin Wall and the 'Velvet Revolutions' of 1989 and 1990 the security landscape in the Euro-Atlantic area has drastically changed. The risk of an all-out Cold War style confrontation no longer exists; it already seems so far in the past that today it is largely a topic for history books. On the other hand the security environment has become more fragmented, with previously less visible non-traditional threats and risks to security gradually answering a more prominent position. As a result the security agenda has become less transparent and more unpredictable. The issue of democratic control, which had previously been restricted to the realm of armed forces, is now increasingly concerned with all aspects of the mechanisms the state employs in dealing with the whole range of security threats.

NATO's adaptation to this changing security environment is mirrored in its opening up to the countries in Central and Eastern Europe and reflected in the updates of the Allied Strategic Concept which, *inter alia,* now includes non-military security threats. In addition, this new environment has seen intensified dialogue and cooperation with the former member countries of the Warsaw Pact Organisation and/or the former Soviet Union, and the extension of its interests in democratic control and military reform from purely Ministry of Defence forces to armed forces of other ministries and agencies. This was initiated at the London Summit in July 1990, where these countries were invited to establish diplomatic contacts with NATO. At its Rome Summit in 1991, NATO launched the North Atlantic Cooperation Council with the primary goal of providing its members with a platform to cope with the changes in the security environment through transparency and consultation. It furthermore provided a forum to discuss civil-military relations, the necessity for military reforms and the conversion of the defence industry sector. In 1994 at the Brussels Summit NATO adopted its Partnership for Peace Programme, which became essential to and instrumental in the evolving enlargement process.

From this point, the Enlargement process became a matter of priority for the Alliance. Article 10 of the NATO Treaty stipulates that the Alliance 'may invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area'. In response to persistent pressures from partner countries towards NATO membership, progressively the strategy of inclusion to create a Europe 'whole and free' developed. The basic principles and general guidelines were laid out in the 1995 Study on NATO Enlargement, but formal concrete criteria for accepting new members were not established. However, as an organisation based on shared common values, NATO has stated that applicant countries could and should only be accepted based on their

democratic credentials, market economy status and proven human rights records. Candidates must have resolved all territorial disputes with neighbours, as well as domestic ethnic disputes. Candidate states must also be able to contribute to NATO's collective security and must have transparency in military matters, including democratic civilian control of the military and transparent defence budgets.[1]

The 1995 Study noted that:

> The Partnership for Peace (PfP) Program will assist partners to undertake the necessary defense management reforms, such as transparent national defense planning, resource allocation and budgeting, appropriate legislation and parliamentary and public accountability. The Planning and Review Process (PaRP) and PfP exercises will introduce partners to collective defense planning and pave the way for more detailed operational planning.

The number of partner countries that expressed an interest in joining the Alliance had grown to 12 by early 1997. At the Madrid Summit the Czech Republic, Hungary and Poland were invited to start accession talks and NATO reconfirmed its Open Door policy towards the remaining nine aspirants and stated it would consider further enlargement in 1999.

NATO further strengthened the role of partner countries in its planning and decision-making process and adopted new terms of reference for the enhanced PfP in order to broaden cooperation into new fields. It also developed the Partner Work Programme (PWP) and the Individual Partner Programmes (IPP). The Planning and Review Process became more and more significant and the number of Standardised Agreements available to Partners was expanded in order to facilitate exercise planning and more general interoperability objectives, thereby reflecting the importance of partner force contributions to ongoing and future operations.

Upon the accession of the three new members the month before, NATO stated at the Washington Summit in April 1999 that it would not announce further invitations until 2002 and introduced the concept of the Membership Action Plan (MAP) was introduced. The MAP was not only an important signal that the Alliance remained committed to possible further enlargement, it was also meant to assist the remaining aspirants in developing forces, capabilities and structures that could operate with NATO under its new Operational Capabilities Concept. It is more specific and goes farther than the 1995 Enlargement study in fine-tuning what aspirants need to accomplish in their further preparation process for membership. It fully draws on the experience and lessons learned of the accession process of the three new members and PfP in general. MAP is not, however, just a checklist for applicants to fulfil, it is self-differentiating, which means that it is up to the participating countries themselves whether and how to match this programme with their national priorities. Participation in

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[1] For detailed information on the normative and procedural aspects of the issue of democratic control of armed forces see L. Biason, 'International norms and criteria on democratic control of armed forces: a reference tool', in Chapter 9 of this volume.

the MAP does not make PfP obsolete, which remains essential, especially in achieving interoperability with NATO forces. MAP covers a broader range of issues, as it addresses the whole range of preparations required for eventual membership. It thus complements the PfP activities.

The key elements of the MAP are:

- an individual Annual National Plan (ANP), addressing political/economic, defence and military, resource, security and legal aspects (the 'five chapters');
- a feedback mechanism for periodical progress assessment;
- a clearinghouse capacity for 'member to partner' assistance coordination;
- an enhanced planning and review capacity.

Each spring NATO prepares individual reports for participating countries, providing feedback and guidance focused on their progress in the areas covered by their individual national programmes. It is this document that forms the basis for the annual meeting of the North Atlantic Council with each individual aspirant, in the so called 19 + 1 format. Through this focused feedback the assistance mechanism can then effectively and efficiently respond to relevant issues, and be followed up by tailored bilateral and multilateral advice, support and assistance and further planning targets can be elaborated.

Since their accession in 1999 the Czech Republic, Hungary and Poland have demonstrated how difficult it is to prepare armed forces organised along Soviet lines to meet NATO standards for functional integration into the Alliance. All three have engaged in strategic reviews of their force structures. All were – and in part still are – faced with armed forces that were too large. They are under-funded and in areas sometimes poorly equipped. All three have had to develop larger non-commissioned and junior officer corps and phase out a surplus of high level officers. All this has taken place in an environment of budgetary constraint. This situation is particularly severe for the newcomers, as they have to develop their forces from a different starting point to existing NATO members. Moreover, all three are also preparing for membership of the European Union, which requires further considerable adjustments in socio-economic, legal, financial, and other structures. Nevertheless, all share the objective of creating more professional, mobile, and flexible armed forces. In this respect, the main obstacles they have faced have been in systematic constitutional and legal inadequacies, outdated National Security and Defence Concepts, and military doctrines, and underdeveloped mechanisms for democratic control of armed forces. In addition, they faced the need to increase the number of NATO-competent, English-trained civilians, military officers and non-commissioned officers to staff posts in the Alliance, as well as the national structures that cooperate with NATO. A further burden has been the obligation to provide appropriate protection of NATO-classified information and a related personnel 'vetting-system'.

The performance of the latest NATO members is seen as important in assessing the present aspirant countries, but when making that assessment it is important to remember that NATO's Open

Door Policy has developed over time. The criteria for evaluating progress made by applicant countries in meeting Alliance standards have subsequently been fine-tuned, mainly because of the introduction of the MAP. During the first cycle, aspirants attempted openness, but were overly ambitious. From the standpoint of applicants, the experiences and 'lessons learned' from the first cycle depend on several factors, including previously existing military structures. Some were former Warsaw Pact countries with comparatively large armed forces. Others were part of the former Soviet Union, while, one (Romania), was independent but totally isolated and several had not existed as independent states before. Still, applicants and NATO consider the MAP as 'hugely successful', because it provides, among other things, more transparency and more detailed feedback to applicant countries on how they have adapted to the required changes. It has laid a solid foundation for further work on their preparations for membership.

The MAP is a dynamic programme that continues to undergo changes. In the second cycle, the Annual National Plans (ANPs) are still more ambitious than resources generally permit, but have also become much more specific. They provide for detailed, partly direct feedback which has resulted in a genuine dialogue between member countries. The second cycle also witnessed a growing community effort by aspirants to find more creative, tailored solutions to meet their individual 'national' situations. More generally, the MAP process now gives more guidance and direction in a security environment that is much more cooperative than ever before.

In retrospect, for NATO the first cycle of the MAP was a learning process. The Alliance firstly had to determine what should be incorporated in the ANPs and secondly had to establish the internal process of review with the aspirant countries. The first cycle provided no universal standard and did not result in an assessment. PaRP appeared to be disconnected from the IPP and Partnership Goals (PG) focused on interoperability rather than on general standards for NATO membership. During the second cycle the process was streamlined, and enlarged and augmented NATO assessment teams were able to cover all five MAP chapters and present improved progress reports. Applicants have noted that they view NATO feedback as fair and frank, although they have all suggested further improvements in the assessment and feedback mechanism. In particular, they feel they would benefit from more on-site evaluation visits for the purpose of individual profiling. Moreover, most believe that better harmonisation of bi- and multilateral assistance to individual aspirant countries is needed. Some countries also wanted a NATO assessment mechanism to help them prioritise their MAP activities and identify minimal capabilities.

The third and last MAP cycle before the Prague Summit in November of 2002 started out with an all-out effort to integrate the lessons of the earlier cycles and to fine-tune results and progress (still to be) made. The events of September 11 in the United States and the subsequent developments with regard to the so-called 'War on Terror', the operations in Afghanistan, and rapid developments in the Middle East have influenced circumstances considerably. Nevertheless the PfP-PaRP Teams have completed their survey visits, individual progress reports have been drafted, discussed and evaluated

and the Consolidated Progress Report on activities under the MAP has been submitted to NATO Foreign and Defence Ministers for their consideration.

In its assessments NATO has tried to find a balance between encouragement and constructive criticism. In broad terms, criminality and corruption and the related need for better border control continues to be seen as a problem. The treatment of minorities among the many MAP partners has generally improved. Public opinion support for integration remains in some cases unbalanced. The Alliance needs to further assist in developing more effective ways to inform and educate public opinion. For NATO it is still difficult to make uniform comparisons of economic indicators. In the defence and military spheres, all aspirants are still restricted by limited resources and continue to struggle with force restructuring. With respect to legal and constitutional issues, some partners are still encumbered by domestic constraints on deploying troops abroad.

Both MAP and ANPs have helped to create a structure for democratic control of armed forces, defence reform and civil-military coordination that otherwise might not have arisen. This is underlined by the performance of the new members who have not benefited from a MAP experience. The MAP has also helped aspirants to contribute more effectively to NATO and other operations as well as to properly consider security challenges within their own regions. At the same time, NATO needs to make further adaptations to institutionalise the new dimensions of this partnership, particularly in the areas of flexibility and sustainability of armed forces; in establishing new training and equipment standards; in creating deployable headquarters; and in improving the capability of Alliance partner institutions to engage in effective crisis prevention.

8.3   Application areas

In order to determine which conditions are already in place and whether and where further and/or additional conditions can or should be developed, it is important to recognise that the underlying conditions for NATO accession are not as hard and concrete as are, for example, criteria for the EU. The conditions for NATO accession are less objectively verifiable and more politically orientated. The most concrete areas in the process are to be found in the 1995 Study and more specifically and completely in the five so-called MAP chapters.

There are several areas where the issue of 'standardising standards' has real applicability in today's NATO. It is the enlargement process, which has brought these issues to the fore, and it is on the resolution of this issue that the future development of NATO depends. How the Member Nations choose to tackle this issue – and particularly how far they are prepared to accept objective criteria for membership – will determine what sort of an organisation NATO can be and what tasks it will be able to perform in the new security environment. In order to be objective, any criteria must be applied equally to new and old members. There will always be, of course, a considerable degree of flexibility

in any such arrangement. International institutions, like individual human beings, are rarely completely consistent and a fair deal of latitude can be coped with. But as a minimum, NATO, if it is prepared to go down this path, will have to develop a mechanism to identify, monitor and measure openly the performance of its existing members according to the set criteria in just the same way as does the European Union. If we compare the performance of existing members in certain areas against the (admittedly ideal) conditions, which these same members have set for new applicants, it is evident that every member has a deficit in some area or other.

The following list is only a superficial review of issues, drawn in most cases from official governmental reports published by the members themselves or from respected international mass-media sources. However, it does give a good idea of the nature, range and scale of the issues in question:

Political and economic aspects:

- The relations with neighbouring states: The Greece-Turkey-Cyprus file.

- The rights of national minorities: the Basques in Spain, the Corsicans in France, Northern Ireland.

- The fight against crime and corruption: the building and construction inquiry in the Netherlands, the political party finance affair(s) in Germany.

- The sustainable public support for NATO: demonstrations in Greece.

- The general economic situation: France, Germany, Portugal and the 3% public debt for the stability of the Euro.

- The Defence Budgets: Germany not reaching 2% defence budget.

Defence and military aspects:

- The problems with the member state Airbus project.

- The conscription discussion in Germany.

- The strategic review in Portugal.

- The USA–Europe capability gap discussion.

Resource aspects:

- The new cost-cutting operation in the Netherlands.
- The deferring of major hardware investment programmes.
- The Euro-fighter and Euro-copter projects.

Security aspects:

- The intelligence and security services laws of several member states are in direct violation with EU and EC rules.
- The lack of information on security concepts in several NATO member states.
- The efficiency and effectiveness of the 'vetting' system of personnel for classified positions.
- The problems of the exchange between NATO and EU of classified documents.

Legal aspects:

- The deployment of German forces abroad.
- The lack of written constitution in the UK.
- The plane-spotters spy case in Greece.
- The human rights discussion EU–Turkey.
- The treatment by USA of detained individuals related to the war on terror.

Of course more and/or other examples can be found.

8.4   Conclusion

Criteria and standards for reform and accession should and can be hard, clear and concrete. But if NATO is to evolve to meet the new security threats of the future and maintain a real military credibility then it is important that these standards become objective and generally applicable. There should not be any doubt that criteria not only apply to aspirants, but in the first place apply to members in full extent as well. When criteria are, even partly, only projected towards the applicant/aspirant party the credibility of the process is immediately under discussion and in doubt.

The more NATO members transform their armed forces into modern projectable, employable and sustainable forces, the more member nations will have to move towards some form of force specialisation. The more that they do so, the more important it becomes that all members comply with standards and criteria on which they collectively agree. The effectiveness of a combined force will

depend absolutely on the guarantee that a nation can deliver what it has promised. Likewise in relation to non-military security issues, it is the guarantee that a member has met certain internal or border standards that will ensure the security of the whole. A chain is only as strong as its weakest link. This is an issue, which NATO has to face directly in the next few years.

As long as criteria and standards are not verifiably objective, universal and generally applied, NATO and relevant research and policy support institutions should be cautious and aware of this fact. However, the acceptance of standards and criteria does not need to contradict the essence of the Alliance. Standards need only be applied rigorously to performance. They do not need to be applied to how that performance is reached. This is particularly important in the sensitive area of democratic control of armed forces. Nations must be allowed to develop this in a variety of ways to suit individual cultural and political circumstances. The importance here – as in the other areas – is to identify new parameters to measure performance and to provide realistic and helpful targets at which applicants can aim. Establishing general principles for democratic control will help this process. Identifying successful and unsuccessful models will also help. But at the end of the day what will be needed is something flexible and with a high degree of the latitude that is always needed in human affairs. Standards can be strict, but need not be rigid.

It is particularly important to work in this area because the area of international activity to which democratic control of armed forces must now be extended for security has grown well beyond the military sphere. It is the duty of those charged with directing and monitoring a nation's security to look not only to control of the armed forces but also of an enormously wide range of issues in various ministries – economics, finance, interior, justice, transport and so on, aspects of which are now as vital to the security of a nation as are its armies. All of these areas will require the same approach to standards – new thinking to identify objective parameters, to establish transparent mechanisms for monitoring and evaluation, and to devise flexible means of achieving a high and strict standard. How to provide in practice a degree of enforcement without jeopardising sovereignty remains the final hurdle to cross.

9 International norms and criteria on democratic control of armed forces:

A reference tool

Lea Biason

9.1 Introduction

This chapter provides a collection of international norms pertaining to the principle of democratic control of armed forces that are elaborated by international institutions namely the European Union (EU), the North Atlantic Treaty Organisation (NATO) and the Organisation for Security and Cooperation in Europe (OSCE).

During the Cold War Europe was marked by a division that led to the creation of regional organisations to face the challenges of the time. On the one hand, the creation of Western institutions such as the European Community (later EU) and NATO responded to a need to build a stable security environment through economic and military cooperation. Within these institutions, a specific set of shared democratic values was promoted that gave them a particularly Western identity defined according to the democratic Western political order. On the other hand, based on a common cultural heritage the Conference on Security and Cooperation in Europe (CSCE and later OSCE) brought together the two groups of states of Eastern and Western Europe, an initiative that aimed at officially recognising the division of Europe and with its acceptance moving on to cooperation in various fields.

However, the end of the Cold War has opened to new challenges and possibilities to overcoming the unnatural division of Europe. What was a mere aspiration and vision of a unified Europe based on a common identity and values became, for the first time, a potential reality. The historic event of the fall of the Berlin wall in the 1990s and the dissolution of the Warsaw Pact led to what was termed the victory of Western values, liberal democracy and the free market economy.

In the mid-1990s, the EU, NATO and OSCE responded with their own institutional adaptation to the new challenges and risks in the changing times and security environment. The EU and NATO took on the challenge of enlargement to Eastern European countries in the context of furthering their primary objective of strengthening European security and stability by helping these states to reform their political and economic infrastructure in accordance with liberal democracy. It is within this setting of democratic transition of Eastern European countries and their desire for accession to Western institutions and the corresponding enlargement process of such institutions that core principles of democracy and commitment to them have been raised and elaborated as criteria for

accession. The OSCE has taken on an important role in the normalisation and pacification of East–West relations in the changing security environment by elaborating internationally agreed norms as a code of conduct that guides inter- and intra-state relations.

The development of international norms relating to the democratic control of armed forces find their dynamic in this particular international context. Such norms of democratic governance in general, as advanced by the EU and NATO as accession criteria, concern the whole political, economic and social dimensions of the society and therefore relate to the security sector as well.[1] Some institutions such as NATO and the OSCE have further advanced specific norms of democratic control of the security sector which find their origin from the post Cold-War general democratisation process in Eastern Europe.

9.2   European Union: 'Copenhagen criteria' on democracy

The European Union's historic undertaking is to enhance European stability and peace through integration. Since its inception, it has sought to encompass the whole of Europe in the process of post-conflict reconstruction, which could not be possible due to the politics of the Cold War. In 1989, this hope was renewed as the fall of the Berlin Wall and the dismantling of the Soviet Union and the Warsaw Pact amounted to the dissolution of the obstacles that prevented the emergence of a united Europe. The particular historical context thus provides an unprecedented opportunity to prevail over the legacy of confrontation and separation of the Cold War era through enlargement.

The EU enlargement is part of the overall process of rebuilding Europe that started in 1950 with the creation of the European Coal and Steel Community. It has since then undergone four expansion phases. In 1998, it started the fifth expansion phase by launching the process for enlargement to thirteen applicant countries in Central and Eastern Europe. This enlargement is unique and different in quantitative terms, as the area covered would expand of one-third of its size and an increase of 29% of the population. It is also different in qualitative terms as the accession of Central and Eastern European countries would lead to the transformation of the European political architecture.

The end of the Cold War is often viewed as the triumph of liberal democracy, capitalism and Western values. Consequently, Central and Eastern European countries struggling with transformation to democratic structures and market economy have intensified demands for the enlargement of the EU. Advancing their own identity as belonging to the European identity, Central and Eastern European countries consider that they rightfully belong to Western Europe. As two authors wrote,

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[1] See Owen Greene, 'International standards and obligations: norms and criteria for democratic control in EU, OSCE and OECD', in Chapter 6 of this volume.

the Central Eastern European countries referred to their liberation from Communism as a return to an original state … a return to the natural geographical and historical boundaries of Europe or a return to democracy, after a historical detour, and a return to capitalism … This ideal healthy state was not primarily a geographical or physical category, however, it was normative. The model for this ideal healthy state was a set of shared Western values.[2]

For the EU, enlargement means a foreign and security policy having as a core mission the expansion of a region of stability, the commitment to the same political values based on democracy and the rule of law and the establishment of economic prosperity. Most importantly, the past promises of Western institutions during the Cold War have led them to assume the responsibility of upholding their ideals and enabling Eastern European countries to reach these ideals.

The immediate response of the EU in 1989–91 was to provide financial support to rebuild economies and facilitate political and economic transformation of Central and Eastern European countries such as the PHARE, the first-aid programme that offers financial support for reform and economic reconstruction, the Instrument for Structural Policies for Pre-Accession (ISPA) and the Special Accession Programme for Agriculture and Rural Development (SAPARD). Member states of the EU were then preoccupied with the question of either 'widening' or 'deepening' the EU as well as absorbed with their own national problems of unemployment so that EU enlargement received in the initial stage a lukewarm response. However, in 1993–94, the EU realised that expansion is inevitable. Failure to expand would lead to aggravating nationalist conflicts and ethnic tension in the region thereby endangering the security of the West. In 1993, in Copenhagen, the European Council offered the prospect of membership to Central and Eastern European countries and provided them with a list of criteria below to fulfil prior to accession.

Table 9.1   Copenhagen criteria
The European Council agreed that the associated countries of Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the [economic and] political conditions required
Stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities
The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union
The ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.[3]

[2] Karin Fierke and Antje Wiener. *Constructing Institutional Interests: EU and NATO Enlargement*, European University Institute Working Paper RSC No. 99/14, Robert Schumann Centre, Italy, 1999. p. 11.
[3] Copenhagen European Council – 21–22 June 1993, Presidency Conclusions, Relations with the Countries of Central and Eastern Europe. http://www.europa.eu.int/enlargement/ec/cop_en.htm. Emphasis in italics added. These conditions also figure in the Treaty of Amsterdam which enshrines the principles of *liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law* as a constitutional principle common to all member states (new article 6(1) –

The most important criteria in this context is the first one which requires the '*stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities*'. These requirements, being general and vague, are limited to an illustration of basic principles of democracy. The importance of these principles is based on two consequences. First, they lay the foundation for negotiations on specific bilateral agreements between the EU and candidate countries. Secondly, they are required to be applied to the whole society which includes the security sector. As an author states, implicit in this Copenhagen criteria are certain matters which would deserve open dialogue in the pre-accession phase such as the proper arrangement for civil-military relations and the need for free, voluntary associations that are a necessity for the survival of any democracy.[4]

In this vein, the European Parliament has endorsed the Copenhagen criteria in its 'Agenda 2000'[5] resolution which provided further guidelines for accession. The document stressed some essential elements with regard the security sector as the need to establish

| 'legal accountability of police, military and secret services ... and |
| acceptance of the principle of conscientious objection to military service'.[6] |

The Copenhagen criteria and Agenda 2000 have enabled the Central and Eastern European countries to start the process of political and economic reforms knowing that their accession will depend on the execution of these reforms.

9.3 North Atlantic Treaty Organisation – a partnership: NACC, PFP, EAPC and MAP

The North Atlantic Treaty Organisation's (NATO) essential achievement was the expansion of confidence, security and stability in Western Europe.[7] NATO was created in the context of the Cold War in 1949 as a military alliance and partnership between Western Europe and North America aimed

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emphasis in italics added). The Intergovernmental Conference has amended Article O (new Article 49) so that membership was conditional upon respect of Art. 6(1). See Briefing No 20. Democracy and respect for human rights in the enlargement process of the European Union. http://www.europarl.eu.int/enlargement/briefings/20a2_en.htm. Hereinafter 'Briefing No. 20'.
[4] Peter Ludlow, E. Fenech-Adami, G. Vassiliou and the CEPS International Advisory Council. *Preparing for Membership: The Eastward and Southern Enlargement of the EU.* 2nd International Advisory Council Report. Centre for European Policy Studies. 1996. p. 39.
[5] Agenda 2000, §3. In the resolution Agenda 2000, the European Parliament stated that 'all applicant countries which do at present meet the criterion of a *stable democratic order, respect for human rights and the protection of minorities* laid down at Copenhagen, have the right to open the reinforced accession and negotiating process at the same time'. http://www.europarl.eu.int/. Emphasis in italics added.
[6] Agenda 2000, §9. See also Briefing No. 20.
[7] Jeffrey Simon, 'Post-enlargement NATO: dangers of 'failed suitors' and need for a strategy', in: Stephen Blank (ed.), *From Madrid to Brussels: Perspectives on NATO Enlargement.* Strategic Studies Institute, US (1997), p. 36. Hereinafter 'Simon'.

at guaranteeing security through political and military means. Founded on the common values of democracy, human rights and the rule of law these states aspired to build a stable peaceful order in Europe by promoting those values. Indeed, in the context of postwar reconstruction, the fifty years of NATO's existence greatly contributed to the stability of Western Europe which in turn played an important role in the latter's economic prosperity.

The fall of the Berlin Wall and the dissolution of the Warsaw Pact led to a political and strategic transformation to Europe's security environment. The emergence of new transformed actors from Central and Eastern European states and their pressing needs for political and economic transition, occasioned by the spread of democracy, brought about new risks and challenges to the European security architecture. In parallel to the need for reconstruction in the West after the Second World War, there is a need for Central and Eastern European countries to avail of a secure environment that will permit and enable a stable democratisation process. Thus, one of the pressing challenges confronted by NATO in the twenty-first century is the question of extending the area of confidence, security and stability to Eastern Europe.[8]

Many politicians and authors have noted that NATO's relevance in the changed security setting depends on its capacity to adapt to these new challenges. Indeed, in recognising that as new democracies, reform states are fragile and prone to economic, social and political instability, which may result in a spillover crisis and endanger NATO countries, NATO gradually envisioned taking on an important stabilising role in the region through dialogue, cooperation and finally enlargement.[9] In that process it developed general principles for cooperation and enlargement through the institutionalisation of the North Atlantic Cooperation Alliance (NACC) in 1991, the Partnership for Peace programme in 1994, the Study on Enlargement in 1995, the Euro-Atlantic Partnership Council (EAPC) – to succeed the NACC – in 1997 and the Membership Action Plan (MAP) in 1999. The dynamic of these institutions is important as they provide incentives and guidelines in the democratic reform of Central and Eastern European states. The different structures that were developed are important as the principle of democratic control of the armed forces is advanced within these structures as an important factor for stable democratisation.

From NATO's cautious extension of a 'hand of friendship' to Central and Eastern European states in 1990 followed by intensified diplomatic liaison, NATO created at the Rome summit the North Atlantic Cooperation Council (NACC) in 1991 to function as a consultative forum and cooperation on political and security issues. The issues covered and consulted were vast, ranging from national defence planning and military exercises to democratic concepts of civil-military relations.[10] The NACC's most important contribution is by advancing interchange between NATO and the reform

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[8] Ibid.
[9] The new strategic environment and new risks and challenges are reflected in the Alliance's Strategic Concept, agreed in Rome on 8 November 1991. The response agreed to were cooperation and dialogue with Central and Eastern European states. The question of enlargement will only be approved in 1997 during the Madrid Summit.
[10] *NATO Handbook*, NATO Office of Information and Press, Belgium, 2001.p. 19. Hereinafter 'NATO Handbook'.

states, with the latter being given a framework to familiarise themselves with NATO norms and habits of cooperation. Particular importance is stressed on the exposure of reform states to principles of democratic control of armed forces.[11]

By 1993–94, the question of NATO enlargement became pressing. With the increasing insistence of transition countries and the first official engagement of the EU towards eventual enlargement in Copenhagen in 1993, NATO was compelled to make a move to go beyond dialogue and cooperation. Thus, NATO launched at the Brussels Summit in 1994 the Partnership for Peace (PfP) programme, open to NACC/CSCE states. The PfP created a new security relationship between NATO and Partners through a defence-related cooperation. Concretely, the partnership aspired 'to expand and intensify political and military cooperation throughout Europe, increase stability, diminish threats to peace, and build strengthened relationships by promoting the spirit of practical cooperation and commitment to *democratic principles*.'[12] Partners were moreover given the possibility to hold consultations in case of a perceived direct threat to the territorial integrity, political independence or security of a partner. The PfP is important as it continued the work of the NACC in advancing Western values and modalities. As such, participation in PfP programmes were dependent upon the adherence to the shared values of the Alliance such as the 'protection and promotion of fundamental freedoms and human rights and safeguarding of freedom, justice, and peace through democracy'.[13] Within this context, partner states are invited to commit to five objectives stipulated in the PfP Framework Document, one of which is the development of the democratic control of armed forces.

Table 9.2 Partnership for Peace: Objectives
1. Facilitation of transparency in national defence planning and budgeting processes
2. *Ensuring democratic control of defence forces*
3. Maintenance of the capability and readiness to contribute, subject to constitutional considerations, to operations under the authority of the UN and/or the responsibility of the CSCE
4. The development of cooperative military relations with NATO, for the purpose of joint planning, training, and exercises in order to strengthen their ability to undertake mission in the fields of peacekeeping, search and rescue, humanitarian operations, and others as may subsequently be agreed
5. The development, over the longer term, of forces that are better able to operate with those of the members of the North Atlantic Alliance[14]

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[11] Sean Kay, *NATO and the Future of European Security*. Rowman & Littlefield Publishers Inc. US (1998), p. 64; Martin Smith. *NATO in the First Decade after the Cold War*. Kluwer Academic Publishers. Netherlands, p. 108.

[12] Partnership for Peace Invitation Document. Brussels, 10 January 1994. http://www.nato.int/docu/basictxt/b940110a.htm. Emphasis in italics added.

[13] Partnership For Peace Framework Document. 10 January 1994. http://www.nato.int/docu/basictxt/b940110b.htm. Hereinafter 'PfP Framework Document'.

[14] PfP Framework Document. Emphasis in italics added.

Institutionally, the PfP was based on self-differentiation, meaning that partner states chose from the PfP programmes and activities listed in the Partnership Work Programme (PWP) those that met their specific needs and were negotiated in their Individual Partnership Programmes (IPP). These programmes were overseen by the Politico-Military Steering Committee (PMSC). The PfP also initiated a Planning and Review Process (PARP) which identified and assessed forces and capabilities which could be made available for multinational training and operations with NATO.

The PfP is another step in the process towards enlargement. It permitted reform states to share in all institutional benefits of NATO except for security guarantees. As such, it went further than the NACC but still fell short of membership. However, though the PfP is limited to providing general objectives or behavioural goals and not specific criteria, the question of membership was held out. The debate consequently evolved from the question of 'if' of membership to that of 'how'.

In this context NATO undertook a Study for Enlargement, which examines the principles, conditions and modalities for eventual membership in 1995. The Study analysed the interrelations between the civilian political dimension and the armed forces and attempted to bring domestic reforms in applicant states in accordance with Western norms and practices. As part of these norms, mentioned within the Purposes of Enlargement (Chapter 1), the Study emphasised encouragement and support to democratic reforms, 'including *civilian and democratic control over the military*' as contributing to 'enhanced stability and security for all countries in the Euro-Atlantic area'.

Table 9.3   1995 Study on Enlargement Chapter 1: Purposes of Enlargement
– Encouraging and supporting *democratic reforms, including civilian and democratic control over the military*
– Fostering in new members of the Alliance the patterns and habits of cooperation, consultation and consensus building which characterise relations among current Allies
– Promoting good-neighbourly relations
– Emphasising common defence and extending its benefits and increasing transparency in defence planning and military budgets, thereby reducing the likelihood of instability that might be engendered by an exclusively national approach to defence policies
– Reinforcing the tendency towards integration and cooperation in Europe based on shared democratic values and thereby curbing the countervailing tendency towards disintegration along ethnic and territorial lines
– Strengthening the Alliance's ability to contribute to European and international security, including through peacekeeping actives under the responsibility of the OSCE peacekeeping operations under the authority of the UN Security Council as well as other new missions
– Strengthening and broadening the Trans-Atlantic partnership [15]

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[15] NATO Study on Enlargement. September 1995. http://www.nato.int/docu/basictxt/enl-9502.htm. Hereinafter 'NATO Study on Enlargement'. Emphasis in italics added.

Under Principles of Enlargement (Chapter 1) it is stated that new members are required to conform to basic principles regarding 'the safeguarding of the freedom, common heritage and civilisation of all Alliance members and their people, founded on the *principles of democracy, individual liberty and the rule of law*'.[16] It is reminded in this chapter that accession occurs in accordance with Article 10 of the North Atlantic Treaty of 1949 which stipulates that 'the parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty [such as *principles of democracy, individual liberty and the rule of law* mentioned in the preamble] and to contribute to the security of the North Atlantic area to accede to this Treaty'.[17] The mentions of these general principles are important, particularly the principle on democracy, as it forms the basis for advancing the democratic control of the armed forces as a condition for accession.

Indeed, in Chapter 5, the Study stipulates a set of political conditions which applicant states are expected to observe in preparation for membership, one of which is the establishment of democratic and civilian control of their defence force.

Table 9.4   1995 Study on Enlargement: Chapter 5 Political Conditions
– Commitment to and respect for OSCE norms and principles
– Commitment to promoting stability and well-being by economic liberty, social justice and environmental responsibility
– *Establish appropriate democratic and civilian control of their defence force*
– Undertake a commitment to ensure the adequate resource to the above mentioned objectives[18]

The Study further gives guidelines concerning the implementation of democratic control of armed forces as part of the creation of stable and operational democratic institutions and for this reason points to the PfP framework as a valuable source of assistance in this endeavour. In Chapter 4 , PfP cooperation is encouraged as playing an essential role as follows:

Table 9.5   PfP cooperation:
– helping partners to further *develop democratic control of their armed force*s and transparency in defence planning and budgeting processes, although this will largely depend on these countries' own efforts
– enhancing the network of military and defence-related cooperation to provide effective support to partners in adapting their defence arrangements to the new security environment[19]

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[16] NATO Study on Enlargement. Emphasis in italics added.
[17] North Atlantic Treaty, Washington D.C., 4 April 1949. http://www.nato.int/docu/basictxt/treaty.htm. The text in brackets was added for further explanation and emphasis.
[18] NATO Study on Enlargement. Emphasis in italics added.
[19] Ibid. Emphasis in italics added.

Furthermore, the notion of democratic control of armed forces is given more direction and precision in the mention of the further role of the PfP in preparing transition countries for membership:

Table 9.6	The Role of PfP in Preparing for Membership
–	PfP helps partners undertake necessary defence management reforms as they establish the processes and mechanisms necessary to run a *democratically controlled military organisation, in areas such as:* • *transparent national defence planning* • *resource allocation and budgeting* • *appropriate legislation and parliamentary and public accountability*
–	PfP will assist possible new members to develop well-established *democratic accountability and practices and to demonstrate their commitment to internationally accepted norms of behaviour*[20]

NATO underlines within the Study that there cannot be any fixed or rigid set of criteria for the admission of new membership and that accession is decided on a case-by-case basis.

The Madrid and Washington Summits in 1997 and 1999 respectively, represented a breakthrough in the enlargement process. In 1997, NATO launched accession talks with the Czech Republic, Hungary and Poland, which acceded into NATO in 1999, at its 50th anniversary thus forming the fourth enlargement phase since its inception.[21] NATO leaders stated that the '[t]hree new members will not be the last', a statement which affirmed that NATO enlargement was a continuing process and not a one-off event.[22]

Two new initiatives were therefore undertaken under these summits, the Euro-Atlantic Partnership Council (EAPC) and the Membership Action Plan (MAP). In 1997, NATO advanced an 'open door' policy on future accession, enhanced the Partnership for Peace and created a new forum called the Euro-Atlantic Partnership Council (EAPC). The EAPC replaced the NACC and incorporated under its roof the PfP programmes, thereby representing an overall framework for political and security-related consultation and for enhanced cooperation under the PfP.[23]

In 1999, NATO reiterated that membership remained open and launched the Membership Action Plan (MAP). The MAP was a new initiative that differed from the PfP through its explicit goal to prepare selected countries for a possible NATO membership.[24] As such, the MAP was devised to assist countries by providing advice, assistance and practical support on the various features of NATO

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[20] Ibid. Emphasis in italics added.
[21] NATO has enlarged with Greece and Turkey in 1952, the Federal Republic of Germany in 1955 and Spain in 1982. In 2002, during the Prague Summit, NATO further invited seven countries to begin accession talks – Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia – which are expected to join NATO in 2004.
[22] Washington Summit Communiqué. Press Release NAC-S(99)64. Washington D.C., 24 April 1999.
[23] NATO Handbook, p. 20.
[24] Nine countries were recognised: Romania, Slovenia, Estonia, Latvia, Lithuania, Bulgaria, Slovakia, Macedonia and Albania.

membership. Among the main characteristics of the MAP were the submission of individual annual national programmes dealing with a range of issues, providing for feedback from officials and national representatives and an elaboration and review of defence planning targets. The programme involved five chapters: political and economic issues, defence/military issues, resources, security issues and legal issues and presented for each a list of activities from which aspirants may select those that are of most value in their preparations. Under the chapter on Political and Economic Issues, the MAP stated that aspirants would be expected 'to *establish appropriate democratic and civilian control of their armed forces*'.[25]

Lastly, within the enhanced PfP and preparation for membership, a wide variety of activities for cooperation are offered in the military field and the broader defence-related domain. The topic of '*democratic control of armed forces and defence structures*' is included as an area of cooperation.[26] The concept of democratic control of armed forces was given further specifications and orientation in the Generic Section of the recent 2000–01 Partnership Work Programme (PWP). The PWP, as mentioned above, provided a list of all the activities available in NATO institutions, NATO states and partner states and served as the basic agenda for the preparation of Individual Partnership Programmes (IPPs). The Generic Section of the PWP spelled out the objectives to be followed for two years and thus provided guidelines for PWP specific activities. Within this Generic Section, the concept of democratic control of armed forces was characterised by the different objectives that need to be met or measures to be enforced under chapter 6 'Democratic control of forces and defence structures':

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[25] Membership Action Plan. Press Release NAC-S(99)66. 24 April 1999. http://www.nato.int/docu/pr/1999/p99-066e.htm. Emphasis in italics added.
[26] This area is one of the 23 areas listed in the 2001–02 PWP. NATO Handbook, pp. 69–70. Emphasis in italics added.

Table 9.7	Democratic control of forces and defence structures

- Provide for further discussion with Partners on such concepts as:

- The seat of authority: constitutional and legal checks and balances in the security and defence fields;

- The process of interaction between government, Parliament and the armed forces; parliamentary overseeing of decision-making in defence;

- Defence reform: reconciling military culture and tradition with the restructuring of the defence establishment;

- The need for military's political neutrality; the participation of the military in political life;

- The role of the media and of independent civilian expertise on security;

- Military training and the use of military forces to support civilian authorities.

- Defence and security related education for civilian cadres and staff in Government and Parliament.

- Development of balanced civil-military relations including the military's role and image in a democratic civic society and the role of conscription if any.

- Progress in the implementation of the OSCE Code of Conduct.

- Information on concepts of defence structures such as:

- The structure, organisation and roles of a defence ministry in a democratic society and civil-military interface in a defence ministry;

- The structure and organisation of the armed forces (including command structures) in a democratic society;

- The role of reserve forces and mobilisation;

- Other personnel issues under a system of balanced civil-military relations'

- Improve the use of modern information technology for the access to and provision of free flow DPS information. [27]

To guide further the process of establishing democratic control of defence forces, partners participate in specific activities under the Political-Military Steering Committee on PfP (PMSC) below:

Table 9.8	Political-Military Steering Committee on PfP (PMSC)

– PMSC+ brainstorming sessions on Civil-Military Relations/Democratic Control of Forces;

– PMSC 19+1 meeting to discuss issues of mutual interest in the field of Civil-Military Relations/Democratic Control of Forces with interested Partners;

– Courses, seminars, and workshops;

– Expert team activities as well as other types of activities as might be agreed upon on a case by case basis. [28]

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[27] Partnership Work Programme for 2000–01, Generic Section. http://www.nato.int/pfp/docu/d990616a.htm#6.

NATO's commitment to supporting democratic reform was reiterated in the Prague Summit in 2002 wherein heads of states and government approved a set of proposed measures contained in a report on the 'Comprehensive Review of the Euro-Atlantic Partnership Council and Partnership for Peace'. One of the important measures included was a new mechanism of Individual Partnership Action Plans that is, according to the Chairman's Summary 'instrumental in promoting more focused cooperation and in supporting democratic reform'.[29]

As shown through the different institutional transformations, NATO's partnership and enlargement process towards Eastern Europe in the post-Cold War has undergone many intensified developments, from dialogue and practical cooperation, to the culmination in the membership of three new countries in 1999 and to the beginning of accession talks with seven others in 2002. In this manner, the extension of NATO towards the post-communist states in Eastern Europe in the first decade since the end of the Cold War revitalised NATO's objective of promoting peace and stability in a unified Europe through shared democratic norms and values.

9.4   OSCE: Code of Conduct on Politico-Military Aspects of Security

The Organisation of Security and Cooperation in Europe (OSCE) is a security organisation whose achievement is the promotion of stabilisation and peaceful change in Europe through dialogue and cooperation. Launched at the height of détente in the 1970s as the Conference of Security and Cooperation in Europe (CSCE), it brought together Western and Eastern Europe and North America, in a process of security cooperation. The CSCE's approach to security is unique in its comprehensive and cooperative nature. Comprehensive security in the CSCE encompasses a varied range of issues with equal importance grouped in the politico-military, economic and human dimensions. Cooperative security underlines a non-hegemonic behaviour and entails collaboration through reciprocal accountability, transparency and confidence in the national and international levels. At a time of bloc-to-bloc confrontation, the CSCE is innovative as it provided a valuable permanent forum for communication, negotiation and a long-term programme of cooperation in diversified domains through what was called the Helsinki process. A process, which has led to a valuable framework for standard and norm-setting such as the Helsinki Decalogue, a normative code of conduct for inter-state and intra-state relations agreed upon by participating states in 1975.

At the end of the Cold War, a new Europe 'whole and free' has begun with a new basis of cooperation among states in the common goals and values of democracy, peace and unity.[30] As such, the Charter of Paris for a New Europe, agreed upon by heads of state in 1990, laid the foundations of

[28] Ibid.
[29] Prague Summit Press Release (2002) 128. Chairman's Summary of the Meeting of the Euro-Atlantic Partnership Council at Summit Level. 22 November 2002. http://www.nato.int/docu/pr/2002/p02-128e.htm.
[30] Charter of Paris: A New Era of Democracy, Peace and Unity. CSCE Summit. 19–21 November 1990. http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm.

the new mission of the CSCE. At the basis was a democratic Europe wherein a representative and pluralist democracy is the only acceptable system.[31] Thus, the promotion of democracy is emphasised in several parts of the Charter.

Table 9.9 Charter of Paris
Human Rights, Democracy and Rule of Law   We undertake to build, consolidate and strengthen *democracy as the only system of government of our nations*.   Democratic government is based on the will of the people, expressed regularly through free and fair elections. *Democracy has as its foundation respect for the human person and the rule of law*.   *Democracy with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law*.   … Our States will cooperate and support each other with the aim of making democratic gains irreversible.
Friendly Relations Among Participating States   To uphold and promote democracy, peace and unity in Europe, we solemnly pledge our full commitment to the Ten Principles of the Helsinki Final Act.   Our relations will rest on our *common adherence to democratic values and to human rights and fundamental freedoms*.   We are convinced that *in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable*.[32]

Indeed, an era of promise was launched but was, however, accompanied by insecurities characterised by social and economic instability, aggressive nationalism, inter-ethnic tensions and violation of human rights and fundamental freedoms. In the context of democratic transition and the disintegration of federal states and the rebirth of new states, the CSCE embraced new challenges and responsibilities through further institutionalisation such as the establishment of permanent institutions and a mechanism of political consultation in various levels, enhanced operational capabilities, increased field activities and progress in the development of common principles and norms.[33] As a result, in the Budapest Summit in 1994, the CSCE was renamed the OSCE, marking its transformation from a process of consultations and negotiations to a permanent organisation. Its new missions were recognised by participating states as the primary instrument for early warning, conflict prevention and crisis management in the region.[34] In the context of managing the changed security environment and responding to the new risks and challenges, the OSCE developed a normative guide for security

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[31] Victor Yves Ghebali, *L'OSCE dans l'Europe post-communiste, 1990-1996. Vers une identité paneuropéenne de sécurité.* Etablissements Emile Bruylant. Bruxelles (1996), p. 15.

[32] Charter of Paris for a New Europe, CSCE, Paris Summit, 19-21 November 1990, http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm. Emphasis in italics added.

[33] OSCE Handbook, OSCE. Vienna (2000), p. 12.

[34] Budapest Summit Declaration: Towards a Genuine Partnership in a New Era. Budapest Summit. 5–6 December 1994. http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm.

relations entitled the Code of Conduct on Politico-Military Aspects of Security, launched at the Budapest Summit. The Code is a comprehensive text regulating inter- and intra-state relations in the field of military security in peacetime and in war. It comprises a preamble and ten sections with 37 recommended rules of behaviour, an implementation clause and four final provisions. In stipulating inter-state provisions, the Code builds on the OSCE's Helsinki Decalogue and the Charter of Paris as it mentions norms such as the non-use of force against the territorial integrity of a State, peaceful settlement of disputes, sovereign equality, solidarity and cooperation to name a few, which reaffirm OSCE norms and commitments under the new security architecture and partnership.[35] At the same time, these norms are enhanced to address new threats and instabilities by new norms on intra-state relations through the provisions on democratic control of armed forces.[36] These norms provide detailed guidelines and instruction on the integration of the armed forces in a democratic society. As such, they represent ground-breaking norms as, for the first time domestic rules regulating the armed forces were discussed in an international setting and placed in conformity with internationally agreed principles and monitored by the international community, thus, filling a normative gap in the OSCE norm-setting framework.[37]

The democratic control of armed forces is an important and indispensable element of stability and security and expression of democracy.[38] Indeed, many authors supported the view that ensuring the management of the armed forces under democratic control and structures enhances internal and external stability through responsible behaviour towards its citizens and increased transparency and predictability of state behaviour.[39] The democratic control of armed forces has also been considered as a key element in the democratisation process wherein building and strengthening democratic structures could only succeed through the integration of armed forces within these structures.[40]

As such, the Code elaborates under Section VII and VIII on the essential characteristics of democratic control of armed forces. Applicable to a broad definition of the armed forces which mentions the military, paramilitary forces, internal security forces, intelligence services and the police, the Code establishes control through constitutional and political means, provides for the legal foundation of the rights and duties of members of the armed forces and expresses conditions in restricting internal security missions. These two sections are reproduced in the table below.

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[35] Adam Kobieracki, 'Negotiating the Code: a Polish view in cooperative security', in: Gert de Nooy (ed.), *The OSCE, and its Code of Conduct*. Kluwer Law International. The Netherlands, pp. 17–18. Hereinafter 'Kobieracki'.
[36] Ibid.
[37] Peter Butler, 'Negotiating the Code: a German view', in: Gert de Nooy (ed.), *The OSCE, and its Code of Conduct*. Kluwer Law International. The Netherlands. p. 23; Ortwin Hennig, 'The Code of Conduct on Politico-Military Aspects of Security' in *OSCE Yearbook 1995/1996*. p. 274. Hereinafter 'Hennig'.
[38] Code of Conduct of Politico-Military Aspects of Security in Budapest Document. CSCE Summit. Budapest. 5–6 December 1994. Art. 20. http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm.
[39] Hennig, pp. 274, 280; Butler, p. 24.
[40] Hennig, pp. 276–7.

Table 9.10   Section VII and VIII of the OSCE Code of Conduct on Politico-Military Aspects of Security[41]

Section VII	
Art. 20	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. They will further the integration of their armed forces with civil society as an important expression of democracy.
Art. 21	Each participating State 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.
Art. 22	Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.
Art. 23	Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.
Art. 24	Each participating State will provide and maintain measures to guard against accidental or unauthorised use of military means.
Art. 25	The participating States 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 CSCE to consider steps to be taken.
Art. 26	Each participating State will ensure that in accordance with its international commitments its paramilitary forces refrain from the acquisition of combat mission capabilities in excess of those for which they were established.
Art. 27	Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.
Art. 28	The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.
Art. 29	The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.
Art. 30	Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict

[41] Code of Conduct on Politico-Military Aspects of Security. Budapest Document. Towards a Genuine Partnership in a New Era. CSCE Summit. 5–6 December 1994. http://www.osce.org/docs/english/1990-1999/summits/buda94e.htm.

	and will ensure that such personnel are aware that they are individually accountable under national and international law for their actions.
Art. 31	The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.
Art. 32	Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.
Art. 33	Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.
Section VIII	
Art. 34	Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.
Art. 35	Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.
Art. 36	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 the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.
Art. 37	The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

The reporting of participating states with regard to the implementation of the Code of Conduct developed in a spontaneous manner, which by consensus, was extended to all OSCE States in 1995-1996. Consequently, the Forum for Security Cooperation (FSC) decided on an annual report and exchange of information regarding the implementation of the Code in 1998 through a standardised questionnaire.[42] Questions three to ten particularly deal with the issue of the democratic control of

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[42] See Victor Yves Ghébali, 'The normative contribution of the OSCE to the democratic control of armed forces: the added-value of the OSCE Code of Conduct on Politico-Military Aspects of security', in Chapter 7 of this volume.

armed forces. These questions are important as they provide essential guidelines on the specific requirements concerning the actualisation of the concept of democratic control of armed forces. The questionnaire is reproduced below.

Table 9.11   Questionnaire on the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security [43]

Question No 1	Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end (§ 6 of the Code of Conduct)
Question No 2	National planning and decision making-process for the determination of the military posture, including (a) the role of Parliament and ministries and (b) public access to information related to armed forces (§§ 13 and 22 of the Code of Conduct)
Question No 3	Stationing of armed forces on the territory of another participating State with their freely negotiated agreement as well as in accordance with international law (§ 14 of the Code of Conduct)
Question No 4	Constitutionally established authorities and procedures to ensure effective democratic control of armed forces, paramilitary forces, internal security forces, intelligence services and the police (§§ 20-21 of the Code of Conduct)
Question No 5	Role and missions of military, paramilitary forces and internal security forces as well as controls to ensure that they act solely within the constitutional framework (§ 21 of the Code of Conduct)
Question No 6	Procedures for the recruitment or call-up of personnel in the military, paramilitary forces and internal security forces (§ 27 of the Code of Conduct)
Question No 7	Legislation or other relevant documents governing exemptions from, or alternatives to compulsory military service (§ 28 of the Code of Conduct)
Question No 8	Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programs and regulations (§§ 29–30 of the Code of Conduct)
Question No 9	Legal and administrative procedures protecting the rights of all forces personnel (§ 33 of the Code of Conduct)
Question No 10	Any other information

The Code provides an in-depth elaboration and description of the principle of democratic control of armed forces, setting-out more far-reaching provisions than those mentioned in the EU and NATO. In this manner, it conveys a clear vision on the implementation of the concept of democratic control and offers an orientation guide for new emerging democracies in integrating their armed forces in democratic structures and conforming its military and society relations to internationally accepted standards. It however involves a long process of socialisation and education of the members of the armed forces as well as the society with respect to the national – political, economic, social and cultural – specificities of each society.[44] Democratising states are in the beginning of the process and

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[43] FSC.DEC/4/98 of 8 July 1998.
[44] Hennig, p. 288.

at this precarious period the Code aspires to provide stability by setting precise guidelines on the implementation of democratic control of the armed forces.

9.5   Conclusion

The unique context of the post-Cold War Europe and the transformation of its security architecture provided a historic opportunity to make the vision of a united Europe based on shared democratic values a reality. However, the euphoric promise of unity was also accompanied by new challenges as the fragility of democratising states embodied new risks to European security. The EU, NATO and OSCE faced these challenges by assisting transition states in building stable democratic structures. Consequently, through incentives advanced for eventual membership in EU and NATO, these institutions have created norms of behaviour for a successful democratisation process of reform states. Within these norms, the principle of democratic control of armed forces was advanced as an essential condition. Consequently, raised in different fora, the concept of democratic control has been illustrated with increased specification and orientation, from the general PfP developments in NATO to the particular provisions in the Code of Conduct in the OSCE, illustrating an attempt to move from an abstract principle to a practical tool ready to be used for concrete implementation. The actualisation of the democratic control of armed forces is, however, a complicated process that involves the adaptation of each society to its political, economic, social, cultural and historical specificities. For this reason, neither the EU, NATO nor OSCE have provided fixed criteria for there is no specific model that exists. Each society needs to find its path which is a long process and wherein the Eastern European states found themselves in the beginning as the Cold War drew to a close.

10 Assessing success and failure:

Practical needs and theoretical answers

Wilfried von Bredow and Wilhelm N. Germann

10.1 Introduction

Various new challenges to the external and – with mounting relevance – internal security of states and societies occurred in the last part of the twentieth century and especially after the end of the East–West conflict. Traditional challenges did not go away but changed their scope and drive. Threats, risks and dangers in respect to the use of organised violence and weapons from a comparatively primitive level to one of highest sophistication push responsible governments and their defence establishment to reconsider the concept of security and prepare deep structural reforms of the security sector. This pressure is even stronger in countries which, like the former communist countries of East Central and Eastern Europe, are in the midst of a process of comprehensive socio-political transformation.[1]

Security sector reforms are currently under way in many countries. That is the good news. The not so good news is that this reform process is developing in a more or less fortuitous way, often more influenced by secondary political intentions. Much effort has, indeed, been invested in establishing a valuable and reliable concept of SSR, and also in setting up operational agendas. What has been badly neglected, however, is the establishment of a normative and methodological framework for assessing progress, identifying problems, and evaluating success. There is an urgent need to invest more intellectual energies in assessment and auditing programs and activities and to evaluate which reform strategies and reform steps have been, according to which reasons, successful or unsuccessful.

This is not an easy mission, for we cannot simply construct an abstract canon of criteria for success or failure and use it as a general standard for SSR in different societies. Any evaluation has to take into account from which point of departure a certain country has begun to reform its security sector. Political and military cultures vary from country to country and thus exert a strong influence on the collective perception of threats, risks, and dangers and on the best methods to respond to them.

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[1] Corresponding efforts of the CEE countries have considerably suffered from the complexity of SSR requirements and the simultaneousness of challenges involved in the transformation process as a whole. Notwithstanding the corresponding differences in size and composition of their armed forces, the path of military reform has followed a remarkably similar pattern everywhere. Besides a number of inadequate decisions with regard to the maintenance of massive but obsolete force structures, unsuitable administrative, command and military education infrastructures and ineffective, non-transparent personnel systems, it was mainly the total lack of national governmental capacity for defence policy formulation, defence planning and crisis management that particularly affected the effectiveness of nationally led reform in a negative way and further reduced the degree of real political control over the armed forces. See Chris Donnelly, Reshaping European Armed Forces for the 21rst Century, NATO think piece, October 2001, NATO On-line-library.

This chapter does not therefore attempt to present an all-suitable catalogue of criteria for assessing SSR. Instead, we interpret our task in such a way as to sharpen the awareness of the problem and to introduce useful contributions for the construction of assessment and evaluation criteria for different cases. In fact, the careful balance between general norms, values and concepts on the one hand and their application in the specific socio-political situations of the countries involved is one of the necessities of the reform process and also of its evaluation.

10.2 The scope of the challenge

The SSR discourse involves, among others, politicians, professional soldiers and civil security experts from many countries. We can distinguish various levels – national debates about the future of the armed forces, their missions and organisation, regional debates about multinational attempts to integrate certain aspects of security policy, academic or theoretical debates about the conditions and consequences of SSR. All these debates converge in a general, international discourse which thus reflects the complex and sometimes inconsistent process of globalisation concerning matters of security.

10.2.1 *Security and security sector*

Security is a term which, like health, happiness and peace, describes a general aspiration of human beings. It cannot, again as in the case of those other goals, be fully realised but is always threatened. One of the subcategories of security is the protection of one's life, property and liveable milieu against threats by other single or collective actors. To provide protection against violent threats among members of a given community (internal aspect) and against such threats by other states (external aspect) are among the main functions of modern states.

Although internal and external aspects of security have always overlapped, at least to a certain degree, it is only nowadays that they are so tightly intertwined. There is a complex array of institutions and interactions which binds the different security organisations together. The sum of political, societal, military, civil and other organisations responsible for the production and distribution of security of the state and of civil society can be called Security Sector.[2]

The necessity of a comprehensive approach to matters of security has grown out of recent technical, political, and economic developments. The end of the East–West conflict and the bipolar structure of the international system, the revolutionary changes in military affairs, globalisation and fragmentation of political and economic horizons, the re-emergence of ethnic and/or religious

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[2] Dylan Hendrickson and Andrzej Karkoszka, The Challenges of Security Sector Reform'. *SIPRI Yearbook 2002*, pp. 175–201.

militancy, international terrorism, and, on the other hand, a growing attraction of norms and values like human rights, democracy and good governance are only the most salient of a great number of internationally relevant developments with serious implications for the security sector of states. In addition, new and less state-centred concepts like Human Security[3] are paving the way for a more comprehensive thinking about the future of security.

10.2.2 *Social transformation and political reform*

These developments take place all over the globe, but they occur in very different grades of intensity. All countries are confronted with the challenge of re-defining the military and non-military threats they have to cope with. These definitions may vary from country to country or at least from macro-region to macro-region. They incorporate, however, some common elements, one of which is the comprehensive approach to security and thus the construction of a security sector.[4]

After the decline of the Soviet threat, most Western countries[5] felt the need to make their armed forces leaner and more professional. Military professionalism today combines traditional attitudes and capacities to fight war with skills which are in demand in multinational peace missions. These missions are in themselves often multilayered with the military being just a part of a combined civil/military, state/non-state action. Political turmoil, the decline of state authority and human rights catastrophes outside the Western world are causing a growing immigration pressure and highly disruptive metastases of violence and terrorism. In order to respond efficiently to these problems, most Western countries have begun to think in terms of a security sector which consists of all sorts of forces authorised to use force, of institutions for security management and security control, of justice and law enforcement institutions and, last but not least, of private security organisations. It is only when these elements of the security sector are coordinated and generate synergetic effects that the production and distribution of security in Western countries are both efficient and effective.

The situation is different in former communist countries which are in the process of transformation into a democracy with a market-oriented economy and the declared political intention expressed by political establishments and backed by the public to integrate in the community of European and transatlantic democracies. Although the differences between these countries render bold generalisations quite useless, these countries have several common features with respect to their

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[3] Wilfried von Bredow: 'Human security and the future of violence prevention in a globalized security landscape', *Ahornblätter*, 16, Marburg, 2003.

[4] With regard to substance and scope of what constitutes the 'Security Sector' this chapter follows the more precise operationalisation of the term by Malcolm Chalmers, SSR in developing countries: an EU perspective (Saferworld/University of Bradford, January 2000), taking 'Security Sector to mean all those organizations which have authority to use, or order to the use of, force, or the threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. It includes: (a) military and paramilitary forces; (b) intelligence services; (c) police forces, border guards and customs services; (d) judicial and penal systems; (e) civil structures that are responsible for the management and oversight of the above.'

[5] The United States of America as the remaining one and only 'superpower' is a single and exceptional case.

security sector. First, they are, like the old Western democracies challenged by threats and risks which push them to adopt a systematic approach to matters of internal and external security. Secondly, the need to reform their security sector is paramount, because their old military apparatuses and other security agencies are lacking legitimacy, efficiency, transparency. In order to make them compatible with the overall transformation process on the political and economic level, SSR in these countries must be of a structural nature and deep-reaching. One of the most important components of SSR in these countries is the adaptation of security organisations to the demands of democratisation. Any SSR in these countries has to start and finish with the thorough reconstruction of civil-military relations and of the democratic control of the security sector.

Globalisation and the emergence of a worldwide international, but asymmetric security order imply that other continents are also involved in the development described above. For them, security problems often pose themselves in a much harsher way, for state authority is often less developed. Weak states and state-free zones as well as military and other dictatorships create a regional atmosphere of violence and insecurity. Interventions from abroad to restore order and to construct viable environments and peace for the population have to take into account that these attempts will fail unless the security sector in these countries is stabilised and impregnated with the spirit of democracy. Summing up, SSR is a necessary process in all kinds of societies. This necessity has grown out of worldwide developments over the last two decades. Evidently, the point of departure for SSR varies from continent to continent, from country to country. That is the primary reason for the difficulty in depicting a set of criteria for the assessment and evaluation of SSR.

10.2.3 *Zooming in*

The best way to cope with this difficulty is to construct smaller clusters of entities with comparable features. Hence, SSR in Western countries, in transformation societies, and in countries outside the OSCE world should be analysed in three different studies, each of which should be enriched by outlooks beyond the borders of the chosen group. Furthermore, SSR studies about transformation societies should concentrate on the most salient elements of their security sectors, their most burning security sector problems, and the most important reforms without which other reforms are doomed to fail.

Again, democratisation and democratic control of the military apparatuses (armed forces, police, military guards, border police, and Special Forces) must be introduced as a highest priority. Both are also of permanent concern in 'mature' democracies. Moreover, in countries which are in a transition from a pre-democratic to a democratic society this reform is not only more difficult – its failure is bound to have disastrous consequences for the entire transformation process as well as for the effectiveness of the security sector as a whole.

Against this background, the underlying assumptions of this paper are the hypothesis that careful and well-introduced SSR in transition countries like the post-communist countries in East Central and Eastern Europe enhances both the substance of democratisation and the usefulness of the military apparatuses.

10.3   Careful constructs

This chapter discusses the normative aspects of SSR. It might appear quite tempting to establish a canon of norms and values which form a model democracy and an ideal pattern of democratic control of the security sector. This is, however the wrong approach. We cannot depart from one general model, because there are several different models. The most urgent problem is not the search for a general standard, but the construction of various standards which allow compatible responses to the reform challenge.

10.3.1 Norms and values

Collective identities and perceptions, national and professional self-perceptions, traditions, common perspectives and aspirations exercise a most important influence on the hierarchy of norms and values in a group or a society.

Norms are usually defined as persistent standards of positively sanctioned behaviour of individuals or collective actors (such as states). They do, however, change or fade away, but in most cases changes occur rather slowly, except in revolutionary times. Revolution is a term which is used for different kinds of sudden and deep-reaching social, political, economic, or technical changes. Political revolutions are usually more successful in the destruction of old norms than in the establishment of new ones. Consequently, the rebuilding of a society after a revolutionary change takes more time. In this period, old and new norms compete with each other. That is why transition phases are often characterised by contingent mixtures of pre-revolutionary, revolutionary and post-revolutionary political concepts.

Values can be defined as high-priority goals of individuals or groups which shape their political strategies. Sociologists have been observing for a longer period some consequential changes in the value system of modern societies, mostly Western but also other societies in the process of modernisation. This complex development is emphasised by structural changes in post-industrial (or post-Fordist) economies. The notions used most frequently to describe the value change are individualism and post-materialism. These phenomena have an undeniable impact on the public's attitude towards the organisations of the security sector and towards security itself.

Norms and values of groups and societies are shaped by common traditions, common history and its official and/or revisionist version and by the sense of a common destiny. This means that the import of norms and values from one society to another is always accompanied by a slight or even a considerable remodelling of these norms and values. This should not be regarded as something negative. The political culture of a group or a society must display a unique character, otherwise it would be all the more difficult to distinguish it from other entities und thus to make an argument for the sake of preserving this specific social entity. The implantation of norms and values is possible and can be successful, but only if there is a widespread acceptance within the group or society that the implants will become 'organic' elements of their social fabric.

Professional norms and values usually differ less than sociopolitical or cultural norms and values. The profession of arms, the police, and border control – the functional codes for the members of these organisations are hardly different, independent from the regimes they are serving. It is the political and ideological framework that gives different meanings to the same functional norms and values. Sometimes it is comparatively easy to cut these two levels apart. Soldiers of the East German Nationale Volksarmee entering the Bundeswehr and continuing their brilliant career (albeit in a less brilliant way) can serve as example for the prevalence of functional over ideological norms and values.

10.3.2 *Minimum standards*

The transplantation of norms and values is possible when the exporting agencies (donor) are aware of and allow for their modification and when the importing agencies (recipient) are willing to incorporate them in their political culture. Both sides should comply with this reciprocal obligation. Otherwise they will be disappointed by the process and will be tempted to put the blame for the failure on the opposite partner.

For practitioners in the field this may be both good news and bad news. The main problem they face during the transplantation process is to define the line between the widest-possible legitimate modification of the transferred norms and values on the one hand and their substantive devaluation on the other. From the recipient's point of view, a line must be drawn between the highest measure of adaptable imported norms and values on the one hand and the beginning of a socio-political backlash as a result of overwhelming alien requirements on the other. Both judgements may not be easy, but they are feasible.

In order to do so, both sides will probably have to begin with the determination of certain minimum standards. These standards are higher or lower according to the situation in the countries involved. The Euro-Atlantic macro-region is an area with a considerable amount of comparably shared or at least compatible normative views and objectives in matters of security. In spite of the ideological division of Europe after the Second World War which overshadowed the life of nearly two

generations, there is enough common history and there are enough traditional cultural links to facilitate mutual understanding and a 'common language' in SSR. Minimum standards for SSR in these transition countries are:

- integration of the security sector in the organisational framework of the democratic political system and, as best as possible, in the civil society;

- political control of all security sector organisations by the democratically legitimated government; they are functioning as instruments of the democratic state;

- parliamentary control of the budgets of all security sector organisations;

- political neutrality of the security sector organisations and especially their leading personnel, within the framework of democracy;

- rule of law extends to the security sector: members of security sector organisations keep their constitutional rights as citizens; exceptional restrictions must be stated in the constitution or in a law;

- acceptance of the regulations of the international humanitarian law.

This list of minimum standards is filtered out of the relevant literature and documents such as the 'Copenhagen Criteria' on Democracy by the European Council (1993); the OSCE Code of Conduct on Politico-Military Aspects of Security (1994) and the PFP/PWP and EAPC Action Plan Categories of Democratic Control (1994).[6]

Minimum standards are, as their name indicates, far from satisfying all expectations one may harbour with respect to successful SSR. It should be noted, however, that this catalogue is already comparatively sophisticated and demanding.

The implementation of these minimum standards is a huge step ahead in SSR. Like the Richter scale, SSR have an open end. And we repeat here once again that the objective of this kind of SSR is to optimise the protective power of the security sector and, at the same time, to minimise the inherent coercive risks for the emerging democratic culture.

10.3.3 *Methods and models*

The evaluation of SSR in a given moment and/or after a certain period of social and organisational changes is a complex task. One of the main problems consists in the different calendars for reform measures. Some may be implemented in a rather short period, but remain relatively futile because they

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[6] For a detailed systematisation of inherent criteria see Lea Biason, 'International norms and criteria on democratic control of armed forces: a reference tool', in Chapter 9 of this volume.

can only have an impact in correlation with other measures which need much more time for their implementation.

What constitutes success or failure in institutional, procedural, qualitative and quantitative terms will finally have to be assessed and determined against

- the adequacy of objectives pursued (e.g. norms, criteria, purpose and scope of related aims and activities; compatibility with internal realities and international expectations or commitments; acceptability and ownership etc.);

- the appropriateness and effectiveness of concepts and programmes for their realisation/implementation;

- the actors and recipients reached and involved;[7]

- the functioning of established institutions, mechanisms and regulations and their flexibility;

- the potential for and use of synergies.

It is the continuum of related questions that has to be analysed in order to determine the predominant and decisive factors and criteria for success or failure. Many of the criteria may be identified by logical conclusion within descriptive or comparative approaches, others may require empirical verification as well. This relates to progress and, where definable and appropriate, final results alike. Effective evaluation of the stages reached and progress made remains an essential part of every SSR activity; however, it also raises the familiar questions of at what level of policy decision-making assessments should be made, in relation to what combination of objective norms and procedures and from whose perspective this should be judged. Unclear and volatile premises and the dynamic nature of the reform process itself render empirical and analytical tasks involved quite difficult and time consuming.

With regard to the principal objectives there is at least a relatively solid basis as the result of Western policy transfers and acceptance of the suggested norms by the emerging democracies.[8] But

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[7] For long-term stability of results achieved by reform it would be short-sighted to aim at currently governing elites only. In an intended system of alternating governments it is finally the society as a whole that has to be convinced of the advantages achieved by related reform programmes.

[8] There are basic prerequisites and principles for assigning an adequate role and proper place for armed forces within their constitutional and societal frameworks that are common to the established and increasingly for emerging democracies also. These include the observance of parliamentary oversight as well as the political and social mechanisms of control of the armed forces. They demonstrate that, to be effective, the successful implementation of these principles depends on a prior or parallel process of democratic structures and civil-military relations. They also demonstrate that there cannot be a reliable control without a functioning democracy or at least an ongoing process towards its realisation. While the detailed application of the overriding principles may differ from country to country there is widely shared agreement on the prerequisites to include: a constitutional framework, a functioning parliament, a civil government with clear delineation of competences, an independent judiciary, an established military organisation, a mature civil society, an educated public and an independent media and free press. Against these prerequisites it is assumed that democratic control of armed forces is assured if these are part of the executive arm of governance; are subordinated to democratically legitimised political leadership; follow political guidance; obey the rule of law; are confined to their constitutionally defined tasks; are politically neutral; have no access to

there is no generally applicable systematic and detailed list of norms, requirements for and criteria of democratic control of the armed forces that could, without further operationalisation, serve as a tool and reference for determining a priori the elements of success or failure and individual criteria to be instrumental and indispensable in this regard. Commitments to the multinationally agreed objectives have first to be translated into national legislation to become effective and whether this initiated process is successful or not may be judged differently when done internally and from the outside. Donors will have their own view of what a recipient's policy should be and they tend to see security sector reform as an instrument of that policy and not primarily as an independent free-floating good. By making their assistance conditional on declarations of support for intended reforms, donors can relatively easily get governments to sign on to a process. But as Malcolm Chalmers notes, 'it is much more difficult to get a government to genuinely believe in the reform in its own right, to participate in its design and to be ready to continue it when external interest is exhausted'.[9] This is a matter of respective ownership that is an indispensable criterion for leading reform efforts to successful results.

The implications and effectiveness of international institutional arrangements for policy transfer, integration and implementation have to be further analysed (Who sets SSR goals and why? What are the functional requirements for moving towards something more suited to a given country's needs and what are the criteria for their realisation etc.?) This, as well as the consideration of internal criteria for engaging in and promoting related reform is a matter of further empirical study, analytical work and practical verification.

It is generally recognised that in view of the inherent problems and consequences a relatively robust mechanism to evaluate progress and to measure effectiveness is needed and that related clearly identified aims and objectives should be supported by clear performance indicators and targets. Following Timothy Edmund's suggestion[10] three methods of evaluating performance are proposed in this regard that also attempt to provide criteria for marrying together both programme/project/element specific and overall evaluations of SSR:

- The first is the generic framework approach based on the provision of a normative model against which performance (by comparison of norms and achieved standards) can be measured.

- The second is the collective/regional approach measuring performance against specific international institutional agendas with specific goals and indicators that must be achieved in SSR.

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financial support other than the state budget and are controlled by Parliament, the political leadership, the judiciary and civil society. See also Dietrich Genschel's contribution on 'Principles and prerequisites of the democratic control of armed forces: best practices in established democracies', in Chapter 5 of this volume.

[9] Malcolm Chalmers, Structural impediments to security sector reform, WP introduced at the IISS/DCAF Conference on SSR, Geneva, April 2001.

[10] See Timothy Edmunds, SSR: Concepts and Implementation, op. cit., DCAF WP, Geneva 2001, p. 1 bis.

- The third method is the process/facilitation approach which focuses on specific empirical rather than normative criteria, which act as facilitating elements for reform (e.g. by measuring factors such as 'transparency ' or 'oversight' rather than 'democracy').[11]

Which of these methods (or what combination of their elements) is best suited as a solution in a given case will have to be examined in accordance with the specific requirements and opportunities.

10.4 Ethics of evaluation

Assessment and evaluation of reform processes are inherent elements of these processes and certainly not confined to a later state of reform implementation. They accompany the reform from the very beginning and provide the individuals and groups involved with information about the direction and pace of the reform process.

10.4.1 *The necessity of evaluation*

Assessment and evaluation are measures of self-reflection among all persons and institutions involved. The ethics of evaluation is firmly based on a concept which demands a clear consequentialist attitude – '*Verantwortungsethik*' as Max Weber called it. This ethic of responsibility implies that political actors have to observe the consequences of their decisions especially the unintended consequences to recalculate the cost-effectiveness of their decisions, especially in terms of human capital, and to change the course of action when the decisions and measures fail to generate the intended goals.

That is why there are a number of good reasons for engaging in setting up and applying pertinent mechanisms for assessment and evaluation. Security sector reform is a complex, interrelated, cooperative and normative endeavour. It integrates a variety of actors and components. It is not an end state but a process. This process needs guidance and orientation. It needs review – and wherever required – adaptation or revision. It demands coordination to ensure complementarity based on common objectives and related criteria and conditions. These include agreed standards and minimum levels of performance. In this context assessment and evaluation are indispensable management tools. They reflect the view that if performance is not measurable, then it is not manageable.

In substantive terms evaluation is necessary to set and steer the course, to support mechanisms of political and public accountability, and to facilitate process improvement. It is a precondition for transparency and budgetary oversight. It is thus a political obligation in an area of extreme costs in particular for transforming states with simultaneous and competing priorities. Continual evaluation of

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[11] Ibid. A valuable pragmatic approach in this regard is offered by Zoltan Martinusz in his contribution entitled 'Measuring success in SSR: a proposal to improve the toolbox and establish criteria of success' in Chapter 11 of this volume.

inherent policies and postures is indispensable for enabling adjustments to be made to improve the policies of donor countries. And it is a prerequisite in the context of conditions for membership set up by organisations and international agencies involved in this field.

These premises have hardly been applied to the processes at issue. Most empirical SSR efforts have been undertaken in the absence of agreed definitions. There is still no consensus on normative and operational criteria for the realisation of SSR principles and objectives. Related reform results so far are disappointing. The failure in pragmatically coordinating and consolidating inherent donor and recipient strategies on the basis of a common view has hampered the optimal design and application of problem related advice and support. It continues to do so. This neglects the importance of the efforts involved and the potential of coordinated action. It denies a systematic use of synergies in this regard. What has to be done in compensation is to establish a set of agreed normative objectives and qualitative and quantitative criteria. This could serve to clarify the requirements and expectations of all actors in SSR and provide a yardstick for regular evaluation of reform and progress achieved.

Experience warns that this is not an easy endeavour. Effective evaluation remains an essential part of every SSR activity. However, it also raises familiar question: At what level of policy decision making should assessments be made and in relation to what combination of norms and objectives? From whose perspective should this be judged? Adequate answers to these and related questions are particularly complicated. Agreement among actors of different size and power, culture and political orientation, exposure and vulnerability is a problem as such. Evaluation of success of inherent SSR matters is additionally burdened by problems that are immanent to the issue.

10.4.2 *The difficulties of evaluation*

At least six areas of concern may be raised in this regard:

The first and main problem is of a methodological and substantive nature. It relates to the issue of objectivity. Security sector reform is not a neutral tool. It is a broad and ambitious notion concerned with developing and maintaining certain types of security relationships and architectures associated with liberal democracy. It is closely linked with other normative agendas such as democratisation, civilian control of the armed forces and security services, protection of human rights, a fair, equitable and independent judiciary, the dynamic participation of independent civil societies etc. In speaking about SSR, one tends to refer not just to any reform, but to a specific type of reform – 'good' reform. Reforms that move societies closer to norms that are usually quite explicit.[12] However, what is 'good' for one actor may not necessarily be 'good' for others. Judgements in this regard tend to depend largely on individual perspectives and preferences. Furthermore SSR is rarely internally generated. Fundamental reform is hardly (if ever) in the primary interest of the clients concerned. SSR

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[12] Malcolm Chalmers (University of Bradford), 'Structural impediments to security sector reform', conference paper introduced at the DCAF/IISS Conference on SSR, Geneva, April 2001.

is, in its real expression, not a value free, altruistic concept but a framework for the transfer of interests and norms and related policies.

A second problem is a consequence of this and refers to the question of guidance and ownership. With regard to the principal objectives of SSR there is at least a relatively solid basis as the result of Western policy transfers and acceptance of the suggested norms by emerging democracies. But there is no generally applicable systematic and detailed list of norms, requirements for and criteria on SSR and its elements. There is no model that could, without further modification, serve as a tool and reference for determining a priori the elements of success or failure and indicate individual criteria that are instrumental and indispensable in this regard.

The third problem is more technical and stems from the dynamic political nature of reform. SSR is a process. This means that success (or at least performance) is only likely to be visible after time. Particular reform projects and elements may be assessed as 'successful', but can easily be undermined if other elements of SSR remain unchanged or do not keep track with parallel reform efforts in other areas.[13]

A fourth problem is that of context and generalisation. The framework of security and stability has dramatically changed. The changes have generated new risks and vulnerabilities. These are multifaceted. They expose and affect individual countries in different ways. The provision of security as a public good thus increasingly tends to follow individual needs and perceptions. Furthermore the continued reliance on the appropriateness of the guiding legal principles of the UN system is increasingly questioned.[14] This is primarily a political concern. However, it also adds to further limiting extensive generalisations. It seems to be advisable to restrict these to relatively coherent areas with comparable normative views and requirements.

A fifth problem has to be seen in the need to operationalise the overall reform objectives and those of its constituent elements in qualitative and quantitative terms. This is indispensable as an adequately detailed reference base against which success can be measured and as a yardstick for regular evaluation of progress. Operationalisation involves the establishment of priorities, agreement on the guiding principles and related aims and objectives, compatibility of views on scale, timeframe, organisational framework, financial and social consequences of required reform steps and, last but not least, on issues of evaluation of effectiveness and on the best methodologies for doing so systematically. This needs communication and coordination. And it does not work without practical reconnaissance in the field.

The final problem refers to an inherent paradox: The ultimate success of SSR can finally be verified only under the conditions of and within the framework of an empirical crisis and thus in a situation which all SSR efforts aim to avoid. This is similar to the difficulties which face all strategies of deterrence and dissuasion: There should not be any final empirical proof.

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[13] See Timothy Edmunds, SSR : Concepts and Implementation, op. cit.
[14] See e.g. Herfrid Münkler, 'Das Ende des "klassischen" Krieges', *Neue Zürcher Zeitung*, 14/15 Sept. 2002, p. 73.

10.4.3 *Methodological problems and pragmatic solutions*

Against this background it is obvious that without clearly defined objectives, goals and targets and distinct references to inherent normative criteria and required levels of performance and effectiveness it is difficult to conclude or assess what represents success or failure. The ways in which SSR is defined and is to be pursued vary from country to country commensurate with the specific political, economic, cultural and other conditions and realities of any given case. Thus, there is a priori only a small chance for the elaboration of a single theoretical or empirical paradigm that could serve as a generally applicable model for analysis, guidance and assistance. What in practice is meant by SSR in a given context and what policies may be effective and successful in internally or externally driven reform has to be defined in accordance with the realities of every individual situation. What is needed in this respect is prioritisation, systematisation and the application of pertinent tools.

However, these tools are not at hand. There is no standard set of definitions and methodologies available. The empirical basis for the establishment of a concise conceptual framework for systematic analysis of all SSR related components and their interrelationship continues to be too limited so far.

There are a variety of static elements that can be identified – by experience made within comparable cases or logical judgment and conclusion – as important pillars for successful solutions. Most of them are undisputed irrespective of the authorship of their introduction or theoretical foundation. What is more complicated for setting a successful course for reform are the attitudinal variables stemming from historical and cultural heritage, political and military cultures, status of civil society building, economic resources etc.

Decisive factors and criteria with regard to the behavioural, attitudinal and other societal aspects could be deduced in analogy to comparable methodologies applied in the far more advanced research on democratisation and transformation theories.[15] These range from simple observation, common sense judgments and descriptive considerations on the one end to mathematically supported system-oriented theory building on the other. However, none of these, as such, has so far provided a convincing, comprehensive, concise and generally applicable paradigm or set of tools for systematic guidance in a complex and holistic political area.

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[15] See e.g. Wolfgang Merkel, *Systemtransformation. Eine Einführung in die Theorie und Empirie der Transformationsforschung*, Opladen 1999.

10.5 Conclusion: the salience of transparency

In view of the diversity of conditions, circumstances, guiding principles and individual dynamics of any given case, donors and recipients of pertinent policy transfer with regard to SSR may be advised to choose a robust, pragmatic, flexible and, where necessary and appropriate, deliberately eclectic way by using the various analytical and empirical tools as they fit.

A main condition for the assessment and evaluation of the success, the limited success or the failure of SSR measures remains their transparency. The need for transparency is ubiquitous. Without transparency the reform process cannot be overlooked, the actors involved lose credibility and are tempted to develop attitudes of mistrust. Only transparency allows for a solid empirical assessment. This is the main experience of the past and it should guide the future of all considerations about the evaluation of SSR.

11 Measuring success in SSR:

A proposal to improve the toolbox and establish criteria

Zoltan Martinusz

Throughout the last decade the concept of security sector reform (SSR) has emerged as a popular and well researched academic subject. However, by definition, SSR is primarily not an academic subject but an issue of practical policy making. A number of donor governments – most notably some Scandinavians and the British – turned the subject of SSR into one of the focal points of the development aid strategies and policies. The question of conditionality appeared to be especially relevant in light of the sometimes blatant abuse of development aid by some actors of the security sector in recipient countries. The problem of SSR took a new turn with the collapse of Communist systems and regime change in central and Eastern European countries. Conditionality has also been a hot issue here but, unlike the case of the developing countries, it was mostly relevant in terms of institutional integration with Western institutions and less concerned with direct development aid. Furthermore, the very nature of the security sector in Central and Eastern Europe was completely different from that in most of the Third World. While in the latter case the provision of individual physical security and the establishment of central (state) controlling mechanisms was a major challenge, the requirement in Central and Eastern Europe was the democratisation and liberalisation of the heavy-handed security mechanisms and institutions of a totalitarian system.

Had this not been enough of an uphill battle already, the barbarian terrorist attacks of September 11 2001 provided a brutal wake-up call to the shortcomings of the security sector in Western democracies themselves. While the initial problem seemed to emerge as one of effectiveness, the fading away of the initial shock quickly opened the way for a bitter debate between the proponent's emergency solutions and security measures on one side and the worshippers of individual liberties on the other. While SSR is still mostly perceived as an issue of transformation societies, it should be noted that some elements of the policy toolbox designed later in this chapter might be relevant for Western democracies as well.

Against this background, Western countries faced a diverse challenge in SSR and tried to adjust their policies accordingly – with varied results. If 'SSR is a central element in any process of post-authoritarian or post-conflict transition',[1] the policy-making community must possess a range of practical tools that could help:

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[1] Tim Edmunds, 'Security sector reform: concepts and implementation', Chapter 1 of this volume.

- define the problem in any particular situation;

- define country or region specific proposals to address the problem; and

- measure progress in implementation.

Defining the problem and providing advice have not emerged as areas of significant theoretical concern. Problem definition is usually more or less automatic and obvious, and the international community has never had difficulties in providing an overload of often contradictory advice.

Objective measurement of implementation and progress has proved to be a much tougher nut to crack. If SSR is a major element in the conditionality attached to international aid, and a central issue in judging maturity processes of institutional integration, there needs to be a toolbox to provide at least a minimum level of objectivity in judging success or failure. Unfortunately, there is no such toolbox that is readily available. This situation raises significant concerns over the practicality of the SSR concept, and highlights the need to address methodological problems in more detail.

There have been some promising attempts to translate elements of the SSR concept into practical policy and attach the results to political decision making. One outstanding experiment was NATO's Membership Action Plan (MAP) programme.[2] The very fact that NATO invited seven countries to begin formal accession talks at its Prague Summit in November 2002 testifies to the success of MAP as a tool of promoting reform. However, there are widely diverging views about the practical use of the MAP as to measure actual success or failure in SSR. The requirements within the MAP and the objective nature of the progress have often had to give way to other political considerations, and MAP has increasingly developed into a beauty contest where NATO members have refrained from sharp individual criticism even in cases when they had ample reason to do so. MAP has been unable to measure absolute success or failure. However, it has been able to measure and compare the progress of a number of countries facing relatively similar problems and challenges. At this point such an achievement is probably the most that could be expected from the underdeveloped toolbox.

A lack of adequate measurement tools, however, does not restrain analysts from making judgements about the success or failure of SSR in particular cases or in general. The overall tone of both academic researchers and practical policy makers has up to now been rather pessimistic. There is much talk about the 'limited nature of reform successes so far',[3] but analysts rarely offer any objective basis for their judgement. The situation is similar when judging the results of Central and Eastern European defence reforms. Most analysts agree that reform attempts have not yet resulted a major breakthrough. Yet, there is still a painful need for a general study that will provide criteria for objective measurement even on this limited geographic region.

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[2] MAP was accepted at NATO's Washington Summit in 1999. Its original objective was to help the preparation of candidate countries for meeting the criteria of NATO membership, help the selection and self-selection process and provide a tool of measuring progress by the individual candidates.

[3] Jane Channa, *Security Sector Reform, Issues, Challenges and Prospects* (Adelphi Paper 344, IISS London).

This chapter does not intend to provide a magic answer to the need for objective judgement on the success or failure of SSR. However, it will attempt to compile the lessons and conclusions learnt so far about measuring progress. The views outlined here are not intended to be final, but rather a methodological experiment and provocation for further thinking and analysis. Any method aiming to be a relevant and practical policy tool must find a balance between numbers of – often contradictory – requirements. It has to be relatively short, simple and 'user friendly'. While annual country studies of several hundred pages might provide an especially nuanced picture of the security sector in any state, their practical usability in policy making would probably be somewhat limited. At the same time, the danger of over-simplification and a lack of due regard to national specifics is a well-known phenomenon for many frustrated analysts and government employees at the receiving end of policy advice. (This issue has been particularly painful in relatively more developed transition countries, such as South Africa, Hungary or Poland.) A relevant policy tool must be able to provide at least a limited basis for comparison, either in time or in terms of different countries. Comparative studies are best based on quantifiable variables. However, SSR is far from being an objective science. As reflected in any compilation of studies on the subject, researchers have not yet even arrived at a consensus on the relevant categories themselves, let alone the contents and the objective measurement of different variables within the categories. While this problem does not make an attempt to quantify certain elements completely impossible, it must be pointed out at the very beginning that any such attempt – and particularly the resulting figures – would still carry a large amount of subjective judgment. Subjectivity would exist both in terms of defining the quantifiable categories (questions) and the values attached to such categories (responses).

Against this background, the proposed policy tool must combine descriptive and quantifiable elements, must be flexible enough to be adjusted to widely different regional and national requirements, and must provide at least a minimum capability to filter the inherently subjective and judgmental nature of the problem. The following is a description of an initial framework of such a policy tool, based on a combination of uniform structured – therefore comparable – descriptive country studies and a matrix containing quantifiable variables based on sampling and interviews.

It must be acknowledged that both success and failure in SSR are country specific. Therefore, country or case studies must play the central role in evaluation.[4] In order to be able to put together at least remotely reliable country studies and matrices, it is imperative that the academic and policy communities decide whether the idea of a universally valid list of criteria for judging success and failure is reasonable and feasible. The answer to this question is controversial. There is no question that an ideal list may be put together based on the practice of established democracies and the research done so far. However, there is also no question that no country on Earth would be able to meet the full

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[4] Within the MAP programme NATO actually did numerous country studies and requested applicants to present country reports themselves. While these individual reports were compiled with the specific objective of NATO membership in mind and obviously intended to paint the rosiest picture possible, they represent the deepest structured database for researchers and analysts of SSR in Central and Eastern Europe.

spectrum of criteria contained by such a list. In fact, such an ideal list would be an unrealistic expectation, if only because such an academically perfect system of checks and counterbalances would be unlikely to meet the effectiveness and efficiency requirements of the day-to-day functioning of the security sector. If, however, the ideal list is not used as an objective but as a measurement tool, it may prove to be a useful part in developing our toolbox.[5]

The elements of such an 'ideal list' will most probably be a source of endless discussions, as the academic community itself has not yet been able to arrive at consensus on this issue. It is clear, however, that the list will have to contain elements from both the so-called 'first generation' and 'second generation' SSR.[6] The grouping of these elements is somewhat more controversial, but – with a positive approach – this may also be the way to achieve the required flexibility.

One possible approach is to group the elements of SSR according to the processes that may be the most characteristic in any given country's transformation process.[7] In this way, one could concentrate on processes such as democratisation, good governance development, demobilisation, post-conflict reconstruction, the establishment of physical security. It is important to note that some of these processes might only be relevant in certain contexts (e.g. post-conflict reconstruction), while others (e.g. good governance) may have a more general relevance. The validity of certain criteria may also vary on a geographical basis. While the demilitarisation of police functions and the (re-) subordination of non-state paramilitary forces to central government authority may be among the most pressing issues in certain developing countries, it was certainly less in the forefront of attention in Central Europe.

Another possible approach is offered by the concept of good governance and good practices in SSR. This approach is based on the assumption that, whatever the actual situation on the ground, certain principles of governance should be maintained and promoted.[8] Obviously, these practices and principles will have to be adjusted to the specific situation, but their general validity has been widely accepted in any situation. These practices would involve, among others, civilian control, transparency in security sector planning and budgeting, transparency in security sector decisions and management, the strengthening of the role of civil society, the promotion of regional security arrangements, the professionalisation of both civilians and uniformed personnel, and the establishment of institutionalised mechanisms for developing security policy and assessing security needs.

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[5] There are significant political risks attached to the concept of an ideal list. There is a danger of 'political correctness' in applying the list as a target, and an ideal list could always be useful for anyone attempting to prove that any given country has not yet met certain criteria. In extremis, the ideal list could prove that there are no countries – and there will be none in the foreseeable future – meeting the academic criteria of a democratically functioning security sector.

[6] Edmunds, 'Security sector reform: concepts and implementation', Chapter 1 of this volume.

[7] For more detail see Michael Brzoska, 'The concept of security sector reform', in: *BICC Brief 15 – Security Sector Reform* (Bonn International Center for Conversion, June 2000).

[8] For more detail see: Nicole Ball, 'Good practices in security sector reform', in: *BICC Brief 15 – Security Sector Reform* (Bonn International Center for Conversion, June 2000).

A third potential approach is one that would focus on the obstacles of SSR, mostly from the point of view of the security sector itself.[9] Such an angle could focus more on issues such as the acceptance of civil supremacy over security forces, the division of responsibility within the security sector, the legality of the functioning of the security forces, their respect for human rights, the political non-partisanship of the security sector, the complexity of SSR, the lack of expertise in democratic practices, the lack of capacity, the resistance to change, corruption, internal ethnic tensions, and the problem of internal insecurity within the security sector itself.[10]

Ultimately, it will be very difficult to establish an ideal list that could be equally practical and feasible in most cases of transition and SSR. In fact, the composition of the ideal list itself will already reflect the values of, and a certain judgement about the country or region concerned by those who actually put the list together. However, keeping in mind that the primary objective of this methodological experiment is not unquestionable academic reliability but the development of a policy aid, this feature may even be seen as beneficial. After all, as reflected in the emergence of the issue of conditionality, any development aid policy may reasonably expect the respect of certain core values at the recipient's side. Furthermore, the observance of these criteria will certainly contribute to a more efficient implementation of the general aid objectives as well.

Nevertheless, the definition of the elements of an ideal list will have to be as objective as possible. Several attempts have been made on the establishment of a list of 'value free', technical criteria.[11] The main problem with such experiments is that, SSR itself certainly not being a value free category but rather a reflection of the values represented by Western democracies, a value free list of criteria tends to be rather a listing of relevant categories than an objective list of requirements. The respective lists established by the European Union in its Copenhagen Criteria and the OSCE in its Code of Conduct carry more political weight than any lists put together by either academic researchers or national policy-making establishments, and may serve as guidelines for the ideal list in country studies and matrices. Nevertheless, these lists are also limited by their rather specific regional focus and the fact that they do not cover certain issues that would be highly relevant in the context of developing countries but are almost totally non-existent in Europe.

Putting the issue of composition aside, the next question is whether it can be judged objectively if a certain country fully met a certain criterion at a certain point in time. Unfortunately, most of the elements on the ideal list do not offer themselves as easy targets for yes/no answers. Except for some very crude judgements, answers would rather describe the extent to which certain criteria are met. In addition, the vast majority of these answers would carry a significant portion of subjective judgement.

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[9] Obviously, the different approaches overlap significantly and represent only a slightly different angle in approaching the same problem rather than totally different and separable conceptual attitudes.

[10] For more detail see Laurie Nathan, 'Reform in new democracies' in: *BICC Brief 15 – Security Sector Reform* (Bonn International Center for Conversion, June 2000).

[11] A most thorough description of these is provided in Wilhelm Germann, *Assessing Success and Failure – Practical Needs and Theoretical Responses* (DCAF Working Paper No.12, Geneva, April 2002).

A further problem in defining success or failure in SSR is the issue of priorities. While the ideal list of criteria may be universal, the problems in any specific situation are certainly not. Priorities are country or, at best, region specific, and it is impossible to define universally applicable normative rules concerning the identification of priorities. This picture is further complicated by the fact that in most cases SSR is not the only – or probably not even the most pressing – problem transition countries need to address. It may also be the case that certain elements are completely missing from the security sector of a transition state, and the challenges are not so much related to reform than to the very creation of a security sector proper. One example might be the early years of independence of the Baltic States.

As certain elements and requirements on the ideal list are very difficult, if not impossible, to measure objectively, any attempt to develop the toolbox will have to live with the fact that subjectivity and descriptive analysis can never be fully eliminated. The cases of the judiciary and the media are two telling examples. In the case of the judiciary, the existence of certain criteria in the legal background may objectively be established. However, issues such as procedural fairness, the lack of bias (positive or negative) towards the security sector, may only be judged on a descriptive basis. Consequently, subjectivity remains a major element. In the case of the media, there is an established toolbox to measure the level of overall freedom. Many question the relevance of this toolbox, but overall judgements based on it are widely accepted. However, there are specific issues related to the role of the media in SSR that are not reflected by judgements on the overall freedom of media and need specific assessment. One such issue is the openness of the security sector towards the media. Even though there has been obvious progress in a number of transition countries in this field, no toolbox exists for the measurement and the comparative analysis of progress. But this issue is dwarfed by the challenge of deciding upon the fairness and objectivity of media coverage of the security sector. Quite obviously, this is an issue that will remain impossible to measure objectively.

A further potential difficulty in measuring the level of success in SSR is that the requirements of SSR may occasionally contain internal contradictions. This issue may prove to be particularly sensitive in light of the requirements of the so-called war against terrorism. It has often been suggested, particularly in the context of Central and Eastern European transition that the requirements of democratisation and civilian and democratic control of the security sector led to institutional and procedural reorganisations on a level that endangered effectiveness. While no one really challenged the relevance of this problem, consensus formed around the judgement that any loss of effectiveness would be only temporary, and this was judged to be a generally acceptable price for unavoidable fundamental changes. With the war on terrorism, however, the security sector in general, and law enforcement agencies in particular, are hard pressed to come up with short-term results. There may be a danger that, ultimately, the requirements for effectiveness are going to be given priority over democratic control and oversight. Many of those involved with the war on terrorism seem to subscribe to the dubious wisdom of Mao in saying that the colour of the cat would not matter as long as it

catches mice. There comes a point, however, when analysts need to think whether the war on terrorism should really set ultimate reform priorities, and whether in the war to defend our values we are running the risk of endangering them ourselves.[12]

Finally, even if a toolbox for measuring progress in SSR is available, there is still a need for well-trained professionals to use its pieces properly. SSR, by definition, is a holistic concept (whatever that means). Unfortunately, on the practical level very few holistic experts exist. Even those who have invested years of work, research and study into a particular issue, are usually 'holistic' only in the context of a specific country or, at best, a specific sub-region. As has been stated already, the practical problems and challenges of SSR are usually country specific, and even objective intra-regional comparative analyses would require teamwork and a relatively wide research effort. However, the human resources usually available for comparative regional analyses do not match up to these requirements. Facing such difficulties on the level of intra-regional comparisons, one wonders whether the idea of inter-regional comparative analyses could be realistic at all.

Identifying what cannot be achieved in SSR assessment is important theoretically, but does not provide us with practical answers applicable in daily policy-making. So let us try to be realistic and see what may actually be achieved.

Several examples show that absolute performance in SSR may not be measurable. As one prominent author put it, 'while it is relatively easy to draw up a check-list for the SSR agenda, it is much more difficult to see how that summary can be implemented'.[13] Unfortunately, this statement is also a perfect example of the old truism that one cannot get to the right answer through asking the wrong question. In fact, the success or failure of SSR is much better reflected in measuring progress than in trying to establish full implementation. The examples referred to above prove that progress towards the goals on the ideal list actually is measurable.

Progress, of course, is easiest to measure within any one country. A sequence of well-researched, comparable, annual country studies would provide a fairly complete picture on progress or lack thereof in any country, and would also reveal several country specific nuances in SSR. As will be seen later on, such studies may also to a large extent filter out subjective elements and allow a focus of attention on specific problem areas. A sequence of comparable country reports and analysis may also provide for regional or sub-regional comparative analysis. However, the range of such analyses is significantly more limited, as the complexity of country specific details, the amount of data and the number of analysts required could seriously hamper the practicability of such projects.[14] Unfortunately, inter-regional comparisons of SSR progress claiming to be carrying at least a slight notion of objectivity are very difficult, if not impossible at all. In this regard, common sense and the

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[12] One such debate recently flaring up in the US is about the 'Posse Comitatus Act', i.e. the prohibition of the use of military forces in domestic law enforcement. Staying with the paraphrase from Mao, it is the strong view of the author of this study that when more and more cats show up wearing battle fatigues, we pose a serious risk to ourselves.
[13] Chanaa, op. cit.
[14] The otherwise already overstretched NATO bureaucracy found this problem particularly difficult to face when they were mightily overloaded with data at the end of the first MAP cycle.

good old gut judgement may remain the most relevant academic tools available for the foreseeable future.

The objective of measuring progress in SSR sets a dual requirement for the methodology of measurement. It has to be descriptive to be able to describe specifics of a subjective nature, and it also has to offer some kind of uniformity to provide an opportunity for comparisons. Based on experience gathered up to now, this requirement is best satisfied by the combination of a descriptive country or case study and a flexible matrix. Country studies may follow a wide variety of equally relevant patterns, though following a basically identical structure would make comparability an easier task. However, the idea of a matrix requires further explanation.

In fact, while academic circles have encountered a number of difficulties in developing an SSR assessment toolbox, there has almost been unanimity in expressing reservations towards using matrices. These notes of caution have mostly stemmed from a misunderstanding of what a matrix may achieve. There is concern that a matrix may simplify and will not meet the high standards of scientific evaluation. The academics are right. To prove it, here is a short list of what using a matrix will not achieve:

- it will not provide a ready answer to all questions in SSR; and
- it will not even provide a magic tool to measure success in SSR.

What it will do, however, is provide a practical tool for policy-makers, and it will contribute to bringing the issue of success and failure in SSR a step closer to the realm of objective judgement. Introducing a matrix in SSR assessment is not a panacea, just a methodological step.

Any matrix to assess progress in SSR must be flexible and must try to address the methodological problems and limitations outlined above. It should not provide for yes/no questions. Thus, ideally the right question is not 'if', but 'to what extent'. The matrix should also allow for a gradual assessment of achievements and progress in any particular area of the ideal list of SSR requirements.[15]

It is important to point out that any particular matrix is going to be a snapshot of the perceived situation of SSR in any given country. To provide for a tool to assess progress, completing out the matrix should be an annual effort. Based on preliminary assessments, there is a need for at least comparable matrices from any one country in order to have a fairly realistic basis for objective assessment on progress in SSR.

As far as the structure of the matrix is concerned, it is suggested that the rows of the matrix contain the elements of and 'ideal list' of SSR requirements, and the columns of the matrix contain the

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[15] One possible methodological solution is to reflect answers through a colour scheme. On a scale from 1 to 10 where 1 reflects the worst possible situation and 10 the ideal best, the red colour may be identified with 1 and the green with 10. The result may look like patchwork, but will provide a first-glance impression on problem areas.

different structural areas of the security sector. With regard to the 'ideal list', any combination of the different approaches outlined above could be a feasible solution. As the ideal list itself could easily grow well over a hundred items, caution is advised. One should not forget that the matrix is supposed to be a simplifying tool in policy development and not an all encompassing list of requirements. Thus, the composition of the ideal list may well reflect the original perceptions of potential SSR problem areas in the given country. Contrary to the rows, the columns of the matrix seem to be a relatively easy issue at first sight. In a basic case, these should include, as a minimum, the military, the police, and the intelligence services. However, in most countries where SSR has proved to be a problematic issue, and particularly in developing countries where SSR has emerged as one of the central issues of conditionality in international aid, the composition and the breakdown of the security sector is more diverse than the basic model. The military functioning as police, military police, border guards, private or tribal paramilitaries, border guards and border police, political party troops, customs services, prison guards, mercenary forces – just an incomplete list of potential columns in the matrix. It is easily conceivable that, should the policy-maker really intend to use any result from a matrix in developing policies, selectivity will not only have to be used in the rows but also in the columns of the matrix.[16]

Any one particular cell in the matrix would reflect the performance of the given element of the security sector against the given ideal requirement. However, it must be very clear for any analyst that individual cells within the matrix may not mean very much on their own. The matrix is more useful in identifying patterns and problem areas. In fact, the beauty of the matrix lies in its flexibility, as rows or columns may freely be rearranged in the evaluation process in order to point out problems in a more visible manner.

Obviously, the matrix will not be able to filter out subjective judgement fully, but it can minimise subjectivity. The way to do that would be to conduct a sufficiently high number of interviews with a wide variety of individual members of different institutions of the security sector, and to apply a country matrix as a variable of the individual matrices. If the selection of target groups is careful and representative of the security sector of the given country, there is a strong chance of filtering or at least levelling out individual subjectivities.

The matrix will not provide for an automatic tool of intra-regional or inter-regional comparisons. In fact, the difficulties outlined earlier do exist with the matrix methodology as well. The matrix will not be able to compare absolute levels of achievement in different countries. On the positive side, it will provide for an opportunity to compare potential problem areas, as well as the speed, direction and priorities of progress in SSR either on an intra-regional or an inter-regional basis.

In summary, it must be re-emphasised that this proposal is as much an intellectual provocation as it is an effort to develop the SSR assessment toolbox. The combination of country studies and a

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[16] While a matrix containing hundreds of cells would certainly be a better academic tool, it seems to be unrealistic that completing such a complex matrix, particularly with respect to the relatively high number of individual interviews needed to filter subjectivity and bias, could be achieved in any realistic timeframe that would still retain any relevance to the development of practical policy.

matrix assessment is not a magic formula, but in the current absence of any reliably objective assessment methods it offers the opportunity of a step forward. It is mainly designed for practical analysts and policy-makers, and its application may provide some breathing time for academic experts to design a more perfect tool.

Conclusions: the future direction of efforts

Wilhelm N. Germann

Reform and democratic control of the security sector have become, at the threshold to the twenty-first century, a key challenge for the Euro-Atlantic region as much as for the developing world. Its pursuit is increasingly recognised as functional requirement for coping with the emerging new threats and challenges and for managing the dynamic changes in the security environment. SSR has become a precondition for human security, economic development and progress towards democracy, stability and peace. Its further conceptualisation and implementation can no longer be considered as optional but as an increasingly urgent obligation for 'old' and 'new' democracies alike. Postponing necessary adaptations, adjustments and transformations means to complicate continued and future reform efforts and to raise their costs. It is against this background that, with regard to this book's intention to contribute to the establishment of a coherent framework for assessing success in SSR in general and the realisation of democratic control in particular, the conclusions summarised below in three separate but interrelated sections can be drawn. They focus on three main aspects: the prospects and conceptual requirements of SSR; the functional and normative background against which progress and success can be evaluated and, finally, the prerequisites of a coherent framework for the determination of criteria of success and their evaluation. The related conclusions are based on a comprehensive review of the essays contained in this volume and the results of discourse and debate among the authors and other invited experts.

Prospects and conceptual requirements of SSR

The urgency of applying and realising appropriately focused and operationalised concepts contrasts with their limited availability. There is neither a shared definition of the notion of SSR and the concrete objectives of inherent aspirations, nor is there a common understanding of related concepts among the various actors and agencies involved. The debate continues to be mainly led by theoretical considerations without a harmonised view and vision that could guide conceptual improvements and practical realisation of inherent aims and objectives. Although there is an increased awareness that SSR cannot and does not intend to replace the necessary efforts in defence reform but is to be acknowledged as indispensable complement to these, the practical debate has not yet reached the actors and agencies of the security sector in a comprehensive and coordinated way. Despite parallel involvement of armed forces, police structures, border control services, intelligence bodies, the

judiciary and other security related administrative state services in current preventive intervention, crisis management, post-conflict reconstruction and reconciliation missions related reform considerations continue to be conducted for and within the individual elements and branches of the security sector but not with regard to the force multiplying improvement of their mechanisms. Thus, what is seen as progress so far is more the result of continued but broadened and qualified thinking in terms of defence reform but not (yet) the internalisation of inherent conceptual aims and objectives of SSR. SSR has to be developed as a key topic in its own right and be conceptualised and implemented accordingly. This means vitalising the role of the security sector as a whole not only focusing primarily on the armed forces but shifting the analysis and establishment of operational agendas to the other actors and the mechanisms and synergies of their enhanced, transparent and responsible cooperation. Achieving this, however, requires raising the public debate on the promises and requirements of SSR and to convince political circles, parliamentarians and committees concerned of the added value of substantially improved coordination and role sharing between policy areas that hitherto have not yet been acknowledged as being indispensably and intimately interrelated.

Functional and normative conditions of democratic control

With regard to the realisation of the principle of democratic control of the armed forces and the security sector as a whole this issue suffers from similar problems. There is no generally applicable paradigm for democratic structures and oversight that could serve as a *passe partout* for the solution of problems caused by the absence of effective security structures under civilian and democratic control. There are basic principles common to all democracies for establishing the proper place and role for their armed forces: However, the ways in which democratic political control is assured and the inherent potential for conflict between democratic governance and military hierarchical order is reconciled vary from country to country commensurate with the specific political, economic, cultural and other conditions and realities of any given case. Thus there is a priori only a small chance for the elaboration of a single theoretical or empirical paradigm that could serve as a generally applicable model for analysis, guidance and assistance. In this light it still makes sense to think about identifying a core group of SSR criteria that should pass national implementation relatively unchanged and to depict a group of second-rate SSR and democratic control criteria to be handled more flexibly and to accompany the further processes with continued scrutiny and assistance.

The pragmatic approaches pursued by those institutions under whose auspices related transformation and reform processes are to be realised have already brought about basic but not yet satisfactorily consolidated results. The norms stipulated in legally or politically binding international commitments and obligations as well as the conditions set by NATO and EU for the adherence of the emerging democracies of Central and Eastern Europe to the Western institutions are evaluated as

basically met even without a detailed list of obligatory criteria and standards. Further developments have to be observed also in light of the dramatically changed international context in which external factors play a more important role in democratic transitions and consolidation and thus in SSR than in the past. This means that the chances for success of strategies of external democratisation including the field of SSR are perhaps better today than in the period before. However, democratic control remains subject to further dynamics and reform needs.

Establishment of a coherent framework for evaluating success

With regard to this volume's intention to contribute to a correspondingly coherent framework for evaluating progress and success in SSR and its democratic control it becomes obvious that as long as there is no commonly shared concept and definition of SSR it is rather difficult to determine aims, objectives and inherent norms and standards against which progress made and results achieved can be compared, measured and assessed. Many of the conclusions arrived at are based on the analysis and systematisation of principles and criteria that are either explicitly stipulated in international treaties, agreements or other legally or politically binding provisions or are established by logical deduction and drawn from experience made within available examples of best practices and empirical results. However, despite their inherent logic these views and conclusions need empirical proof in order to be acknowledged as conditions, criteria and standards of success. This calls for an additional effort: the systematic review (and, where appropriate, historical analysis) of experience gained from countries that have successfully managed the transition to democratic structures and oversight in their security environment (or obviously failed, partly or entirely, in their efforts). It is only in comparison with the systematised norms and conditions characterising the aims and objectives with their empirical implementation and use in concrete cases that criteria of success and failure can be solidly determined and confirmed by lessons learnt. What in the end constitutes success or failure in normative, institutional, procedural, qualitative and quantitative terms will then have to be analysed, assessed and confirmed against the adequacy of objectives pursued, the appropriateness and effectiveness of concepts and agendas for their realisation, the views of actors, donors and recipients involved, the functioning of mechanisms and regulations, the potential for and use of synergies etc. It also remains to be verified whether, where and to what extent normative and functional principles and standards (e.g. transparency, role delimitation, accountability etc.) are applicable within all elements of the security sector in the same or similar way and to analyse where the criteria of success confirmed in one area can be easily transferred to the others. All these issues and assumptions call for practical proof and confirmation in given cases and the lessons learnt from these.

As a consequence DCAF`s international Working Group on 'Criteria of Success' will shift its focus accordingly from its initial normative and framework considerations towards more empirical

work. Following the preparatory methodological suggestions of the last contributions to this volume it will conduct a systematic review of experience gained from those countries that have successfully managed the transitions of democratic structures and oversight in their security environment. Furthermore it will seek to collect, analyse and systematise the findings on decisive normative and functional factors and criteria for success resulting from all other areas and sub-elements of SSR including the assessment of their interrelationships. Related analysis of case and country studies and, thus, the determination and confirmation of generally applicable criteria on a sound empirical basis will be the subject of a second volume to be elaborated speedily. Together both volumes should represent a solid foundation for the elaboration of tailor-made advice in accordance with exactly those criteria that are of particular relevance for a given case and serve as a *vademecum* towards success in security sector reform.