

# **Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector**

Geneva Centre for the Democratic Control  
of Armed Forces  
(DCAF)  
[www.dcaf.ch](http://www.dcaf.ch)

The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's partners include governments, parliaments, civil society, international organisations and the range of security sector actors such as police, judiciary, intelligence agencies, border security services and the military.

# **Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector**

Geneva, 2010

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# FOREWORD

The Editors welcome the opportunity to present an updated version of the NATO Parliamentary Assembly – DCAF *Vademecum* on Oversight and Guidance of the Security Sector. As with the first edition published in 2003, this volume seeks to present seminal information on parliamentary oversight and guidance of the security sector, with a special focus on defence affairs, along with documents developed and passed by the NATO Parliamentary Assembly (NATO PA), which illuminate the *status quaestionis* within the NATO PA and the wider Euro-Atlantic community.

Since its establishment in 2000, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) has enjoyed a lively and inspiring cooperation with the NATO PA. Ten years on, the need for capacity building in the realm of parliamentary oversight is as relevant as ever. It is with the assistance of the Swiss Department of Defence, Civil Protection and Sports that DCAF-NPA cooperation in the Rose-Roth framework is made possible, as is the printing of this publication.

This 2010 NPA-DCAF *Vademecum* will be made available in Russian and Ukrainian in 2011.

Geneva, May 2010  
The Editors

# PREFACE

In the 2003 edition of this book, security sector reform was described as a 'relatively new but ill-defined concept.' Seven years later, security sector reform is neither a new concept nor an ill-defined one. Indeed, security sector reform is a fundamental element in national and international democracy assistance programmes.

This is in large part thanks to the intellectual and practical work of the Geneva Centre for the Democratic Control of Armed Forces (DCAF). It has vigorously promoted academic research and produced veritable library of research papers, books, and guides. At the same time, it has implemented an array of training programmes for parliamentarians and parliamentary staff, and has 'embedded' a number of experts inside national parliaments in order to assist 'fledgling' democracies develop the practices, mechanisms, and habits needed to exercise oversight of the security sector.

There is a natural and long-standing convergence of interests between the NATO Parliamentary Assembly and DCAF which has led to a flourishing cooperative relationship. For the last two decades, the NATO Parliamentary Assembly has promoted security sector reform, and is particularly well placed to do so. Its member parliamentarians have a wealth of experience in the practices and institutions of democratic governance, and the Assembly has close working relationships with many non-member parliaments interested in learning from that experience.

This volume stands as an excellent example of the relationship between DCAF and the NATO Parliamentary Assembly, bringing together articles by DCAF experts Philipp Fluri and Hans Born, leading Assembly members (past and present), and Simon Lunn—my predecessor—who remains one of the leading authorities in the field.

This useful and informative volume underlines the essential role that parliaments must play in ensuring democratic oversight of the security sector, while underlining that there is no universally applicable model for how this can be achieved. While democracies share principles and values, parliamentary practices are moulded by specific national traditions and cultures so that one size certainly doesn't fit all.

In its early years, DCAF's democracy assistance programmes focussed on Central and Eastern Europe. Since then, its reach has extended into the Middle East, Africa, Asia, and South America where I am sure this handbook will also serve as useful guide to all those seeking guidance on the standards, practices, and procedures of parliamentary oversight of the security sector.

David Hobbs  
Secretary General  
NATO Parliamentary Assembly

# CONTENTS

Introduction	Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform .....	1
	<i>Hans Born, Philipp Fluri and Simon Lunn</i>	
Chapter 1	The Democratic Control of Armed Forces in Principle and Practice.....	11
	<i>Simon Lunn</i>	
Chapter 2	Learning from Best Practices of Parliamentary Oversight of the Security Sector .....	33
	<i>Hans Born</i>	
Chapter 3	The Democratic Control of Armed Forces: The National and International Parliamentary Dimension.....	47
	<i>Willem F. van Eekelen</i>	
Annex I	The Powers, Procedures and Practices of Parliamentary Oversight of Defence in the NATO Member States .....	107
	<i>Willem F. van Eekelen</i>	
Annex II	NATO's Developing Partnerships .....	117
	<i>Rasa Juknevičienė</i>	
Annex III	Democracy and Security in Central Asia: What Policy for NATO and the EU? .....	127
	<i>Marc Angel</i>	
Annex IV	NATO's Future Political Agenda .....	155
	<i>Raynell Andreychuk</i>	
Annex V	NATO PA Policy Recommendations .....	171
Annex VI	NATO Parliamentary Assembly (NATO PA).....	183
Annex VII	Geneva Centre for the Democratic Control of Armed Forces (DCAF)...	190



Introduction  
**Oversight and Guidance:  
The Relevance of Parliamentary  
Oversight for the Security Sector  
and its Reform**

Hans Born, Philipp Fluri, and Simon Lunn\*

### Myths

There is a widespread belief that security policy is a 'natural' task for the executive as they have the requisite knowledge and ability to act quickly. The decision to go to war, to contribute troops to multinational peace support operations, to conclude international treaties or to raise defence spending, to mention just some of the most important governmental security responsibilities, are regarded to be executive decisions. The stubborn perception exists that parliaments should be kept out of these decisions. Parliament tends to be regarded as a less suitable institution for dealing with security issues, especially given its often time-consuming procedures and lack of full access to the necessary expertise and information. Additionally, parliaments are regarded as ill-suited institutions for keeping classified information secret. However, this is a misperception. The past teaches us that parliaments do play a major role in matters of security in democratic states, both in times of war and peace. In the times of the Roman Republic, the Dutch Republic in the sixteenth century, Great Britain in the Second World War, or, more recently at the outbreak of the Second Gulf War, Parliaments across the globe have debated, influenced and exercised oversight over security policy and security sector reform, even in the middle of war.

In this short essay, we put forward the main arguments for (a) why parliamentarians should put security sector reform and policy high on their political and legislative agenda and (b) why parliamentarians ought to insist on exercising oversight of the security sector and its reform. First we turn to the novel concept of security sector.

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\* The authors would like to thank Marlene Urscheler and Eden Cole for their invaluable research and suggestions.

## What is Security Sector Reform?

'Security sector reform' is a relatively new but ill-defined concept. By replacing 'defence reform' as a staple phrase in security studies, it seems to be a more adequate policy concept with which to address the problems of the new security environment. Security threats today not only include military threats, which require defence responses, but also non-military threats such as terrorism, civil wars, organised crime, illegal trafficking or proliferation of small arms or even weapons of mass-destruction. These new threats require that all state security services operate in a concerted manner.

The security sector includes all 'state institutions and agencies that have the legitimate authority to use force, to order force or to threaten the use of force.'<sup>1</sup> Normally these institutions are the Military (Army, Navy, Air Force), Intelligence, Border Guard and Paramilitary organisations. The reform of the security sector takes place 'in order to create systematic accountability and transparency on the premise of increased, substantive and systematic democratic control.' The accent on accountability and transparency places security sector reform within the context of the good governance agenda, characterised by a substantive concern for human rights, democracy and the rule of law.<sup>2</sup>

On the other hand, a non-reformed security sector is often characterised by:

- Lack of transparency and flourishing corruption, especially in the arms procurement and trade sector;
- Too large an organisation and budget, both of which overburden and endanger the national economy;
- Lack of the rule of law due to a non-existing or weak legal footing;
- Lack of professionalism: poorly trained units, amateurism, selection and promotion of servicemen on the basis of nepotism instead of merit;
- An inward looking bureaucracy, risk-avoidance, resistance to change, and organisational structures that are ill-suited to new security threats;
- The political abuse of security services by using intelligence services for domestic spying purposes such as manipulating political enemies, as well as the use of paramilitary units to intimidate or neutralise political enemies;
- A de-motivated and frustrated officer corps due to a lack of professionalism, career opportunities, low salaries, or their low esteem in society;

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<sup>1</sup> Hans Born, Philipp Fluri, and Anders B. Johnsson, eds., *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians No.5 (Geneva, Belgrade: IPU/DCAF, 2003), 16.

<sup>2</sup> For an introduction to Security Sector Reform in the European Union, see David Spence and Philipp Fluri, eds., *The European Union and Security Sector Reform* (London: John Harper Publishing, 2008).

- Conscripts perceiving service as a waste of time, the misuse of conscripts for personal gains, and the 'hazing' of conscripts in the barracks.

A non-reformed security sector coincides with the concept of 'poor governance' (as opposed to good governance) which refers to 'arbitrary policy-making, unaccountable bureaucracies, un-enforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life and widespread corruption.'<sup>3</sup>

Table 1: Reformed as Opposed to Non-Reformed Security Sector.

	<i>Reformed Security Sector (good governance)</i>	<i>Non-Reformed Security Sector (poor governance)</i>
<i>Accountability</i>	Accountable to democratically elected leaders	Unaccountable bureaucracies, arbitrary policy making, due to lack of transparency, political misuse
<i>Work ethos</i>	Professionalism, adapting to the demands of the new security environment, predictable execution of tasks	Amateurism, hazing of conscripts, political leaders cannot trust on loyal execution of orders
<i>Norms</i>	Transparency, dedication	Nepotism, corruption, risk-avoiding

## The Necessity of Security Sector Reform

Regarding the nature and scope of security sector reform (and its opposite, the non-reformed security sector!), the reforms are necessary for at least four reasons.

### Progression towards Conflict Prevention and Stability

An unreformed security sector often fails to prevent and sometimes causes violent conflicts

<sup>3</sup> See: The World Bank, *Governance: The World Bank's Experience* (Washington, DC: World Bank, 1994). The NATO Integrity Building Initiative seeks to address the issue with capacity-building, policy support and the documentation of good practice. See Todor Tagarev, ed., *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices* (Geneva: NATO/DCAF, 2010) and Hari Bucur-Marcu, ed., *Essentials of Defence Institution Building* (Vienna and Geneva: LaVak, 2009).

which leads to increased suffering and poverty.<sup>4</sup> NGOs working in conflict zones report that an ill-functioning security sector is a key-impediment to peace-building and stability:

Agents of security that not play a legitimate and democratically accountable role in providing security for citizens not only are unable to prevent conflicts occurring but can also be a *source* of violence.<sup>5</sup>

Effective security sector reform, on the other hand, in the sense of the provision of security in an effective and efficient manner under democratic control, can add to stability both internally and externally.<sup>6</sup> Internally, security sector reform can take away causes which lead to instability in, for example, civil-military relations. Externally, a transparent and democratically controlled security sector can be regarded as a regional confidence building measure.<sup>7</sup> Therefore, security sector reform can promote stability which is a basic condition for democratisation and economic development.<sup>8</sup>

### Contributing to Sustainable Economic Development

A non-reformed security sector, leading to instability and insecurity, does not create a favourable investment climate. Foreign and domestic investors are very reluctant to commit themselves to financial investments if the country is in an unstable and insecure situation. Otherwise, a security sector that is plagued by corruption and that constitutes a burden to the national economy does not contribute to sustainable economic development either. One should keep in mind that security sector reforms do not come cheaply, due to, among other factors, investment in new equipment, training and offering service personnel salaries competitive in the national labour market. In the long run, however, security sector pays off as it contributes to sustainable economic development.

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<sup>4</sup> Department for International Development, *Understanding and Supporting Security Sector Reform* (London: Stairway Communications DFID, 2002), 2, [http://www.dfid.gov.uk/Pubs/files/supporting\\_security.pdf](http://www.dfid.gov.uk/Pubs/files/supporting_security.pdf).

<sup>5</sup> See Damian Lilly, Robin Luckham, and Michael von Tangen Page, *A Goal Oriented Approach to Governance and Security Sector Reform* (London: International Alert, September 2002), available at [www.international-alert.org/pdf/pubsec/Goa.pdf](http://www.international-alert.org/pdf/pubsec/Goa.pdf).

<sup>6</sup> Timothy Edmunds, "Defining Security Sector Reform," in *Proceedings of the 2001 DCAF/IISS Conference*, Geneva, 23-25 April 2001 (Oxford: Oxford University Press, 2001), 3-6.

<sup>7</sup> See Heiner Hänggi, "Good Governance of the Security Sector: Its Relevance for Confidence Building," paper presented at the conference on *Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?* (New York, 16 October 2002), [www.dcaf.ch/news/past\\_2002/ev\\_NY\\_021016\\_H%E4nggi.pdf](http://www.dcaf.ch/news/past_2002/ev_NY_021016_H%E4nggi.pdf).

<sup>8</sup> See also Katrin Kinzelbach and Eden Cole, eds., *Democratising Security in Transition States* (Bratislava: UNDP/DCAF, 2006), [www.dcaf.ch/publications/kms/details.cfm?lng=en&id=19152&nav1=4](http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=19152&nav1=4).

### **Professionalising: Creating a Reliable and Dedicated Corps of Servicemen**

As the security sector services are managing, on behalf of the democratically elected political leaders, the state's monopoly of violence, it is important that the monopoly is carried out by a professional work force. Dealing with violence professionally is what distinguishes the security services from other governmental organisations. It is 'more than just another job.' Professionalism entails dedication, the ability to carry out the tasks and orders of their superiors and to provide security within the context of the dynamic and rapidly changing 'new security environment.' Professionalism also means that the officers corps operates in a predictable and disciplined manner. Without professionalism, democratic control would not make any sense as the military's political superiors would never be assured whether their orders will be implemented due to a lack of discipline and quality. Professionalism implies that the political leaders trust that the servicemen are up to their job.

### **Democratising Security**

Last but not least, security sector reform enhances democratisation by the creation of a legal framework which subordinates the security services to the legitimate political authority as well as defining and limiting its purview. Installing a legal framework which affirms civilian supremacy may be regarded as the bottom-line and point of departure for successful democratisation efforts in countries in transition. In principle, the legal framework rests on two core values, which are accountability and transparency. The relations between the political leadership and the security services should be governed by these two important twin concepts of democratising security.

### **Making Oversight *Democratic*: the Necessity of Parliamentary Involvement**

The security sector services can be characterised as a *Janus*-faced organisation. On the one hand, the security services have to meet their functional demands, that is to maintain law and order, protect the national interest and civil rights. The security services, be it the military, intelligence services or border guards, all have to be prepared and show readiness to fulfil their duties. On the other hand, the security services have to comply to normative societal, democratic and legal standards. All security services have to operate within the law and are accountable to the democratically legitimate political leaders. In other words, democratic governance applies to security services as well.

When it comes to civilian supremacy and democratic governance, parliaments fulfil a crucial role. Due to parliamentary involvement and debates, civilian oversight becomes democratic oversight. It is a way to give voice to the people's needs and concerns in the debates about security. In fact, parliamentary involvement makes the difference between civilian oversight and democratic oversight, or, between good governance and democratic governance. It is important to make this distinction. Civilian oversight is a pre-requisite, but insufficient condition for democratic oversight. This is what the authoritarian regimes of 20th century teach us. For example, Hitler and Stalin had perfect civilian control over their

military, but their type of oversight is not really desirable in a democratic society. In this respect, parliament plays an important role in safeguarding the democratic element of overseeing the security sector.

There are at least five reasons why parliamentary involvement in security policy and security sector reform is essential.<sup>9</sup>

### **A Cornerstone of Democracy to Prevent Autocratic Rule**

Former French Prime Minister Georges Clémenceau once stated that 'War is a much too serious matter to be entrusted to the military.' Beyond its humorous side, this statement recalls that in a democracy, the representatives of the people hold the supreme power and no sector of the state should be excluded from their control. A state without parliamentary control of its security sector, especially the military, should, at best, be deemed an unfinished democracy or a democracy in the making.

According to the eminent American scholar Robert A. Dahl, 'the most fundamental and persistent problem in politics is to avoid autocratic rule.' As the security sector deals with one of the state's core tasks, a system of checks and balances is needed to counterbalance the executive's power. Parliamentary oversight of the security sector is thus an essential element of power-sharing at state level and, if effective, sets limits on the power of the executive or president.

### **No Taxation without Representation**

To this day, one of parliament's most important mechanisms for controlling the executive is the budget. From the early days of the first assemblies in Western Europe, parliaments demanded a say in policy matters, their claim being: 'No taxation without representation.' As security sector organisations use a substantial share of the state's budget, it remains essential that parliaments monitor the use of the state's scarce resources both effectively and efficiently.

### **Creating Legal Parameters for Security Issues**

In practice, it is the executive that drafts laws on security issues. Nevertheless, members of parliament play an important role in reviewing these drafts. They can, if need be, suggest amendments so as to ensure that the proposed legal provisions adequately reflect the new thinking about security. Moreover, it falls to parliament to see to it that the laws do not remain a dead letter, but are fully implemented.

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<sup>9</sup> Born, Fluri, and Johnsson, *Parliamentary Oversight of the Security Sector*, 18–19; see also Hans Born, *Between Efficiency and Legitimacy: Democratic Accountability of the Military in the US, France, Sweden and Switzerland*, Working Paper No.102 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, November 2002), 2–3, available at [www.dcaf.ch/\\_docs/WP102.pdf](http://www.dcaf.ch/_docs/WP102.pdf); and Hans Born, *Democratic Oversight of the Security Sector: What Does it Mean?*, Working Paper No.9 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, April 2002), 2–3, available at [www.iskran.ru/cd\\_data/disk2/rr/005.pdf](http://www.iskran.ru/cd_data/disk2/rr/005.pdf).

## A Bridge to the Public

The executive may not necessarily be fully aware of the security issues which are priorities for citizens. Parliamentarians are in regular contact with the population and are well-placed to ascertain their views. They can subsequently raise citizens' concerns in parliament and see to it that they are reflected in security laws and policies. Due to their representational function, parliamentarians have the unique possibility to give or to withhold democratic legitimacy to government's decision about security policy and security reform. Parliamentary debates may fulfil a catalytic role in creating or diminishing public support for, among other decisions, the government's decision to contribute troops to multinational peace support operations.

## Balancing Security and Liberty

In the post-Cold War era, the security services are confronted with a new security environment. Among others, security threats today include failed states, terrorism, uncontrolled proliferation of weapons of mass-destruction, political threats and organised crime. Particularly after 9/11, a whole series of new-anti terrorism legislation and measures are put into place. It is important the security services make the right choices under democratic guidance. That is, firstly, that the 'generals are not preparing for the previous war.' Parliaments have to ensure that the security services are up to the demands of the new security environment. Secondly, parliaments have to oversee that the new directions and actions of the security services are at all times consistent with the constitution, international humanitarian and human rights law.

## Challenges for Parliamentary Oversight of the Security Sector

In sharp contrast between the desirability of parliamentary oversight of the security sector, as described above, is the actual state of affairs of parliamentary oversight in many countries. In many countries, both in consolidating and consolidated democracies, parliaments are confronted with serious challenges:

- Secrecy laws may hinder efforts to enhance transparency in the security sector. Especially in emerging democracies or conflict-torn countries, laws on secrecy may limit or jeopardise parliamentary oversight of the security sector; this is also due to the absence of legislation on freedom of information.<sup>10</sup>
- The security sector is a highly complex field, in which parliaments have to oversee issues such as weapons procurement, arms control and the readiness/preparedness of military units. Not all parliamentarians have sufficient knowledge and expertise to deal with these issues in an effective manner. Nor may they have the time and opportunity to develop them, since their terms as parliamen-

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<sup>10</sup> For a compendium on the role of parliaments in Intelligence Oversight, see Hans Born and Ian Leigh, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies* (DCAF/ University of Durham/ Parliament of Norway, 2005).

tarians are time-bound and access to expert resources within the country and abroad may be lacking.

- The emphasis on international security cooperation may affect the transparency and democratic legitimacy of a country's security policy if it leads to parliament being left out of the process. It is therefore crucial that parliament be able to provide input to, participate in and follow up on debates and decisions in the international arena.

Perhaps the most serious challenge is to convince all the concerned actors throughout the military, civil society,<sup>11</sup> the executive and democratic institutions that parliamentary oversight is in the interest of both democracy and security.

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<sup>11</sup> See also Eden Cole, Kerstin Eppert and Katrin Kinzelbach, eds., *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations* (Bratislava: Valeur for UNDP, 2008). Also available in French under the title: *Contrôle Public du Secteur de la Sécurité, Guide Pratique pour les organisations de la société civile*, <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=95396&nav1=5>.

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# Chapter 1

## The Democratic Control of Armed Forces in Principle and Practice

Simon Lunn<sup>1</sup>

### Introduction: The Rise to Prominence of the Democratic Control of Armed Forces

The expression 'democratic control of armed forces'<sup>2</sup> is generally understood as the subordination of the armed forces to those democratically elected to take charge of the country's affairs. In its fullest sense it means that all decisions regarding the defence of the country—the organisation, deployment and use of armed forces, the setting of military priorities and requirements and the allocation of the necessary resources—are taken by democratic leadership and scrutinised by the legislature in order to ensure popular support and legitimacy. The ultimate aim is to ensure that armed forces serve the societies they protect and that military policies and capabilities are consistent with political objectives and economic resources. While a subject in its own right, the democratic control of armed forces must be seen as an essential part of the broader relationship between societies and their armed forces.

During the Cold War, the term democratic control of armed forces evoked little discussion or debate beyond academic circles.<sup>3</sup> In most NATO countries it was largely taken for granted. Attention focused on the potential use of armed forces in countering the threat of

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<sup>1</sup> Senior Fellow at DCAF and former Secretary General of the NATO Parliamentary Assembly.

<sup>2</sup> The definition of 'armed forces' can cause problems. This article will refer to forces under Ministries of Defence. However, in many countries, there are a variety of forces that bear arms and do not fall under the authority of the MOD, for example, internal security forces or paramilitaries. It goes without saying that all forces should be democratically accountable irrespective of subordination. There are also personnel associated with private security companies who carry arms but are outside of these formal categories and therefore largely unaccountable.

<sup>3</sup> The most noteworthy academic works on civil-military relations during this period were: Samuel E. Finer, *The Man on Horseback: the Role of the Military in Politics* (Boulder, CO: Westview, 1986); Samuel P. Huntington, *The Soldier and the State* (Harvard, H.U.P., 1957); Morris Janowitz, *The Professional Soldier* (Glencoe, Ill: Free Press, 1960) and Amos Perlmutter, *The Military and Politics in Modern Times* (New Haven, CT: Yale University Press, 1977).

Soviet aggression. With the end of the Cold War, the question of democratic control of armed forces suddenly gained prominence. A veritable cottage industry sprang to life around it: workshops, seminars and conferences abounded, and theses, studies and articles by academics and practitioners alike cluttered the market. A new centre was created in Geneva specifically dedicated to the issue.<sup>4</sup>

There are a number of reasons for this rise to prominence. First and foremost was the transition that took place throughout Central and Eastern Europe as former Communist countries began to develop democratic institutions and practices. It was soon apparent during this transitional period that the armed forces were one of the residual elements of the old regime that had to undergo fundamental change. Accustomed to civilian single party control and a privileged position in terms of resources and status, they had to be brought under and made responsible to the democratic processes that were being put in place.<sup>5</sup> The issue became more pressing when NATO made it clear that the democratic control of armed forces was one of the conditions the alliance would be looking for in assessing the readiness of aspirants to join the alliance. Transparency in defence planning and budgeting and ensuring democratic control of defence forces were prominent objectives in NATO's Partnership for Peace (PfP) Initiative.

As a result, many would-be members and other partners looked to the alliance for advice and assistance as to what steps they should take. Here they encountered a central paradox. While NATO placed considerable emphasis on the democratic control of armed forces, no single model existed within the alliance by way of example. For historical, cultural and constitutional reasons, each alliance member has developed a different approach to the issue, which defies the elaboration of a 'fit all' formula. A series of NATO brainstorming sessions in the PfP framework shed considerable light on the various components of democratic control but equally on the variations that exist and therefore the difficulty of reaching a single definition. Agreement that 'we know it when we see it, or rather we recognise when it does not exist' was about as close as was achieved. As one alliance par-

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<sup>4</sup> The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was created through the joint initiative of the Swiss Ministries of Defence and Foreign Affairs with the goal of providing a specific focus on an issue of widespread and growing interest and relevance. In addition to its own research program, it was hoped to bring a degree of much needed coordination to the many disparate activities under way in this field. DCAF has subsequently moved to embrace the broader concept of security sector reform (SSR) as the central relevance of SSR to development and reconstruction has become evident. DCAF has established itself as a centre of excellence in the field of SSR while retaining a particular focus on assisting parliaments to achieve influence and accountability over policies related to national security.

<sup>5</sup> The national standing of the armed forces varied greatly from country to country depending on historical experience. In Poland and Romania, the military was held in high standing; in Hungary and the Czech Republic not so. However, irrespective of their national standing as a corporate group, they were a repository of old thinking and represented an obstacle to successful democratisation.

ticipant noted at one such session: 'As soon as we get close to agreeing a criteria, one of us has to leave the room.'<sup>6</sup>

This reflected the dilemma facing the alliance and would-be members alike, and indeed affected other NATO 'criteria' – the problem of assessing when countries had reached the desired level judged necessary to become alliance members.<sup>7</sup> For the aspirants, the absence of a specific model had both advantages and disadvantages. On the one hand, they were exposed to a variety of advice on the measures they needed to take – advice that was not always consistent. Hence, they were able to select from this advice and adapt it to their own needs and circumstances.

This focus on democratic control coincided with a period of wholesale change for the forces of alliance members, changes which themselves have consequences for the relationships of armed forces with their societies. The armed forces of all NATO countries have been in transition as they have restructured, reorganised and generally reduced away from Cold War military structures. Many have moved from conscript to all-volunteer armies. The roles and missions of these forces are also changing as they are increasingly engaged in Crisis Response Operations (CROs), missions which place new demands on the military. Furthermore, the development of technology and the information revolution has an impact on the way armed forces operate; and by way of an omnipresent and all pervasive media, how they are perceived to operate by the public at large.

Collectively, these factors represent a new environment and a new set of challenges to which the armed forces must respond. These adjustments in turn influence their role in society and the relationship between the military and political sides. The broader context of civil-military relations, of which the democratic control of armed forces is a part, is not a fixed process but is continuously evolving. All countries, members and partners alike, have to rethink the consequences of the new security environment for the way their armed forces operate.

These two developments—democratisation in Central and Eastern Europe (CEE) and the impact of the new security environment—have been responsible for the significance now attached to the democratic control of armed forces. Most alliance countries have the appropriate mechanisms in place to absorb and adjust to the changes in the new environment. For countries of CEE, life was more problematic. They had to cope with these changes and develop the mechanisms, procedures, expertise and attitudes necessary to ensure effective democratic control while, at the same time, and most difficult of all, overcoming the burden of the past. This proved a formidable challenge. Their experiences,

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<sup>6</sup> These formal sessions were reinforced by a plethora of workshops and seminars on the issue, many organised in aspirant countries at the initiative of Christopher Donnelly, the special advisor on Central and Eastern Europe (CEE) to NATO's Secretary General; another prominent player in providing assistance in the early years was the Centre for European Security Studies at Groningen, Netherlands.

<sup>7</sup> The alliance was always careful to stress that there was no fixed or rigid list of criteria for inviting new members; readiness for membership would be a political judgement based on all relevant considerations.

however, in carrying through the necessary reforms and successfully making the transition are now being passed on to others.

## **The Essential Elements for the Democratic Control of Armed Forces**

While no single model is on offer, broad guidelines have emerged concerning the basic elements that should be present in one form or another to ensure democratic control. These are:

- Legal and constitutional mechanisms that clarify the relationships between the head of state, the government, parliament and the armed forces in terms of the division of authority, command and subordination in both peacetime and the transition to war; to establish the roles of the relevant institutions and also the status and rights of armed forces;
- An appropriate mix of military and civilian personnel within the MOD (including a civilian minister of defense) to ensure that military expertise is placed into the appropriate political and economic context;
- Effective parliamentary oversight to ensure democratic legitimacy and popular support;
- An independent judiciary;
- Maximum transparency and openness, including independent research institutes and an active and inquisitive media; and
- Armed forces at ease with their role in society.

These elements are easy to define on paper. However, making them work in practice is another matter. Successful implementation rests on the respective roles of the executive and the legislature, and the relationship between them. It rests equally on the relationship of both bodies with the armed forces and on the division of responsibility and competence between the political and military sides. Developing the trust, confidence and mutual respect on which these relationships are based lies at the heart of effective democratic control.

## **Why Defence is Different**

In view of the respective functions of the executive and the legislature, a degree of tension between them is inevitable. There must be a division of responsibility that ensures effective action by the executive without risking a potentially dangerous accumulation of power but also ensures popular support through legislative involvement without risking paralysis of action. Establishing this balance between 'efficiency' and 'democracy' is crucial to ensuring effective government and is particularly salient to the field of defence.

The need to establish such a balance is both more important and more difficult in the field of defence than other fields of activity. Defence is not just another spending depart-

ment. It brings with it certain characteristics and qualities that complicate the relationship between the executive and the parliament and increase the inherent potential for friction between the two branches. There are several reasons why defence makes things more difficult.

First, defence concerns the security of the nation and involves decisions to commit lives and expenditure for the nation's defence. Decisions of this magnitude impose an additional burden of responsibility on the political leadership to get things right and to ensure that decisions and policies enjoy popular support.

Second, defence involves the maintenance of armed forces. In any society the military assume a special and distinctive position, chiefly as the principal possessor of weapons and armaments. Furthermore, the military also represent a highly organised and disciplined group, knit together by traditions, customs and working habits but, above all, by the need to work together and to depend on each other in times of crisis and conflict – a dependence that can literally mean the difference between life and death. Such dependence builds strong bonds and loyalties and requires a degree of cohesion and coherence that few other professionals can claim. It is these qualities—discipline, dedication and loyalty—that make the military profession different, and in some ways, distinct from society.

There are those that argue that the changing nature of war and societal trends are diminishing these unique characteristics. This is not the place to discuss this issue in detail except to suggest that these values continue to provide the core of 'soldiering' and what makes the military function in the armies of most Alliance countries. They are very much on display in current NATO operations in Afghanistan. These characteristics also explain why the military normally find it easy to work together despite very different historical and cultural backgrounds.

In addition, the highly organised and structured character of military life tends to give military personnel a straightforward and uncomplicated view of the world, which contrasts and is often at odds with the more complex, and by comparison, apparently 'murky' world of politics. The terms concession and compromise, essential to the balancing and reconciliation of competing interests in domestic and international politics, do not sit easily with the clarity and directness of assessment and decision making, which are essential characteristics of an effectively functioning military. This can lead to very different perceptions of the same problem and can represent a source of friction between the military and political sides.<sup>8</sup> At a minimum, such friction is constrained to grumblings in the officers' mess over

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<sup>8</sup> For a flavour of this difference in perceptions between the man in the field (or in this case at sea) and the politicians, see the comments of Admiral Sandy Woodward, commander of the Falklands Battle Group as he took his force towards the Falklands: 'None of our plans seems to hold up for much more than twenty-four hours, as Mr. Nott (Defence Minister) footles about, wringing his hands and worrying about his blasted career. And the Ministry men play their intricate and interminable games with an eye to the aftermath ('get in quick if there's credit, be elsewhere if there's not').' Admiral Sandy Woodward with Patrick Robinson, *One Hundred Days: The Memoirs of the Falklands Battle Group Commander* (London: HarperCollins, 1992). This book is an informative

the doings of 'our political masters.' At the most extreme it can lead to military interference with, or defiance of, the government of the day. When such episodes have occurred, it has frequently been because the military have suggested an allegiance to a higher calling—the nation, the constitution—than the transient government of the day.<sup>9</sup>

Most members of the alliance have at some time in their history experienced a 'turbulent' military. Several members—Turkey, Greece, Spain and Portugal—have experienced such problems in their relatively recent past.<sup>10</sup> Today, none of the established democracies have serious worries on this issue. The respective roles of the military and civilians are well established and understood – albeit, as will be seen later, there are some areas where the dividing line is increasingly easily blurred. The significance of democratic control lies elsewhere – in the fact that in any society, the military represent a strong corporate body capa-

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account of the problems of modern warfare, including the difficult interaction between political and military considerations.

Similar frustration was expressed by General Sir Peter de la Billiere, commander of British forces in the Gulf War, during the build-up of forces: 'The level of ministerial indecision and looking backwards is appalling and desperately time wasting. There is every likelihood that we shall stay behind while the Americans go to war and our ministers dither over their decisions.' In: General Sir Peter de la Billiere, *Storm Command: Personal Account of the Gulf War* (London: Harper Collins, 1992).

<sup>9</sup> See, for example, the well-known statement by General Douglas MacArthur: 'I find in existence a new and heretofore unknown and dangerous concept that the members of our armed forces owe primary allegiance or loyalty to those who temporarily exercise the authority of the Executive branch of government rather than to the country and its constitution which they are sworn to defend,' quoted in: Telford Taylor, *Sword and Swastika: the Wehrmacht in the Third Reich* (London: Gollancz, 1953), 354.

And in a similar vein: 'I have never served Tsars or Commissars or Presidents. They are mortal men and they come and go. I serve only the Russian state and the Russian people, which are eternal.' General Lebed, quoted in: Chrystia Freeland, 'General awaits call of destiny: Gen. Alexander Lebed is a man who makes the Kremlin nervous,' *Financial Times*, September 6, 1994.

During the first of the summer schools for CEE parliamentarians organised in the mid-1990s by the NATO PA in conjunction with the George C. Marshall Centre in Garmisch-Partenkirchen, Germany, there was considerable discussion of the question of whether there were ever circumstances under which the armed forces have the right to intervene internally: for example, to 'save' democracy as when the army in Algeria prevented the fundamentalists taking power, or when there are competing democratic institutions as was the case when President Yeltsin used the Russian army against the parliament. While it was agreed that there was never any justification for intervention against democratically elected authorities, it was evident that grey areas arose when the democratic legitimacy of the government itself was in question. This issue also raised questions as to whom the armed forces took their oath of allegiance.

<sup>10</sup> The experiences of Spain and Portugal in making the transition to democracy and returning the armed forces to their appropriate place in society has been particularly helpful to the new democracies. See, for example, the Rose-Roth Seminar on 'Defence in Democratic Societies. The Portuguese experience,' Lisbon, 20–22 April 1995. The particular role of the Turkish armed forces is also frequently noted in discussions of civil-military relations and the influence of history and political culture on the place of the military in society.

ble of exerting considerable influence over policy and the allocation of resources. Democratic control ensures that the armed forces and their requirements occupy an appropriate place in the nation's priorities, that they do not absorb an undue proportion of the national resources, nor exert an undue influence on the development of policy.

For these reasons, it is important to ensure that defence is organised and managed in a way that maximises military professionalism and efficiency but also guarantees political control and popular support. There is an additional dimension that makes this a difficult goal to achieve. The military have a tendency to believe that military things are best left to military people. This is understandable as the business of armed forces is to prepare for conflict and the potential loss of life, which makes the intrusion of outsiders or non-professionals a sensitive issue. This aspect is discussed in greater detail later. It is sufficient here to make three points. Firstly, there are certainly many areas that are rightfully the preserve of the military professionals who spend their time studying and perfecting the business of war and the management of the armed forces. Secondly, at some stage these military activities must come under the scrutiny of the political leadership to ensure that they are consistent with, and reflect, political aims and priorities. And thirdly, implicit in this situation—in which the military accept the primacy of politics—is the responsibility of the political side to ensure that it exercises informed judgement.

## **The Role of the Executive**

The executive of any nation comprises the democratically elected or appointed leadership, whether president or prime minister, or both, plus the permanent cadre of civil servants and military officers. It is responsible for allocating to defence an appropriate place in the nation's priorities, for adjudicating between competing claims, and for ensuring defence requirements are consistent with political goals and economic resources. In other words, the executive is responsible for seeing the 'big picture' and for defining the national strategy within which defence must be set. The executive is normally responsible for the decision to go to war—with legislative approval—and for the strategic command and control of any conflict. Clarity in responsibility, competence and in the line of authority is obviously crucial.

Within the executive, the Ministry of Defence (MoD) together with the General Staff is responsible for the 'hands on' organisation and management of the defence establishment and for the running of the armed forces. This includes responsibility for the deployment and employment of armed forces, for the development of strategy and doctrine, for defence plans and budget, for personnel policy, and for their education, training and equipping.

Acknowledging the absence of a single model, it can be said in general that the tasks of a Ministry of Defence are to reconcile military requirements with real world political and economic constraints, to arbitrate between the various services, and to establish the degree of autonomy of the armed forces and the degree of intrusiveness of political supervision.

## The Political-Military Interface

In looking at the role and responsibilities of the executive, there are three broad areas where political and military interaction is of particular interest: the question of command; the use of civilians; and the dividing line between military and political competence and responsibility.

### Command

Clarity is essential in the arrangements for the command of the armed forces in peace and in war. It goes without saying that responsibility for the decision to go to war must be clearly and unambiguously defined and that, where possible, this should be vested in a single individual, albeit subject to the agreement of parliament. In presidential-parliamentary systems it is critical that the role of the president vis-à-vis the prime minister should be clarified. Likewise, there should be no doubt regarding whom the chief of staff reports to nor the line of authority. This again is easier said than done. No matter how tightly drafted, constitutions and legal frameworks frequently leave room for interpretation, particularly by forceful personalities.

Even the American Constitution, much admired for the simplicity of its language and the clear separation of powers, has not escaped unscathed. Under the Constitution, the president is commander in chief but the Congress has the power to declare war. These definitions have left open the possibility for disputes over authority for those conflicts which fall short of a formal declaration of war, yet require the deployment of American forces and sometimes the loss of American lives. US forces have been deployed frequently by the president without the express authorisation by Congress.<sup>11</sup> Despite the War Powers Resolution, the debate continues today and has echoes in Congressional strictures on the deployment of US forces in the Balkans and Afghanistan and the use of force against Iraq. This is not to comment on the merits of the arguments but merely to indicate that even in well-established democratic systems, differences arise over who has responsibility for the use of armed forces.

Likewise, the French Constitution, which gives the president special powers for the security of the nation and the government responsibility for the running of defence, also leaves room for uncertainty, particularly in a period of so-called 'cohabitation' when the president and government represent different parties. This was evident at times during the period of *cohabitation* between President Chirac and Prime Minister Jospin in the 1990s.

There have been several cases in East and Central Europe where presidents have attempted to interpret their roles as commander in chief and to develop special relations with the armed forces, circumventing the government and the minister of defence. The most notable of these was the situation in Poland when then President Walesa attempted to

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<sup>11</sup> See: Louis Fisher, "Congressional Checks on Military Initiatives," *Political Science Quarterly* 109:5 (Winter 1994-1995): 739-762, and also Joseph R. Biden Jr. and John B. Ritch III, "The War Powers at a Constitutional Impasse: A Joint Decision Solution," *The Georgetown Law Journal* 77:2 (December 1988): 367-412.

assert his prerogative over that of the government. During a meeting in 1995 with then President of the NATO PA Karsten Voigt, President Walesa stated that his own role as commander in chief of the Polish armed forces was a sufficient condition to satisfy the requirements of democratic civilian control. This proposition was diplomatically but firmly refuted. This problem was resolved by the adoption of a new Defence Law and Constitution, although the president still retains considerable powers.

### **Role of Civilians**

A standard feature of most Western democracies is that the minister of defence comes from a civilian background. There are a number of reasons for this, notably the fact that a civilian is considered better equipped to take account of broader policy issues and influences; and better able to fight in the MoD's corner in the competition for resources.

This is not to say that military personnel are unable to bring the same qualities to bear to the position of minister. However, Western experience suggests that a civilian background is more appropriate to cover the full range of tasks required of the position.<sup>12</sup>

Similar questions of competence concerning the inter-changeability of civilians and military personnel occur in the question of the role of the former in Ministries of Defence. Most Western MoDs employ a large number of civilians. The use of civilians has clear advantages as they bring skills in terms of administration, management and finance that military professionals frequently do not possess. They also inject an all important political perspective to the development of policy. In several MoD's civilians and military officers are integrated at all levels, providing the appropriate blend of political-military advice needed to deal with today's complex environment.

The need to introduce civilians to work alongside the military in their MOD's was an issue in most CEE countries during the early days of transition. Several partner countries reacted to Western urgings by rapidly producing 'civilians' in their Defence Ministries. Frequently, however, these personnel were former military officers.<sup>13</sup> This was partly due to the dearth of civilian expertise available in post Communist countries but also to the residual belief in the primacy of the military in defence matters.

The respective roles of civilians and uniformed personnel in the field of defence raises the broader issue of whether military service produces an exclusively military approach that influences the working methods and attitudes of military personnel during their professional careers and subsequent employment. Discussion of this issue lies beyond the scope of this paper. Clearly, much depends on the individual and the circumstances. The point must be

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<sup>12</sup> Again, during the first summer school for CEE parliamentarians held at the George C. Marshall Centre in Garmisch, the Western assumption that a civilian was best suited for the post of minister of defence was hotly contested by some of the CEE parliamentarians, indicating how deeply embedded were the norms of the previous Communist regimes in fencing off the field of defence for the military only.

<sup>13</sup> During an official NATO PA visit in 1994 to a partner country, the minister of defence pointed to the civilians accompanying him as proof of civilian control. It was later pointed out that these 'civilians' had been in uniform until the previous day.

to maximise the particular expertise and experience of both the civilian and the military, professional or retired, and ensure that they complement and reinforce each other.

### **The Political-Military Dividing Line**

This raises the third and central issue – the question of identifying the division of competence and responsibility between the political and military sides. This is an issue that permeates all aspects of democratic control. Are there areas which are strictly ‘military only,’ where the military should be allowed to get on with their business unimpeded by political interference? Common sense suggests that areas such as the development of doctrine and tactics and the education and training of armed forces should be left to military professionals. Likewise, it would appear obvious that in conflict situations the handling of operations should be governed by professional military judgement. However, practice and experience tells a different story and suggests that few military areas are free from some form of political interference or oversight.

The final verdict has to be that all military actions are accountable at some stage to the political side. But this begs the question at what stage should politicians exercise direct influence? Or to put it more directly, when should political judgement and authority take precedence over that of the military? This is not an easy line to define and there are a number of areas where the line is easily blurred. This is particularly true of today's peace support operations where the political and military sides need to work together not just in policy formulation but in practical implementation on the ground.

The following are illustrative examples of areas where political and military interests often collide.

#### *Rules of Engagement and Caveats*

Rules of Engagement (RoE) are guidelines for the military in carrying out their mission that define their scope of action taking full account of the political context. These cover a wide range of activities from strategic to operational and frequently give rise to frustration between the military and political sides.

Admiral Sandy Woodward, leading the United Kingdom Task Force towards the Falklands and uncertain about the interpretation of the RoEs he has been given, provides a graphic description of a commander's frustration:

The picture is gloomy. The politicians are probably going to tie my hands behind my back and then be angry when I fail to pull their beastly irons out of the fire for them.<sup>14</sup>

Woodward also considered the question of RoEs head-on:

I realised that considerable local amplification of the RoE was going to be central. I was sure they made excellent sense of the political interface in Whitehall, but they were sometimes

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<sup>14</sup> Woodward and Robinson, *One Hundred Days*.

less than crystal clear in the front line, where there was no time for debate as to the subtleties implied but not stated.<sup>15</sup>

In the same vein, the commander of British Forces in the Gulf War, General Sir Peter De La Billiere, facing the dilemma that his RoEs to deal with potentially threatening Iraqi aircraft were more restrictive than those of the American forces with whom he was deployed:

The politicians are ducking and weaving, and trying to avoid the real decisions they are there for. They love section-commander type decisions, like organising uniforms or deciding on the British Forces' radio. RoE matters, where the future conduct of the war and their own and the Government's position could be in question, they avoid if at all possible.<sup>16</sup>

These frustrations between the political and military sides are equally evident in operations 'short of war.' The deployment of UNPROFOR in Bosnia provided countless examples of military commanders on the ground frustrated with the RoEs given to them by New York. NATO's own peacekeeping operations in the Balkans, while a quantum improvement on UN operations, were not problem-free in this respect. National RoEs were frequently more restrictive than those of the overall force thus hindering overall operational effectiveness.

### *Multi-National Operations*

RoEs are part of a larger problem posed by multinational operations, whether peace support or peace enforcement, which require a delicate balancing of military and political considerations and a further blurring of their respective roles. In peace support operations such as Bosnia, Kosovo and Afghanistan many of these problems on the ground stem from the reluctance of nations to cede more than tactical control to the force commander and to retain a final veto on decisions they do not like.<sup>17</sup>

National caveats that condition and limit the use of national assets assigned to a multi-national operation complicate the situation even further. Caveats are sometimes the result of technical limitations on capabilities but most frequently reflect specific national sensitivities. They are an obstacle to operational effectiveness yet for some countries a necessary condition for the deployment and employment of their forces. In this sense they reflect the underlying reality that NATO as an alliance of sovereign nations committed to collective defence has always had to live with – that its members retain final control over their armed forces.

These operations also present entirely new challenges to armed forces, particularly in requiring the military to adopt a more political role. From the force commander to the soldier at a checkpoint there is a requirement for acute political sensitivity to local conditions

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<sup>15</sup> Ibid.

<sup>16</sup> De la Billiere, *Storm Command*.

<sup>17</sup> KFOR and SFOR commanders frequently complained of the unwillingness of some nations to implement their decisions, particularly on the redeployment of forces.

and the potential consequences of specific courses of action. The need for personal initiative and judgement is ever-present.<sup>18</sup>

The complications involved in multinational operations become even greater when fighting is involved. The NATO campaign against Yugoslavia also demonstrated the interplay between political and military considerations in the conduct of such operations. Again, NATO commanders talked of fighting with their hands tied behind their backs; referring to the initial targeting in the air operations and the refusal by the political leadership to countenance a ground option because of concerns over public support.<sup>19</sup>

The potential for tension between the political and military dimensions extends to the all important phase of providing development and reconstruction and 'building the peace.' NATO's involvement in the Balkans and now in Afghanistan has demonstrated conclusively the essential interdependence of the political and military dimensions if the long term goals of security, stability and development are to be met. The development by NATO of its Comprehensive Political Guidance is the result of this learning experience. The Comprehensive Approach is the latest 'buzz' word which captures the realisation—long evident but inadequately addressed—that the success of such missions require that the military and civilian sides work together in order to complement and reinforce each other. This coordination and cooperation should happen at all levels of the political-military interface but also between organisations with different competences and between governments and non-government organisations. The unsatisfactory state of relations between the military and some NGOs continues to be a particularly sensitive issue where much work is needed.

Implementing this Comprehensive Approach is, of course, easier said than done and will require a better understanding of and respect for specific roles among the relevant parties and a greater willingness to coordinate and cooperate. The need to make progress in the Comprehensive Approach will certainly be highlighted in NATO's new Strategic Concept currently under development and due to be adopted at the end of 2010.

The cumulative result of these operations will be to blur even further the dividing line between military and political areas of responsibility and competence and increase the need for mutual understanding. For the military, this means fostering greater political

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<sup>18</sup> This form of military involvement has led to the creation of specialist Civil-Military Cooperation (CIMIC) officers in most European armed forces. The US has led the way in this field. Contrary to the thinking in some quarters, this and other community or nation-building activities enjoy military support. Field visits to NATO forces in the various areas of operation consistently demonstrate the pride felt by the soldiers of all nations in helping local communities recover from the trauma and damage of war. Many of the tasks undertaken by the peacekeepers require and therefore practise basic military skills. Moreover, most military commanders believe that sensible rotation cycles should ensure that specialist military competences are not degraded. What was once erroneously and misguidedly described as 'doing the dishes' after the real military work is done is now accepted as a fundamental and indispensable part of the spectrum of activities the military must undertake as the military contribution to conflict management.

<sup>19</sup> For a description of the operation in Kosovo, and the problems of reconciling political and military requirements in such operations, see: General Wesley K. Clark (former SACEUR) US Army (Retired), *Waging Modern War* (Oxford: Public Affairs, 2001).

awareness, a requirement already acknowledged in the educational systems for armed forces in most countries. The clear cut distinction of the past, summarised by the standard military response to questions of a political nature, 'I'm just a simple soldier, that's for my political masters,' is increasingly a thing of the past. For the political side, these developments will require a better understanding of the exigencies of military operations, of the workings of the military and of their unique culture.

### *Procurement*

The procurement of military equipment offers another example of potential friction. Frequently, military considerations on the most appropriate choice of systems are made subordinate to economic, industrial and political considerations. Examination of the purchase of almost any major weapon system will tell the same story; the final choice is rarely decided on purely military requirements. The result is that the military can feel aggrieved that they have not received the optimum system.

### *The Military and Society*

Finally, there is the quite separate issue of whether military life should reflect the standards of society, for example, in the advocacy of a suitable gender balance and non-discrimination on the basis of sexual orientation. Debates in the United States and the United Kingdom indicate considerable resistance on the part of the military to political pressure of this nature. This again raises the question of the separateness of the military and the degree to which the political side should insist on policies that the military believe are inimical to their effectiveness.<sup>20</sup>

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<sup>20</sup> For an insightful discussion of these issues, see: Christopher Dandeker, "On the Need to be Different: Military Uniqueness and Civil-Military Relations in Modern Society," *The RUSI Journal* 146:3 (June 2001), 4. A related issue concerns the direct involvement of military personnel and civil servants in politics. In most alliance countries, military personnel are not encouraged to be involved in politics – in the UK they are positively discouraged. For example, 'In the United Kingdom, it is regarded as a breach of professional ethics to express opinions in public about matters which are politically controversial or show preference for one political party.' Presentation by A. Cragg, NATO Assistant Secretary General (on secondment from the MOD) to the seminar on "Democratic Accountability of Armed Forces," Prague (April 1995).

This is not the case in all countries. The German army with its concept of 'Innere Führung'—a soldier has the same rights as a citizen—takes a very different approach, one that derives from its immediate past and the determination that never again will the German army be apart from society.

There is also the question of the rights of soldiers to belong to the unions or associations that guarantee or protect their well-being or whether this is incompatible with the very nature of the military profession with its emphasis on discipline, reliability and unquestioning obedience. Again, different countries take different positions. For an overview of these different positions, see the report: Assembly of the Council of Europe, "Right to Association for Members of the Professional Staff of the Armed Forces," Document 9518 (The Committee on Legal Affairs and Human Rights, 15 July 2002).

Each of the areas mentioned above merits detailed study. Of necessity, this paper has only been able to scratch the surface. The object of the discussion here has been to indicate the potential areas of friction inherent in the roles of the military and political sides in the management of defence and also to show that the different interests and perceptions of the respective actors will continue to give rise to tensions that will require persistent adjudication and balancing.

## The Role of Parliament

Before examining the role of parliaments in influencing the development and implementation of defence, two general remarks are appropriate. First, in an ideal world the role of a parliament is not just to support the executive but to impose its own personality and to influence the development and the implementation of policy.<sup>21</sup> However, in practice many parliaments have ceded their powers of initiative to the executive; this is particularly true of security and defence policy. There is a widespread acceptance that because of its special characteristics, the area of security and defence lies primarily within the prerogative of the executive. Parliamentary influence frequently takes the form of the constraints that it is able to impose on the executive; in its ability to change or reject proposals or rather in its ability to say no. Second, many of the characteristics of defence described earlier as inhibiting or complicating the work of the executive apply equally to the work of parliaments, even more so.

The importance of parliaments to defence should be self-evident. No defence policy can endure without the support of the public it is deemed to protect. As the elected representatives of the people, parliamentarians are at the heart of the democratic system. They represent the electorate from whom armed forces are drawn and whose taxes pay for their upkeep. Parliaments perform a dual function in the sense that they must both influence and reflect public opinion. It is their task to explain and justify military expenditure, why military personnel are deployed 'overseas' and why such deployments may result in the loss of life.

In this respect, it is worth noting that the context in which public support for the use of military force must be sustained is changing. In the absence of the direct threat present during the Cold War, armed forces are increasingly preoccupied with crises and conflicts that demand forces for power projection and rapid deployment. This has two immediate consequences. First, these missions are very demanding in terms of personnel and the means needed to transport and sustain them: many alliance countries are suffering from overstretch as a result of the deployments in the Balkans, Iraq and Afghanistan. Second, the nature of some operations can make timely consultation with parliaments difficult.

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<sup>21</sup> The role of parliaments in defence and security cannot be divorced from the role of parliaments in general. For a discussion of the decline in parliamentary influence over the budget process, see: "Holding the Executive Accountable: The Changing Role of Parliament in the Budget Process," Palais du Luxembourg, Paris, an International Symposium for Chairpersons of Parliamentary Budget Committees organised by the Finance Committee of the French Senate and the Organisation for Economic Cooperation and Development (24–25 January 2001).

These trends also have implications for public support. Many of these conflicts are 'remote' in the sense that they do not appear to present an immediate threat to national security, yet the media ensures that the suffering involved is brought directly into the homes of the public. This leads to the much debated 'do something' factor. While for the most part the public appears to support the use of their armed forces in such situations, it is never clear to what degree this support will be sustained in the event of casualties. This is now being put to the test in several countries whose forces are engaged in Afghanistan, particularly those in the zones where the combat is fiercest. This is a difficult and sensitive calculation for both policy makers and politicians. Hence the need to engage parliamentary support as early as possible.

The importance of parliaments to defence is indisputable. However, there is less agreement on what role they should play. The key issue is how much influence and control a parliament should endeavour to exert over the development of the defence budget and the organisation and running of the armed forces; with what degree of detail and intrusiveness should parliamentarians scrutinise defence?

There is, of course, no single model as alliance parliaments exert varying degrees of influence and in different ways.<sup>22</sup> The basic distinction to be drawn is between those who exert direct influence through formal powers of consultation and decision and those whose influence is indirect through their ability to scrutinise policy and to hold the executive accountable, albeit 'after the event.'

At one end of the spectrum there is the US Congress which, because of the US Constitution and the separation of powers, plays an influential role in the development of the US defence budget. Congress holds the Department of Defence firmly accountable, often in excruciating detail and in a manner described by some, particularly those on the receiving end, as excessive micro-management.

In the initial years of transition, Congress was often seen as the model for those who sought real legislative influence.<sup>23</sup> However, two factors were quickly apparent. Congressional powers are not easily replicated as they are obviously a product of, and specific to, the US Constitution; and they require substantial supporting infrastructure in the way of committee staff, experts and supporting organisations and therefore substantial resources.

At the other end of the spectrum is the British Parliament, whose direct oversight consists of voting the defence budget as a global figure once a year, plus several debates. The government does not have to obtain parliamentary approval for specific expenditure decisions nor for the deployment of its armed forces: although it obviously makes sense to ensure that key decisions enjoy parliamentary support. Parliament exerts little direct influence over the development of the British defence budget; this rests firmly in the hands of the executive. Again, this relationship is a function of British history and the development of a strong executive depending on a highly professional and relatively insular civil service.

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<sup>22</sup> In a joint cooperative project, DCAF and the NATO PA carried out a comprehensive evaluation of the powers of parliament in defence and security in the nineteen NATO countries.

<sup>23</sup> This was also because Congress was very quick into the field in providing advice and assistance to the new parliaments, notably through the Congressional Research Service.

The function of the British Parliament and its Select Committee on Defence has to be seen in a different context. It plays a major role in informing public opinion and making defence more transparent, through focused hearings and reports.<sup>24</sup> Likewise, the National Audit Office, which reports to parliament, keeps the government on its toes by in-depth assessments of various programmes looking specifically to see that expenditure has been used effectively.

Other parliaments exert more direct influence than the British but fall short of the congressional model. The German Bundestag and the Dutch and Danish parliaments offer more appropriate models as they enjoy formal consultative powers on issues such as equipment purchases and force deployments.

Within this overall distinction of direct and indirect influence, parliamentary activity can therefore be grouped into three broad areas: accountability, oversight and transparency.

### **Accountability**

All parliaments hold their government accountable through the annual voting of the necessary funds, whether this is the end of a long process of examination as in the US model or the merely formal endorsement as in the British case. Whatever the model, the 'power of the purse' requires every government to explain and justify its expenditure demands. Accountability is also achieved through hearings or the establishment of special committees to look into specific issues. Examples of the latter were the investigation by the Canadian parliament into the conduct of Canadian soldiers in Somalia and the enquiry by the Belgian parliament into the events that led to the deaths of Belgian peacekeepers in Rwanda.<sup>25</sup>

### **Oversight**

However, the crucial issue is the degree to which oversight translates into real influence over the decisions of the executive. Parliamentary authorisation is an important instrument of influence. In many countries parliamentary authorisation is required for the purchase of major weapon systems, which in effect equates with participation in the decision.

Several alliance parliaments have the constitutional requirement to be informed on the deployment of forces abroad, a few have the right to participate through formal authorisation. The new missions will increase the demand for parliaments to be kept informed on a

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<sup>24</sup> For a frank assessment of the role of the British parliament, see the presentation of Bruce George MP (formerly Chairman of the Select Committee on Defence) to the Rose-Roth Seminar on "Armed Forces in Democratic Societies" (Herstmonceaux Castle, 23–26 July 1996).

<sup>25</sup> Professor Dr. Donna J. Winslow, "The Parliamentary Inquiry Into the Canadian Peace Mission in Somalia," paper presented at "The Fourth PCAF Workshop Strengthening Parliamentary Oversight of International Military Cooperation / Institutions in Euro-Atlantic Area," Brussels (12–14 July 2002), available via the publications section of the DCAF website (conference proceedings section) or at [www.dcaf.ch/pcfaf/ev\\_brussels\\_020712\\_winslow.pdf](http://www.dcaf.ch/pcfaf/ev_brussels_020712_winslow.pdf). See also the report of the Belgian Parliament on the murder of Belgian UN peacekeepers in Rwanda: Belgian Senate, "Parliamentary Commission of Inquiry Regarding the Events in Rwanda" (December 6, 1997).

more time urgent basis and to be consulted on the terms of deployment.<sup>26</sup> This will further test the balance between democracy and military efficiency. Similarly, the use of force in situations 'short of war,' as for example, during the air campaign against Yugoslavia or in the initial United States operation in Afghanistan,<sup>27</sup> reflects this need. However, in all alliance countries, irrespective of the formal powers of consultation, parliamentary support is a precondition for involvement in such contingencies: to put it differently, most governments will find it difficult to sustain such deployments without parliamentary and therefore public backing.

Most parliaments also have the responsibility to ratify treaties, including NATO enlargement.

The key question is how far parliaments should intrude into the making of defence policy and the running of the armed forces, for example: should they be informed or consulted on operational matters, or on development of strategy and doctrine, or on procurement decisions?<sup>28</sup>

Again, the question arises of the dividing line between things military and political. As noted earlier, common sense suggests that there are many areas where parliament should not be directly involved in telling the military how to do their business. On the other hand, parliament should be kept fully informed through regular and timely consultation and all areas should be open to parliamentary oversight and scrutiny. The executive should have the flexibility to exercise power responsibly but must always be mindful that parliament is watching.

### Transparency

Parliamentary debates and reports help make defence more transparent and increase public awareness of defence. They play an important role in building the public consensus essential for defence. Parliamentary work in defence should form an important part of a general security environment and the creation of a defence community in which security is freely and openly discussed and ceases to be the property and prerogative of a few.

Discussion of the role of parliaments would not be complete without a mention of their role in the broader context of civil-military relations. Parliamentarians form a natural link

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<sup>26</sup> For a comparative review of the powers of parliaments in PSOs, see: Hans Born and Heiner Hänggi, eds., *The 'Double Democratic Deficit: Parliamentary Accountability and the Use of Force Under International Auspices* (Aldershot: Ashgate Publishers, 2003).

<sup>27</sup> Special forces from several NATO countries including Denmark, Norway, Germany, Canada and the UK took part in the US-led operation against Al Qaeda, in what were evidently sensitive operations. Questions as to whether and how the respective parliaments were consulted on the deployment of their forces were left unanswered. Such operations highlight the dilemma of reconciling the need for timely consultation with the need for military effectiveness of the operation.

<sup>28</sup> Some of the new parliaments initially attempted to micromanage their armed forces even attempting, for example, to write military doctrine. Frequently, this degree of intrusion was due to the suspicion with which the military was viewed rather than a realistic assessment of what was feasible and appropriate.

between the armed forces and the society. Many parliamentarians have particular connections through having military facilities or defence industries in their constituencies or because they themselves have a military background. Defence committees are frequently active in looking after the welfare and rights of soldiers.

What, then, are the obstacles to effective parliamentary involvement?

Whatever the model and degree of involvement, parliamentary effectiveness depends on parliamentarians being well-informed and knowledgeable. However, the unique characteristics of defence again make the acquisition of the required competence problematic.

As a subject, defence has always lent itself to both secrecy—in the sense that the provision of adequate information has often been limited for reasons of national security—and exclusivity. With the passing of the Cold War, this factor has become less inhibiting but confidentiality still tends to limit the flow of essential information to a qualified few. Frequently, the executive is unwilling to make available the required information on the grounds of its sensitive nature. Membership of international organisations such as NATO is often used as a reason to withhold information due to the rules of the organisation, which inevitably always function at the level of the most security-conscious. Parliaments deal with the issue of confidentiality in different ways. Most work on a ‘need to know’ basis, albeit that it is the executive that decides ‘the need.’ Some hold closed hearings to satisfy the requirement.

Exclusivity in the sense of military sensitivity to civilian intrusion into ‘its territory’ has already been discussed. This sensitivity is frequently more pronounced towards parliamentarians because of their perceived lack of expertise. In some instances, this is understandable because from the military professionals’ point of view, ‘uninformed’ interference can have far-reaching consequences for the lives of service personnel. Likewise, the executive as a whole is frequently resistant to parliamentary involvement in defence and security. However, unwillingness by the executive to cooperate with parliament is misguided because it is contrary to the spirit of democracy and counterproductive because no matter how irritating parliamentary scrutiny can be, parliamentary support is indispensable. Cooperation with parliaments is, as the Americans would say, a ‘no brainer.’<sup>29</sup>

A successful working relationship between the three components of the democratic control of armed forces—the civilians, the military and the parliamentarians—depends on the various parties respecting the competence and professionalism of the others. However, developing this competence and understanding takes time and application. Both are available for the civilian and military professional. Not so for the parliamentarians who must first

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<sup>29</sup> A revealing example of the benefits of a cooperative approach was provided during a NATO PA visit to Slovenia. One of the more impressive oversight roles was exercised by the Foreign Affairs Committee of the Slovene parliament in monitoring and approving all developments in negotiations with the EU – to the extent that the committee planned to move to Copenhagen in the latter stages of the negotiation. Asked for his reaction to this degree of involvement, the under-secretary admitted that at first it was a real nuisance because of the very technical nature of the issues but that it was now seen as a real advantage because this involvement had ensured parliamentary support.

deal with a range of competing domestic pressures. Moreover, in few countries are there many election votes to be gained in being a defence or foreign policy expert. However, defence is not some form of black art comprehensible only to privileged and dedicated elite. With the appropriate supportive infrastructure, parliamentarians can develop the competence and expertise necessary to exercise responsible judgement in scrutinising policy and holding the executive accountable.

### **The Supportive Infrastructure**

Effective parliamentary involvement in defence is best achieved with the help of a supportive infrastructure that should include: qualified staff to offer reliable and informed advice on government submissions; research departments and independent research institutes to provide in-depth and objective analysis; and a critical and inquisitive media. Parliaments should have access to multiple sources of information and to independent counsel so that they are not forced to rely on, or automatically accept, government submissions.

Inter-parliamentary organisations form an important part of this supportive infrastructure. As NATO's inter-parliamentary arm, the NATO Parliamentary Assembly has long been a transatlantic forum for parliamentary dialogue and a source of education, information and experience for its members. It has played a significant role in assisting legislators to become more effective in influencing national defence policy through their national parliaments and in holding their executives to account.

The NATO PA is a policy-influencing rather than policy-making body.<sup>30</sup> The nature of NATO's inter-governmental decision-making process based on consensus means that the contribution of its inter-parliamentary counterpart lies primarily in creating greater transparency of alliance policies and contributing to the development of alliance-wide consensus. Direct influence on NATO policies lies through national parliaments.<sup>31</sup> Obviously it is to be

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<sup>30</sup> The NATO Parliamentary Assembly, founded in 1955 with a Brussels-based secretariat, brings together 214 national parliamentarians from the nineteen NATO countries. Associate delegations from seventeen nations, nine with the status of Parliamentary Observer and the European Parliament also participate in a wide range of assembly activities and meetings. The OSCE Parliamentary Assembly and the Assembly of the Western European Union also send delegations to the assembly. For a discussion of the role of the NATO PA, see the author's paper presented to the Fourth PCAF Workshop on Strengthening Parliamentary Oversight: "The Role of the NATO Parliamentary Assembly," Seminar on the parliamentary dimension of the European Security and Defence Policy, The Hague, 14 May 2001; [www.dcaf.ch/pcaf/ev\\_brussels\\_020712\\_lunn.pdf](http://www.dcaf.ch/pcaf/ev_brussels_020712_lunn.pdf).

<sup>31</sup> The emergence of the European Security and Defence Policy (ESDP) provoked discussion on the question of democratic accountability and a mini-institutional battle between the WEU Assembly and the European Parliament. Like NATO, the ESDP is inter-governmental and therefore direct accountability lies with national parliaments complemented by the work of the inter-parliamentary assemblies. However, the overlap of the ESDP with the CFSP and with commission-funded projects in post conflict areas such as the Balkans has given the European Parliament a toe in the water. The discussion continues. The cooperative relationship between the European Parliament and the NATO PA also makes a contribution to this area and adds a much needed degree of transparency to the status of the ESDP.

hoped that in developing alliance policies, NATO's member governments heed and take account of the collective parliamentary voice as expressed in assembly debates, reports and resolutions.

From 1989, the assembly's role expanded through the integration into its work of the countries of Central and Eastern Europe (CEE). This 'outreach' programme now includes special seminars on issues of particular topical or regional interest, a training programme for parliamentary staff,<sup>32</sup> special cooperative arrangements with Russia and Ukraine, a Mediterranean Parliamentary Dialogue and a 'New Parliamentarians' initiative.

The object of this activity has been to demonstrate the assembly's commitment to the democratic process under way in CEE and to the eventual integration of partner countries into the Western community. At the practical level, these activities have also served to strengthen the democratic process by sharing alliance legislative experiences, both the strengths and the weaknesses.

### The Transition Countries

Needless to say, most of the obstacles described earlier in establishing the norms of the democratic control of armed forces have confronted the new democracies.<sup>33</sup> However, the transition increased the magnitude of the challenges. In several areas the problems were worse. While all transition countries faced similar problems as a result of their communist past, each had its own specific characteristics that made the pace of change different. In the then Czechoslovakia and in Hungary, the attitude to the armed forces was negative due to their recent history. The Baltic States, on the other hand, had to start from scratch in developing their armed forces. That meant they did not have the enormous challenge facing others in the need to reduce and restructure bloated military establishments nor in the need to deal with a top-heavy and frequently recalcitrant officer corps. Yet, no one starts with a blank sheet of paper. They, like the others, had to deal with the most burdensome communist legacy of all—mentality and attitude—and the difficulty of inculcating a sense of

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<sup>32</sup> The Rose-Roth initiative was named after the two members of Congress who initiated the program and secured the necessary funding through US AID. The Rose-Roth initiative was based on two factors: recognition of the complexity and magnitude of the problems facing the new democracies in developing effective democratic institutions and a determination that the NATO PA could help. The Rose-Roth outreach program has three component parts: the integration of East European parliaments into all aspects of the assembly's work, the organisation of special seminars and training for parliamentary staff. The seminars which still function (73 to date) and staff training have focussed on providing advice and expertise on the development of democratic control. Overall, the program has been successful not only in providing practical experience but also in demonstrating political commitment and solidarity.

<sup>33</sup> For an analysis of the experiences, problems and progress made by four parliaments, see: David Betz, "Comparing Frameworks of Parliamentary Oversight: Poland, Hungary, Russia, Ukraine," paper presented at a seminar on *Democratic Control of Armed Forces in Croatia*, Zagreb (26 October 2001).

initiative and responsibility. This was probably the greatest problem; not just putting in place the necessary mechanisms but then making them work.

The process is now twenty years further on. Most of the initial partner countries are now full NATO members and are in turn passing on their experience to other countries undergoing transition. Some of these are seeking NATO membership; others merely the benefits of partnership. Whatever the motive, one of the key benefits that association with NATO brings is access to advice and assistance on the introduction and implementation of defence reforms and the mechanisms, practises and attitudes that underpin democratic control. The principle of democratic control has now been absorbed into the broader concept of security sector reform (SSR). Experience has shown that economic recovery, development and reconstruction need the broader approach to security provided by SSR. The precise role of the military in providing the essential security umbrella and then in contributing directly to development and reconstruction will depend on time and circumstance.

Nevertheless, the democratic control of armed forces remains a distinct and valid entity in its own right and a basic ingredient for successful transition. Furthermore, it is an area on which work is ongoing in the armed forces of all our societies as they respond and adapt to the changing security environment. As the number of countries needing assistance has broadened, however, it has become increasingly evident that Western experience must be adjusted to local and regional context and circumstance.

## **Conclusion**

This article has emphasised the centrality of relations between the executive and the parliament, and between the military and political sides in providing effective democratic control. In alliance countries, the tensions inherent in these relations have been absorbed through custom and practice and have become an essential element in the dynamic of democratic government. Likewise, the same process will have to work its way through in the countries that have made and are making the transition to democracy. Each country must manage this process in its own way and according to its own requirements and its own culture. The final goal is the same: finding an appropriate place for defence and the military in our respective societies. In achieving this goal, ideas and experiences can be shared and lessons learned. But the precise route chosen will be determined by the forces and influences at home.



## Chapter 2

# Learning from Best Practices of Parliamentary Oversight of the Security Sector<sup>1</sup>

Hans Born<sup>2</sup>

### Introduction

Winston Churchill once labelled the parliament as the workshop of democracy, and it goes without saying that the parliament does play a central role in any democracy, though this role may greatly vary across political systems. While parliaments may range from the ornamental to significant governing partners, they have some common characteristics, which include three basic functions that they perform: representing the people, making (or shaping) laws, and exercising oversight. Parliaments articulate the wishes of the people by drafting new laws and overseeing the proper execution of those policies by the government. In short: the parliament is the mediator between government<sup>3</sup> and the people.

Parliaments are regarded as the cornerstone of a democracy. No area or institution of the government can be exempted from parliamentary oversight and this includes all organisations of the security sector. Instead of 'defence sector' the term 'security sector' is deliberately used in this paper, as the military is only one of the important guardians of the state. The other 'guardians' are the police, border guards, paramilitary units, intelligence services and private security organisations. Parliaments have to develop a comprehensive security policy as well as keeping track of all security sector organisations. Parliamentary oversight is only complete when it oversees the five major aspects of these agencies, that

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<sup>1</sup> The original version of this paper was presented at the Parliamentary Workshop on "Parliaments and Security Sector Reform in Bosnia and Herzegovina" held from 7<sup>th</sup> to 10<sup>th</sup> of March 2002, in Sarajevo, Bosnia and Herzegovina, organised by the Centre for Security Studies (Sarajevo, Bosnia and Herzegovina) and the Centre for European Security Studies (Groningen, The Netherlands).

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<sup>3</sup> 'Government' has a different meaning in different countries. In this article, government refers to the top political level, being the president, prime minister and ministers as well as the departments headed by those ministers.

is, the policies, personnel, finances, operations and procurement of equipment and weapons systems.

The parliamentary oversight of the security sector is not a goal in itself. In essence, the main principle of parliamentary oversight is to keep the government accountable and to secure a balance between the security policy and society by aligning the goals, policies and procedures of the military and political leaders. In many countries, it is not the fear of military coups, but the alignment of military and political goals, that remains the biggest concern for parliaments.

In this paper some best practices that are used by parliaments around the world are discussed. Before presenting some of these practices, we turn firstly to the relevance of democratic control and secondly to some methodological issues, which are relevant for understanding these practices.

## Relevance

Many parliaments, especially those in democracies in transit or being consolidated, often face difficulties in understanding the vast and complex security sector, getting relevant information and assessing military data. Yet, parliaments in consolidated democracies also face new challenges, when it comes to parliamentary oversight over new military missions or security and defence policy on a supranational level. All these problems are aggravated by the lack of parliamentary staff and education in the field of defence and security matters.

In Europe, the issue of democratic and parliamentary control of the armed forces is undergoing a renaissance. The topic is on the political and scientific agenda of several European countries for numerous reasons. Firstly, the abolition of military conscription in several European countries (the Netherlands, Belgium, France, Italy, Spain, Portugal) raised a critical debate on the democratic control of the armed forces. Many commentators are afraid that an all-volunteer force is more difficult to control democratically than a conscript army. Secondly, during the last decade, on the one hand all European countries have been involved in the downsizing of the armed forces; yet on the other, these same countries have seen an amplification of the tasks assigned to the military with the addition of peace missions. These processes of restructuring and downsizing the military result in less budget and more tasks for the military and consequently put the political-military relations under high pressure. Thirdly, as military activity increasingly takes place at the international level, the democratic and parliamentary control of international military cooperation and institutions is also becoming increasingly relevant. This is especially true for smaller member states of, for example, the EU and NATO. Fourthly, at the demand of international organisations such as NATO and the OSCE, post-communist countries in Central and Eastern Europe have had to restyle political-military relations according to democratic principles. Without the democratisation of the political-military relations, these countries were not permitted to become members of western international organisations. Moreover, in most transition societies, political democratic reform preceded security sector reform. Before reforming the security sector, transition societies adopted new constitutions, gave powers to legislatures and installed civilian ministerial control over the military. This was important, as

security sector reform should be reformed in a democratic manner, not only meeting functional military demands but also attaining the demands of societies.

These four developments resulted in a renaissance of the democratic control in both old and new democracies in Europe.

## **Learning from Best Practices**

Three issues are relevant for understanding the context of best practices: contextuality; political willingness of parliamentarians; and the meaning of the 'oversight.'

### **Contextuality**

Contextually refers to the topic of universal or relative democratic standards. The best practice of parliamentary oversight or the best way to carry out parliamentary oversight of the security sector simply does not exist. Moreover, accepted practices, legal procedures and parliamentary structures in one established democracy may be unthinkable in another one. This variety of democratic practices and systems is exactly the essence of democracy: every country has the right to choose its own way of dealing with civil-military relations. Although there is no single set of norms for civil-military relations, there is a general agreement that democracies adhere to principles of democratic civil-military relations. Parliamentary oversight of the security sector is a 'sine qua non' condition for democracy.

### **Political Willingness of Parliamentarians**

Parliamentary oversight is in many countries hampered by lack of (parliamentary) organisation, parliamentary staff and expertise. The best practices as listed in the next section, show how parliaments are dealing with these barriers to effective oversight. Here we would like to turn to the issue of political willingness as another important factor hindering effective oversight.

Unless elected representatives have either a commitment or the political will to hold the government to account, no amount of constitutional authority, resources or best practices will make them effective. If the parliamentarians do not want to use their powers for scrutinising the government, then constitutional or other legal powers will be of little use. Parliamentarians may be less interested in scrutinising the security sector for various reasons. The most important reason is party politics. More often than not, parliamentary political parties, which are represented in government, are not very eager to oversee their governmental counterparts in a critical manner. As a result, the (best) practices and tools of parliamentary oversight will not be used to oversee the government, except during scandals or in emergency situations. Another reason is that some parliamentarians think that the security sector is not interesting or crucial for the voters. As parliamentarians strive for (re-) election, it might be the case that they turn their attention to other governmental sectors, such as employment issues, welfare, labour issues or pension system or simply the price of bread and gasoline.

### **The Meaning of 'Oversight'**

Many different words refer to parliamentary involvement in the security sector. A first concept is 'oversight,' referring to over viewing the government and to set broad guidelines for the government and its agencies. A second concept is 'good governance,' referring to a whole system of democratic management of the security sector, in which the parliament should be playing a significant role. Thirdly, 'control' is a commonly used concept. In the English language, 'control' has a broader meaning than in many other languages. In English, control means to rule, to instruct or even to manage, as opposed to the stricter concept of 'to check.' Each concept has its own advantages: good governance refers to a systematic approach, oversight stands for a broad approach and control signifies a powerful approach by the parliament as it refers to the management of the security sector. We have used the concept of oversight in this case, because governance has too broad a meaning (referring to the entire political system). The concept of control is not used as it has the narrow connotation of to check.

It must be clear that each concept represents a specific and particular political system and culture. With regard to parliamentary oversight, the essence is to grasp the 'dividing line' between the parliament and government: to what extent should the parliament be involved in the activities of government? It is, of course, clear that parliamentarians do not command the army, but it must be equally clear that parliament and government have a shared responsibility concerning the security sector. The idea of shared responsibility is equally valid for the relation between political and military leaders. These two parties should not be regarded as adversaries with antagonistic goals. On the contrary, political and military leaders need each other in order to achieve an effective security policy that meets both the military and societal requirements. Therefore, democratic oversight not only means commands and orders, but also incorporates dialogue and communication between political leaders and generals. This communication should be characterised by trust, open lines of communication, mutual inclusion and inviting each other to express each other's opinion.

A final remark on oversight deals with the distinction between democratic and civilian oversight. Civilian oversight is a pre-requisite, but insufficient condition for democratic oversight. This is what the authoritarian regimes of twentieth century have taught us: for example, Hitler and Stalin had perfect civilian control over their military, but their type of oversight is not really desirable in a democratic society. In this respect, parliament plays an important role in safeguarding the democratic element of overseeing the security sector.

### **Some Best Practices**

All best practices address the main task of parliaments, which is to keep the government accountable on behalf of the people. The best practices come from various countries of the Euro-Atlantic area, from both 'old' and 'new' democracies. It is most certainly not the case that the 'old' democracies have stronger parliaments than 'new' democracies. Indeed, the new democracies in particular are afraid of previous forms of authoritarian rule and conse-

quently take care to put substantive powers into their parliaments. The practices mentioned below constitute a catalogue of possible practices, legal arrangements and organisational set ups which can facilitate effective oversight.

### **The Parliamentary Committee on Defence and Security**

Parliamentary committees are the most powerful organisation of parliamentary work. Through committees, parliamentarians have the opportunity to organise their work and to focus expertise. Given the complexity of the security sector, a well-developed committee structure is needed if the parliament is to exert real influence on the government. Effective parliaments have committees for each policy field of the government; the defence or the security sector is no exception. Committees are vital because they are able to scrutinise in detail the government and because they allow for direct communication between parliamentarians belonging to different political parties. An effective committee has the following features:

- Their functioning and powers are based on rules of procedure;
- They have control over their own schedules (agenda, issues, dates, frequencies of committee meetings), and have greater latitude in the initiation and amendment of legislation;
- They make use of minority reports;
- There is consistent inter-committee coordination between the committees relevant for the security sector: defence committee, home affairs committee, budget committee, industry/economy affairs committee and the foreign affairs committee;
- The chairman is a senior member of the parliament in the field of defence and security policy;
- The committee is entitled to require the presence of the Minister of Defence at committee meetings;
- The committee has the power to organise hearings on any topic it deems necessary;
- The committee has the power to demand that ministers, civilian and military experts testify at hearings;
- The committee effectively uses experts from academia and NGOs, from outside the government;
- The committee has its own meeting rooms, staff, budget and documentation.

### **Making Full Use of Other Oversight Organisations inside Government and Civil Society**

Parliament alone cannot guarantee effective oversight and hold the government accountable for all activities and policies within the security sector. Politicians do not have the time, resources or expertise to keep a close watch over the complex and large security sector. Effective parliaments:

- Make full use of the reports and the work of other state institutions responsible for overseeing the security sector, such as the judiciary, accountants/auditor-general (e.g. checking the accounts, procurement, and criminal behaviour);
- Invite civil society experts to participate in parliamentary hearings;
- Order independent think tanks, research institutes and universities to carry out research/audits in specific fields of the security sector (e.g. crime, procurement issues, and personnel policies);
- Ensure that NGOs have access to all relevant policy documents;
- Stimulate the existence and functioning of NGOs, such as lowering the bureaucratic barriers for legal recognition of NGOs or giving financial support.

### **Parliaments and Budget Control**

Budget control is at the heart of parliamentary control. Most countries have developed or are developing a systematic approach for evaluation and approval of budget proposals. The key of proper budgeting is transparency and accountability.

Effective parliaments:

- Enact laws and procedures for installing transparency and accountability, giving the parliament the power to enforce transparency and accountability;
- Ensure that all budget documents are available to the parliament and to the general public;
- Possess information on all budget items (not only on grand totals);
- Secret budget items are available to a selected group of parliamentarians;
- Demand external auditors to report to parliament about the financial state of affairs of each security sector organisation;
- Have the power to approve, disapprove or amend the budget (allocating funds);
- Have the power to approve or disapprove any supplementary budget proposals presented by the Minister.

### **Parliamentary Staff and Other Resources**

Effective parliamentary oversight of the security sector requires expertise and resources within the parliament or at its disposal. However, the expertise found within parliament is no match to the expertise of the government and the security forces. In most cases, parliaments only have a very small research staff if any, whereas the government can rely on the staff of the Ministry of Defence and other ministries dealing with the security sector. In addition, parliamentarians are only elected for a limited term to sit in parliament, whereas civil servants and military personnel for the majority spend their entire career in the Ministry of Defence. The basic problem is, however, that parliaments mainly rely on information emerging from the government and military; yet these are institutions they are supposed to

oversee. This creates asymmetrical dependency relations between parliament, government and military. The situation is aggravated by the closed nature of the security sector due to its typically military work, culture, education, and secrecy laws. Effective parliaments have developed strategies to cope with this disadvantageous situation:

- They could make use of the expertise of NGOs in their work (see above, e.g., ordering research from think tanks, inviting civil experts to participate in hearings and so forth);
- International parliamentary assemblies and international think tanks are becoming increasingly active in supporting parliaments. Parliamentarians are active in international assemblies, in which they exchange experiences and viewpoints with parliamentarians from other countries;
- They have parliamentary staff members for supporting both individual parliamentarians and parliamentary committees;
- A civil service system for parliamentary staff is in place (e.g. recruitment, selection, promotion); parliamentary staff members are acknowledged (senior or junior) experts;
- Both parliamentarians and parliamentary staff members follow national and international seminars and study tours;
- They possess or strengthen parliamentary research services and libraries.

## Conclusion

Democracy (and therefore democratic oversight) cannot be a gift. To achieve democracy, as we know it, one has to struggle. History teaches us that most countries have had to fight to become a democracy and to dethrone their authoritarian rulers, be it a dictator at home or abroad. The same is the case with parliamentary oversight. In both new and old democracies, neither governments nor the security sector organisations are very willing to surrender (parts of) their powers and privileges. To establish best practices or to tear down inappropriate practices is not only a matter of knowledge and expertise, but also of resolve and conviction.

In this respect, the political willingness of individual parliamentarians is crucial. Do parliamentarians keep a careful watch on their oversight powers? Do parliamentarians duly exercise those oversight powers, in particular when their 'political friends' are in government? Are they prepared to make the effort to become acquainted with the complex issues at stake? Are they willing to invest time and energy and political goodwill in establishing a system of good governance of the security sector? In answering these questions, one could learn a great deal from parliaments in old and new democracies. The political willingness to do so, however, cannot be taught.

In summary, there are many aspects that both old and new democracies can learn from the other democracies. Perhaps the most important broad issues are:

1. Political willingness of parliamentarians is paramount for implementing reform of both the political/parliamentary system and the security sector. If parliamentarians do not want to use their powers in holding the government accountable, their constitutional or legal powers are of little use;
2. In many instances, however, parliamentarians are willing but not entirely able to over view the government and its agencies, due to lack of human and budgetary resources. Those resources, such as a parliamentary staff, provide parliaments essential capability to perform oversight;
3. Political and parliamentary reform precedes security sector reform. Otherwise reforming the security sector becomes similar to driving a car without a steering wheel;
4. Political and military leaders have shared responsibilities in reforming the security sector, given that the reform has to fulfil both functional and societal demands.

## Appendix

### List of Powers and Problems of Parliamentary Oversight of the Security Sector: Some Examples (Work in Progress)<sup>4</sup>

<i>Country</i>	<i>Examples of parliamentary powers</i>	<i>Examples of parliamentary problems</i>
Bulgaria	<ul style="list-style-type: none"> <li>• According to the constitution, parliament is responsible for passing the defence budget.</li> <li>• Approving military deployment overseas or the deployment of foreign troops on its territory.</li> <li>• Approving any declaration of war or state of emergency by the President or the Council of Ministers.</li> <li>• The parliamentary National Security, Budget and Foreign and Integration Policy Committees have the power to call the Minister of Defence, the Chief of the General Staff and any of their subordi-</li> </ul>	<ul style="list-style-type: none"> <li>• Often differing parliamentary priorities mean that defence issues are not allocated the time necessary for their full consideration.</li> <li>• Lack of defence expertise among parliamentarians.</li> <li>• Need for clearer institutional arrangements.</li> </ul>

<sup>4</sup> See also Andrew Cottey, Tim Edmunds, and Anthony Forster, eds., *Democratic Control of the Post-Communist Military: Guarding the Guards* (Palgrave: London, 2001).

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	<p>nates to provide evidence for their enquiries.</p>	
Czech Republic	<ul style="list-style-type: none"> <li>• All defence related decisions are taken by the President and must be endorsed by the parliament.</li> <li>• In exceptional situations, when the parliament cannot be convened, the President can order a military operation without parliamentary approval.</li> <li>• Approves all defence and security legislation.</li> <li>• Plays a central role in drafting the military budget and overseeing military expenditures.</li> <li>• Responsible for deploying the army in times of crisis and declaring or extending a state of emergency at the request of the government.</li> <li>• Approves any governmental decision on the participation of Czech troops in peacekeeping missions.</li> <li>• Can establish commissions of enquiry into serious problems within the armed forces.</li> <li>• Participates in the creation and implementation of the country's security policy.</li> <li>• The Defence and Security Committee runs military, police, emergency and prison services.</li> </ul>	<ul style="list-style-type: none"> <li>• It is difficult for parliamentarians to obtain information of confidential nature (e.g. related to military intelligence services)</li> <li>• Party politics.</li> <li>• Lack of expertise.</li> </ul>
Hungary	<ul style="list-style-type: none"> <li>• Declares state of war and the conclusion of peace.</li> <li>• Decides on the deployment of armed forces both abroad and within the country.</li> <li>• Establishes the National Defence Council, in the case of war, or imminent danger of armed attack by a foreign power.</li> </ul>	<ul style="list-style-type: none"> <li>• The parliament's role in relation to defence matters has been relatively limited reflecting the large number of other tasks requiring its attention.</li> <li>• Lack of experience and basic expertise in this area.</li> <li>• No programme budgeting means that parliamentary control of the</li> </ul>

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	<ul style="list-style-type: none"> <li>• If the parliament is obstructed to reach the necessary decisions the President has the power to declare a state of war, a state of national crisis, state of emergency and can establish the National Defence Council.</li> </ul>	defence budget is limited.
Latvia	<ul style="list-style-type: none"> <li>• Passes legislation relating to the military.</li> <li>• Determines the overall size of the armed forces.</li> <li>• Approves the defence budget.</li> <li>• Appoints the commander of the National Defence Forces.</li> <li>• Has the power to declare a state of war and state of emergency.</li> <li>• Endorses international agreements on defence issues.</li> <li>• Approves decisions on the participation of the armed forces in peacekeeping operations.</li> <li>• The parliament has the role of overseeing national security and defence policy.</li> <li>• The parliament has 16 standing committees.</li> </ul>	<ul style="list-style-type: none"> <li>• Problems in translating these powers into effective scrutiny.</li> <li>• Lack of experience and knowledge of committee members.</li> </ul>
Lithuania	<ul style="list-style-type: none"> <li>• The main issues of national defence shall be considered and coordinated by the State Defence Council, consisting of the President, the Prime Minister, the Parliamentary Chairperson, the Defence Minister and the Commander in Chief of the armed forces.</li> <li>• The government is accountable to the parliament, which is sovereign in these matters.</li> <li>• The parliament assumes a growing role in terms of passing laws relating to security and defence, providing oversight of the gov-</li> </ul>	

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	<p>ernment in this area and approving the defence budget.</p> <ul style="list-style-type: none"> <li>• The parliament and the National Defence Committee have also developed expertise on defence and security issues.</li> <li>• The National Security Committee has a responsibility to exercise parliamentary control of national defence, state security, civil defence, state border protection and the Special Investigations Service. A team of advisers, administrative staff and the information branch of the parliament support the Committee.</li> </ul>	
Romania	<ul style="list-style-type: none"> <li>• Parliamentary oversight is exercised through the defence committees of both parliamentary chambers:</li> <li>• Preparation of reports for legislation.</li> <li>• Hearing civilian defence and uniformed military leaders.</li> <li>• Recommend approval of the budget to the plenum.</li> <li>• Grant permission for participation in military exercises and operations and for transit of foreign troops.</li> </ul>	<ul style="list-style-type: none"> <li>• The parliamentary budget control is limited due to a chronic lack of financial resources.</li> <li>• The Parliamentary Defence Committees instruments must be re-empowered and strengthened, especially regarding their powers of independent investigation and their expertise in defence matters.</li> </ul>
Russian Federation	<ul style="list-style-type: none"> <li>• Adoption of Defence Budget.</li> <li>• Declaration of war.</li> <li>• Legislation on the military.</li> </ul>	<ul style="list-style-type: none"> <li>• Laws adopted by the Parliament are subject to mandatory consideration in the Federation Council but come into force only after presidential approval.</li> <li>• The power to approve the budget is undermined by a lack of detailed information on the defence budget, resistance from the Ministry of Defence and the military, a lack of civilian expertise, and the supremacy of the Presidency</li> </ul>

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Slovenia	<ul style="list-style-type: none"> <li>• Scrutiny of defence budget.</li> <li>• Defence Minister's actions are exposed to scrutiny and pressure from the Defence Committee of the National Assembly, which is normally chaired by an opposition MP.</li> </ul>	<ul style="list-style-type: none"> <li>• The effectiveness of parliamentary oversight of the military and defence policy has been limited by the relatively low level of expertise in the Defence Committee.</li> </ul>
Ukraine	<ul style="list-style-type: none"> <li>• Adoption of laws.</li> <li>• Approving the State Budget and controlling its implementation.</li> <li>• Determining the principles of foreign policy.</li> <li>• Declaring war following a request from the President.</li> <li>• Approving presidential decisions on the use of the armed forces.</li> <li>• Giving consent to the appointment of the Prime Minister.</li> <li>• Approving the Programme of the Cabinet of Ministers.</li> <li>• Confirming the general structure and numerical strength of the armed forces, security services and other military formations.</li> <li>• Confirming the introduction of martial law, the state of emergency and the mobilisation of the armed forces by the President.</li> </ul>	<ul style="list-style-type: none"> <li>• The powers are relatively limited compared to those of the President.</li> <li>• The lack of access to detailed information, limited expertise on defence and security issues, and resistance from the President, government and the military means that parliamentary oversight of the armed forces and defence policy is rather limited.</li> </ul>

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## Chapter 3

# The Democratic Control of Armed Forces: The National and International Parliamentary Dimension

Willem F. van Eekelen<sup>1</sup>

### Introduction

Democracy takes many forms. The basic notion that governments derive their legitimacy from the freely expressed votes of their citizens is translated in many different parliamentary practices. Even the conceptual distinction of the three main functions of government—legislative, executive and judicial—as defined in Montesquieu's *Trias Politica*, seldom resulted in a complete separation of powers. In many countries the members of the executive also sit in parliament. In the US, the separation between legislature and executive is the most complete. The President has wide-ranging authority; the members of his cabinet are not members of Congress. Nevertheless it works because of a complicated system of checks and balances affecting both legislation and budget appropriations. In France, the President of the Republic regards foreign affairs and defence as his special domain in which the cabinet, let alone parliament, has little influence. A common characteristic of Western democracy, however, is its pluralistic character in which the people elect their representatives and have a choice between different political parties. In some cases, the decisions reached in parliamentary assemblies are subject to a referendum as a form of direct democracy.

Democracy is more than just democratic institutions. A democratic culture assumes a degree of common identity, tolerance and trust that make it possible to accept that the opposition might win the next election. In a democracy, individuals and minorities feel secure because their fundamental rights are respected and protected by the rule of law. Democ-

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racy is a system in which lawmaking and governance are transparent, maximising opportunities for every citizen, and subject to quality control ultimately through elections in which real and viable alternatives exist. Without opposition the perspective of self-improvement would be lost. Democracy functions best when society is not overly polarised and a healthy middle class exists. It should not be limited to parliamentary elections every three or four years but attempt to reach citizens at all levels of governmental activities of interest to them. Thus some form of decentralisation of the functions of government is essential to provinces, *Länder* or regions and, subsequently, to municipalities. For foreign affairs and defence this poses a problem for they both concern the national interest as a whole and override local considerations. Central government therefore plays a dominant role in these fields and democratic control can be exercised only by the national parliament. Inevitably this creates a certain distance between parliamentarian and voter.

This paper consists of two parts. The first deals with parliamentary control and practice in general and moves on to the changing European security environment. The goals of modern security policy have become much wider than the traditional tasks of protecting independence and territorial integrity and increasingly focus on multilateral action in support of crisis management, the promotion of stability and most recently combating terrorism. Parliamentary scrutiny has to adapt to these changing circumstances in several ways. Security policy should be comprehensive and integrated in a coherent foreign policy. Dispatching soldiers on intervention missions abroad, including on operations involving the separation of hostile forces in ethnic or religious conflicts, puts heavier political and moral burdens on parliamentarians than the patriotic task of defending the state against external aggression. Nevertheless, even under changing circumstances some general guidelines can be established for parliamentary control over the defence budget and equipment decisions.

The second part of the paper analyses the major international organisations dealing with European security and their parliamentary dimension. The thesis of this chapter is that the multilateral work of parliamentarians in consensus-building plays an important role even if, in most cases, control as such remains with national parliaments. Each of these organisations has a role to play, although some streamlining might be welcome. The European Parliament (EP) has real powers in the budget process and co-decision on many legislative matters from which the Council of Ministers decides by qualified majority. The other organisations normally take decisions by consensus at the governmental level but take majority votes on reports and resolutions in their parliamentary bodies. Two organisations—the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE)—have a particular role in setting norms and standards for the respect of human rights and the conduct of relations among states.

This chapter was originally written in 2002 but has been updated to reflect the many developments since then. Notions of security have developed further, first by the even closer interconnection of internal and external security on account of international terrorism, and secondly because of the recognition of the link between security and develop-

ment. Without a minimum of security, development is an illusion, but ultimately security will only be sustainable if there is substantial development.

## **The National Parliamentary Dimension**

### **Parliamentary Control**

In principle, parliamentary control should extend to all sectors of government activity, particularly in terms of budget allocations. Nevertheless, it has to be admitted that security and defence have special characteristics. Ever since Plato, the question of how to control the custodians has been raised. The army was a source of power for the sovereign but also a potential threat. In feudal days, the king himself was the field commander and his vassals came to his aid with their contingents. When armies came to rely on mercenaries, their loyalty depended on the extent to which their leaders were able to finance the campaign. All that changed with the advent of conscript armies, which involved every citizen but also led to an officers' corps with its own professionalism, traditions and culture. The army became integrated into society, but the growing complexity in training, equipment and logistics caused a gap between political aims and military needs. The military by and large accepted the primacy of politics but felt that their governments did not provide them with the means to carry out the tasks allotted to them. Conversely, politicians became increasingly concerned about the use of military power, both in terms of their control over the budget and on moral and legal grounds. The increase of destructive power of new technologies raised issues of deterrence, defence and protection of the civilian population. Recently, the pendulum came swinging back from conscript armies to volunteer forces in view of the difficulty dispatching conscripts on missions of peace support and intervention. This problem could be circumvented by forming volunteer units among the conscripts but even then questions remained. Would their time of service be sufficient to master the technological skills required? And, more importantly, was it fair to call up only some eligible men when the army no longer needed all of them?

This paper expresses the view that one should speak of democratic control of the armed forces rather than civilian control. Of course, politicians should be civilians. After Stalin and Tito, only President Tadjman of Croatia wore a uniform as head of state and even then only occasionally. The point is that civilian leadership is not necessarily democratic. Which brings us to the next question: how deeply should democratic control be applied? Intelligence and military planning often do not lend themselves to full disclosure. In a crisis, rapid decision-making is of the essence and the actual conduct of operations should be left as much as possible to the military commanders, once their terms of reference and rules of engagement have been clearly defined. In this respect, the dictum attributed to Clemenceau that 'war is too serious a matter to be left to the generals' requires some refinement. One should not construct an adversarial relationship between the military and civilians: it is the primacy of politics that matters. While it is true that the military have to be under democratic control—for such issues as overall security policy, security requirements and the decision to use force—micromanagement is not a task for politicians. In particular,

generals should be held accountable for their conduct within their terms of reference and accept the primacy of democratic politics. A successful defence policy relies heavily on a climate of mutual respect, recognition of professional competence and transparent decision-making procedures which reflect military as well as political inputs. Ultimately, politics will prevail but the military must feel confident that their views have been taken into consideration.

The borderline between delegation of authority on the one hand and responsibility and accountability on the other is one of the crucial questions in modern democracy, accentuated by the flood of information from all sides: government, media, non-governmental organisations and pressure groups. It is a constant challenge to every parliamentarian to steer a steady course amid the daily temptation to intervene on the basis of headlines in the morning papers. This challenge is even greater in security affairs where human emotions are easily aroused, often on the basis of incomplete information, but the decision to dispatch soldiers into possible danger is a matter of life and death.

In a parliamentary democracy, the government—i.e., the head of state and the cabinet—functions under the control of parliament. Over the centuries, parliamentary powers have greatly increased. Originally their function was to allow the princely ruler to levy taxes, which later developed into a balance, often uneasy, between the rights and duties of the sovereign and his citizens. A second dimension was the function of legislation and finally parliaments became involved in the control over policy. Today, parliamentary functions cover a wide spectrum that varies considerably among European countries but can nevertheless be outlined as follows:

- To provide support for the government on the basis of electoral party platforms or the agreement on which a coalition is formed. When a new government takes office and makes a policy statement (which includes defence issues), usually a vote of confidence is called or a motion of no-confidence is debated.
- Legislative authority on bills introduced by the government or individual members and accompanied by an explanatory memorandum. Drafts are considered in standing committees and written questions asked. Sometimes hearings are organised. Approval is granted after a debate in plenary where amendments and motions are considered and concluded by a vote. On occasion, oral explanations for the votes which are cast are permitted.
- Controlling authority over the executive can be divided into political control (does the government still enjoy the confidence of the majority of parliament), policy control (through oral and written questions or the more substantial means of interpellation to question a specific act of policy), budgetary scrutiny and finally accountability on the basis of reports from the Board of Auditors regarding the implementation of the budget. In cases where serious misconduct might have occurred, parliament has the authority to hold a formal inquiry. A parliamentary inquiry resembles a court of law in so far as it can call witnesses and interrogate them under oath, seize documentation and so forth.

Policy control through the right to request information through written and oral questions and in debates, if used extensively, brings parliaments close to the executive function of government. In most Western parliaments there is a tendency to move beyond control *ex post facto* to participation in the governmental decision-making process even before the cabinet has tabled a formal proposal. In some cases, a pending governmental decision is even forestalled by anticipatory parliamentary action.

### Parliamentary Practice in the Field of Security Policy

In the field of foreign affairs and defence, parliamentary practice varies even more than in the other domains of government activity. Nevertheless, the aim should be to resemble as much as possible the level of transparency and accountability applicable to other government departments. All Western parliaments have Standing Committees on Foreign Affairs and Defence, many also on European Affairs and Intelligence. Germany probably has the closest scrutiny of the defence budget. France works with a *rapporteur* whose findings are subject to a general debate. The Netherlands' legislative process contains several rounds of written comments and questions from all parties to which the government responds extensively before an oral debate can take place.

The challenge is to devise a method by which the constitutional role of the legislature can be exercised in a purposeful and professional manner. If a rigorous method is not formalised, parliamentary control is in danger of becoming political rhetoric, leaving too many opportunities for the bureaucracy and the military to go their own way. A model for a policy making and review cycle could be as follows:<sup>2</sup>

- 1) Research on and assessment of problems and policy options
  - a) Determining the entire range of external security problems facing a country, determining the need to define a policy to address those problems, and devising methods to identify priorities among the problems so defined;
  - b) Identifying methods, frameworks and processes for policy implementation, monitoring, review and scrutiny, and adjusting policy;
  - c) Developing information and data on policy options; and
  - d) Developing information and data on alternative methods of policy implementation.
- 2) Examining policy alternatives
  - a) Forecasts of alternative scenarios and assessment of the methods of implementing alternative policies;
  - b) Advanced research to examine the impact of alternative policies on each of the different scenarios; and

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<sup>2</sup> This model is taken from Ravinder Pal Singh, ed., *Arms Procurement Decision Making, Volume II: China, India, Israel, Japan, South Korea and Thailand* (Oxford: Oxford University Press for SIPRI, 2000), 4-5.

- c) Analysis of the strengths and weaknesses of each policy and the opportunities they offer in advancing national security and society.
- 3) Decision making and implementation
    - a) Deciding on policy and defining responsibilities, resources and timeframes for implementation;
    - b) Selecting methods for policy monitoring and review and for carrying through a change or adjustments in policy; and
    - c) Defining decisions that would need to be taken in order to implement the policy, and setting objectives.
  - 4) Policy evaluation and review
    - a) Periodical scrutiny of the objectives and results, monitoring of effectiveness in terms of costs and benefits, and evaluation of the implementation;
    - b) Review of policy implementation, methods, resources and priorities, and assessment of the impact of policy on problems; and
    - c) Meta-evaluation – examining the evaluation process itself to validate the objectives of policy, methods, assumptions and supporting data and processes.
  - 5) Policy reassessment, adjustment or termination
    - a) Decision on continuation of policy; corrections by the executive;
    - b) Decision on policy modification – major corrections and adjustments; and
    - c) Decision on termination of policy. A decision to stop the policy means initiating a new policy, which involves returning to stage two.

### **The Changing Security Environment**

During the Cold War, the West saw collective defence as the overriding priority of foreign and security policy. Fear of a communist takeover inspired the Marshall Plan and later the birth of the North Atlantic Treaty Organisation (NATO). American involvement in European security was a powerful deterrent against any attack the Soviet Union and the Warsaw Pact might have contemplated. Western defence policy focused on a massive surprise attack from the East with a warning time counted in days if not hours. In these circumstances, the layered defences in Germany, containing army corps sections involving seven countries, had to be able to respond quickly. This was organised through an alert system governing the transfer of command from the national level to the Supreme Headquarters Allied Powers Europe (SHAPE) and its American Supreme Allied Commander (SACEUR). Once command had been transferred, the conduct of the war would be left to him, probably without much subsequent multinational consultation. The best illustration of the role of the permanent North Atlantic Council at Evere near Brussels was the fact that its headquarters was not designed to survive a conflict and no wartime relocation was planned. In fact, the

direction of the war would be determined in Washington and communications would take place through military channels.

As long as war had not actually begun, the situation was entirely different. Consultations in the council were lively, sometimes even acrimonious. Alliance decision making was never easy, particularly after France had left the integrated military structures in 1966; afterwards, foreign and defence ministers no longer met in joint session. The most difficult debates centred on the role of nuclear weapons in allied defence to offset the conventional superiority of the Warsaw Pact, reaching its climax in the deployment of cruise missiles and Pershing II as a response to mounting numbers of Soviet SS-20 missiles targeted on Europe. In those days, most parliaments devoted much time to strategic questions but also to arms control negotiations such as the talks on Mutual Balanced Force Reductions in Vienna and the Conference, later Organisation, on Security and Cooperation in Europe based on the Helsinki Final Act of 1975. With the appointment of Gorbachev as Secretary-General of the Communist Party of the Soviet Union (after the death in rapid succession of Andropov and Chernenko), much progress was made with a zero option on Intermediate Nuclear Forces (INF) and an agreement on Conventional Forces in Europe (CFE).

After the fall of the Berlin Wall and the demise of the Warsaw Pact, the Soviet Union and communism as a governing principle, the security situation changed dramatically. The unification of Germany also ended the tragic division of Europe. A spectacular process of contacts, cooperation and enlargement followed which is continuing in the 21<sup>st</sup> century. As a result, the perception of security also changed. The older members of NATO regarded collective defence as less of a priority because the Soviet Union had disappeared, taking the expansionist ideology of communism with it. Events in former Yugoslavia drew attention to new 'risks and responsibilities,' particularly ethnic intra-state conflict leading to ethnic cleansing and even genocide and, in a wider context, to organised crime, drugs, illegal immigration and religious fundamentalism. These new concerns had less of a military dimension and required responses from society as a whole. Consequently, security policy in the West became more comprehensive and paid much attention to crisis prevention and peace support missions. Ministers of foreign affairs and defence had to cooperate closely in formulating a coherent policy that matched policy goals with concrete action.

The situation in the new democracies was different. Their release from Soviet hegemony left a heritage of concern with Russian power, even though most admitted that there was no immediate threat, neither militarily nor geo-politically, in view of the changes in Russia and the interposition of independent states like Ukraine and Belarus. More serious was the situation in the Balkans where Serbian attempts to integrate all areas where Serbs were living led to outright war. There, defence still had the old connotation of preserving independence and territorial integrity. With only a little exaggeration it could be said that the old members of the Alliance were focusing on a new NATO, while the candidates were more interested in the old NATO with its collective defence and American leadership. This conclusion does not detract from the constructive cooperation of many countries in Central and Eastern Europe in the peace missions in Bosnia and Kosovo and more recently in Afghanistan.

The newly-acquired freedom and independence also had an impact on attitudes towards European integration. Eastern and Western Europe were in different phases of political development. While in the West people gradually consented to the transfer of sovereignty to the European Union (EU), they were much more reluctant to do so in the East. Abandoning key parts of national sovereignty was only acceptable there after a sense of identity had been re-established. For the same reason, negotiations with the EU and NATO were parallel processes that in most cases took precedence over regional cooperation. Fortunately, the willingness to demonstrate solidarity in peace support operations enhanced possibilities for working together. Military efficiency and the political imperative of multinational forces have militated in favour of joint ventures like the Baltic battalion (BALTBAT) and a combined defence college.

### **The Goals of Modern Security Policy**

In a no-threat environment, military establishments focus on capabilities and quality. The new yardsticks are mobility, flexibility and 'jointness,' i.e. the ability of the armed services to operate together in a number of contingencies affecting the interests of the state. Depending on the situation of a particular country, its ability to add value to multinational or regional force packages will be of particular interest.

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

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

The widening field of security policy had a profound impact on the composition and training of military forces but also added considerably to the complexities of policy formulation. In the Balkans, soldiers had to be jacks-of-all-trades. In addition to their traditional military skills, particularly for dealing with escalation of the conflict and self-defence, they had to be mediators, diplomats, mayors and restorers of infrastructure all at once. The Swiss author Gustav Däniker described this new role as the 'guardian soldier.' Recent experience of the grey zone between military and civilian roles, for instance for crowd control

or the pursuit of war criminals, has shown, to some, the need for special units. Only a few countries possess them, like the French *Gendarmerie*, the Italian *Carabinieri*, the Spanish *Guardia Civil* and the Netherlands' *Marechaussee*. Yet, once peace has been restored, often the need for police, judges and prisons is greater than for military personnel, who can do little more than provide the security umbrella under which civil society has a chance of emerging.

Both NATO and the EU have responded to this challenge. In NATO a new emphasis was put on Civil-Military Cooperation (CIMIC) units containing experts in civil-military cooperation. In the EU a parallel development took place. In 1999, after the Franco-British summit at St. Malo, it was possible to envisage a more or less autonomous operation by the EU. At the Helsinki European Council, a headline goal was agreed of 50–60,000 military and 5,000 police (ready within sixty days and sustainable for at least a year), mirroring what NATO had needed in Bosnia. The EU had an advantage over NATO in being able to provide economic and financial assistance under its crisis management programmes as well as under its pre-accession support for candidate countries and its stabilisation and association agreements with others. The Stability Pact for the Balkans was a case in point. Obviously, all this requires close coordination—which is still far from perfect—both multinationally and in capitals, in which parliaments and their committees have their role to play.

In practice, the EU had difficulty in meeting the headline goal and NATO was troubled by the lack of deployable forces. Spurred on by former US Secretary of Defense Rumsfeld, NATO created a Rapid Reaction Force (NRF) of 21,000 troops (later increased to 25,000) composed of the three services and seen as an insertion force with fighting capability. The only time the NRF played a role was to assist Pakistan after it had been hit by a large earthquake. In the meantime, the EU had realised that a reaction time of sixty days was too long. In the Ituri province of the Democratic Republic of the Congo, a French-led multinational force of some 1,700 troops had been successful in stabilising the situation before the UN was ready to come in with what would become its MONUC operation. This success would be the basis of the 'Battlegroup Concept,' which would be translated into nineteen battlegroups composed of units of some 1,500 troops from up to four countries and deployable between five to ten days. Every six months, two of them would stand guard with high readiness. Conceptually interesting was the departure from full multinational forces. It was not deemed necessary that all EU members would participate in every operation but the *Athena* mechanism for sharing common costs would add a burden-sharing element to solidarity among the members. Unfortunately, no battlegroups were used. Nevertheless the level of ambition grew with the decision to update the Headline Goals in 2010.

Politically, the change from defence—individually or collectively—to intervention-type missions raised many questions in parliamentary debate. What is the legal basis and who provides the mandate? Are the risks involved commensurate with the interests at stake? Do parliaments apply a checklist before authorising participation? What limits will be set to casualties as a condition for continued involvement? To what extent will there be reliance on volunteers (especially important for conscript armies)? Is there a preference for non-

combat tasks? How long will the commitment last and will it depend on participation of other (larger) countries?

For the individual parliamentarian charged with defence issues, the shift towards a comprehensive security policy has made the work more interesting. There used to be few votes in being a spokesman for defence. There normally is little legislation, the intricacies of defence issues require specialist knowledge and asking for a larger budget is not popular with the voter. This is changing because parliamentarians are concerned with the replies to the questions identified in the previous paragraph and because they are tied to the role their country is able to play in a multinational context. Its standing in Europe is affected by the responsibilities it is willing to accept. On the other hand, the experience in Iraq and Afghanistan has brought people down to earth by demonstrating that robust peacekeeping may require the use of force in the implementation of a mandate and that this may amount to outright warfighting (and then in 'war among the people') as in Afghanistan. Thus the issues of security and stability have risen on the public agenda.

In his book 'Cooperating for Peace,' former Australian foreign minister Gareth Evans wrote in 1993 about the requirements for a policy of cooperative security in the post-Cold War environment and defined it as follows:

...a broad approach to security which is multidimensional in scope; emphasises reassurance rather than deterrence; is inclusive rather than exclusive; is not restrictive in membership; favours multilateralism over bilateralism; does not privilege military solutions over non-military ones; assumes that states are the principal actors in the security system, but accepts that non-state actors may have an important role to play; does not require the creation of formal security institutions, but does not reject them either; and which, above all, stresses the value of creating 'habits of dialogue' on a multilateral basis.<sup>3</sup>

Mr. Evans subsequently became a major player in efforts to define a 'Responsibility to Protect' for governments in their relationship with their own population. Former UN Secretary General Kofi Annan finally managed to get support for this principle, reminiscent of what the OSCE had managed to do in the European context, which could be used as a restraining element on national sovereignty and provide legitimacy for intervention in failed states.

### Democratic Control of Security Policy

The ministries of foreign affairs and defence commonly share a global view of the national interest. All other departments have responsibilities of a more sectoral character. Consequently, foreign affairs and defence have to interact closely. Defence policy should be an integral part of foreign policy but, depending on the circumstances, also has close links with the ministries of justice, home affairs, environment, transport and communications. In a crisis involving national independence and territorial integrity, the defence department

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<sup>3</sup> Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (Sydney: Allen and Unwin, 1993). See for subsequent developments my book *From Words to Deeds: The Continuing Debate on European Security* (CEPS/DCAF, 2006).

acquires special powers, through the declaration of a state of emergency or a state of siege, which allow it to bypass most parliamentary procedures. Usually parliamentary authorisation is required to declare war, but today war is seldom declared, even if it occurs in practice. In any case, the special powers should be of limited duration and lapse or be revoked when normality returns.

Most governments periodically present white papers or defence reviews to set out policy for the next ten years or so. In the US, a Quadrennial Defense Review is obligatory. On the basis of a threat assessment, these papers determine the priority tasks and define a programme to meet them in quantitative and qualitative terms. It is important to watch how the threat assessment is produced and to what extent it presents a coordinated foreign policy-defence picture. Obviously the intelligence services have important input to make but the overall assessment should contain political considerations as well. In any case, the responsibilities of the head of state, the minister of defence, the chief of defence and the service commanders should be clearly defined for intelligence and planning as well as for command functions. Equally important is that decisions are based on technical, strategic and economic considerations rather than on personal or political considerations. The candidates for NATO membership all faced the necessity of reducing manpower and achieving compatibility in terms of systems integration, the adaptation of infrastructure and interoperability in command and control, operations and logistics. The notion of 'transformation' took hold in the 1990s and resulted in the creation of a new major command in Allied Command Transformation, situated in Norfolk, Virginia, formerly the seat of Allied Command Atlantic.

Defence reviews indicate the level of defence spending as a percentage of Gross Domestic Product (GDP) and specify the plans for personnel policy and arms acquisition. Today, they also include the levels of possible participation in peace support operations. Once the review has been debated in parliament and approved, either with or without motions to change its direction, it forms the basis upon which the following yearly defence budgets will be presented and scrutinised. As defence is always a question of the long haul, long-term planning is of the essence, allowing for gradual adaptation but avoiding rapid twists and turns. In this respect, defence is much more sensitive to budget cuts than other government departments because a structural cut in a yearly budget has a multiplier effect over a decade. For this reason acquisition plans for the second part of a ten-year period have a tendency to shift into the future if the financial framework changes. In order to avoid upsetting the continuity of defence planning, several countries conclude political agreements for stabilising defence spending during the period up to the next parliamentary elections. For the candidate countries for NATO membership, a figure of two percent of GDP was generally mentioned as an acceptable effort provided it would be maintained in future years.

Member countries provide figures and other details in their replies to the Defence Planning Questionnaire (DPQ), which covers five years but is binding only for the first year. Their strategic rationale is based on NATO's Strategic Concept (revised at the Washington summit in 1999); the composition of their forces is guided by the Force Proposals from the

Major NATO Commanders, turned into Force Goals by the Defence Review Committee at NATO Headquarters and approved by ministers. Since 1999, defence budgets have continued to decline in most countries, but worse is the appallingly low percentage of their forces that could be deployed outside the NATO area. In 2009 the European Defence Agency estimated this rate at only four-and-a-half percent.

Parliamentary scrutiny involves an assessment of whether the funds available will be sufficient for the projects proposed and whether the priorities are right for realising coherent armed forces. The determination of the overall sum of money available for defence is a question for the cabinet as a whole on the basis of a proposal from the minister of finance and subsequently subject to the debate on the general budget; the detailed composition of the defence budget is a matter for the standing committees for defence. Today, the emphasis is on 'jointness,' cooperation among the services and on 'combined' operations with other countries.

### **How Much Is Enough?**

The impact of the 11 September 2001 terrorist attacks on the US has not been fully absorbed. The link between internal and external security has become more explicit, which required closer cooperation between the military, the police and the intelligence services. Disaster relief and the protection of vital objects were strengthened and the military increased their special forces' capability. In the past, nations dealt with terrorism on a domestic basis and only a few countries possessed capabilities for action abroad in a hostile environment. Now, such operations have acquired a multinational dimension. The attacks also demonstrated the need for flexible forces, for it is no longer enough to argue that defence planning should be 'capability-driven' instead of the 'threat-driven' approach from the Cold War years. Capabilities, yes, but the capabilities needed were constantly changing, which posed a special problem for long-term defence planning. Moreover, in a no-threat environment it is very difficult to quantify military requirements, as the yardstick of potential opponents seldom lends itself to numerical conclusions. The question 'how much is enough?' is harder to answer than ever before. Unmanned aerial vehicles proved even more useful in Afghanistan than in the Kosovo campaign and have become much more important earlier than some expected, not only in reconnaissance but also in delivering weapons on target. This is only an example but it shows that opinions on likely future developments are bound to vary. Only a transparent debate on future trends can avoid miscalculations in force planning.

Parliamentary control cannot function properly without the adequate internal mechanisms of inspection and of dealing with complaints within the defence establishment. Public reports by an inspector general and an ombudsman greatly assist the parliamentary committee in judging the overall situation in the services and the morale of their personnel. The same goes for reports from independent think tanks and the media. Full transparency is the best way to build a public consensus behind the armed services by showing that taxpayers' money is well spent and that the defence department is a good employer. If soldiers, sailors and airmen are to risk their lives, they are entitled to high-quality equipment and sup-

port. In that respect, democratic oversight of the military sector addresses only a part of the problem – increasing society's awareness of citizens' fundamental right to know how the state is planning and applying policies for their security.

The duty of governments is to reveal, explain and justify: reveal their planning processes and justify them in public debate. Such transparency and the ensuing public discussion will to a certain extent make up for the lack of expertise available in most parliaments. With the present flood of information on all conceivable issues, a small parliamentary committee possessing an adequate database and internet facilities should be able to cope. If necessary, hearings should be organised, either in public or private. The obstacle of secrecy becomes increasingly irrelevant in our information age. Only very few things deserve to remain secret. Not all governments have realised this.

### Secrecy

Intelligence briefings are usually restricted to the parliamentary leaders of the main parties and do not cover the entire political spectrum. Shocked by several murderous attacks and the discovery of extreme right-wing organisations, Belgium adopted a law in April 1999 to regulate the supervision of police and intelligence services. Standing Committees I (for Intelligence) and P (for Police), often meeting jointly, complemented the existing parliamentary and hierarchical supervision by adding an external examination of the activities and methods of these services, their internal regulations as well as documents determining the conduct of their members.

Secrecy can broadly be justified for the following reasons:

- A need for secrecy of military holdings and stocks;
- A need to withhold technical information, which reveals the strengths and weaknesses of a weapon system;
- A need to withhold operational information related to the employment and deployment of weapons; and
- Urgency, if rapid procurement is needed.

Among the indicators given by the Chief of Defence Intelligence in the British Ministry of Defence are:

- Imminent aggressive action against or threat to the state;
- Activities of near neighbours pursuing a course prejudicial to the state's independence or security;
- Disruptive forces within the society;
- Terrorism; and

- 'Exceptional circumstances.'<sup>4</sup>

Arguments based on commercial sensitivity need to be handled with care. Companies must be fairly treated, but the argument of commercial sensitivity can be abused. A catch-all determination that no commercial information can be disclosed without companies' consent could also open up opportunities for lobbying and corruption. The criticism sometimes advanced, that the civilian members of parliament do not sufficiently understand security rationales and technical requirements, should be dismissed. At best it is an argument for providing better information. The elected representatives are not necessarily better decision makers than the military but they possess the mandate from the people.

### Parliamentary Defence Committees

The parliament as a whole is too unwieldy a body to make full inquiries into matters of interest to it and to consider issues in detail. This is why parliamentary committees have become one of the most powerful tools for efficient parliamentary business. Involving a limited number of members of parliament, parliamentary committees can—depending on the level of means (information and research capacity more especially) and expert support they enjoy—perform in some depth the vast and complex task of overseeing the security sector.

Nearly all parliaments have a specialised standing committee on defence or security issues. The main areas they cover are usually the following, depending on the provisions of the constitution and the standing orders of the parliament:

- Military doctrines and strategies;
- Long-term planning of the security sector, including high-level documents such as the regional and national security concept, or defence planning;
- Missions, tasks and objectives of the military;
- General organisation of the defence sector, including defence reform issues;
- International cooperation and treaties in the military/security/international humanitarian law realm;
- Peace missions: decision to participate in, or accept on national territory, international peace missions (peacemaking, peacekeeping or peace enforcement), mandate, rules of engagement, type of troops and equipment (armament);
- Disaster relief operations of the armed forces;
- Control of the execution of the defence budget;
- Industries involved and employment aspects;
- National service and military recruitment policy (civil and military staff);

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<sup>4</sup> See: Scilla Elworthy, "Balancing the Need for Secrecy with the Need for Accountability," *The RUSI Journal* 143:1 (February 1998): 5; Pal Singh, *Arms Procurement Decision Making*, 242.

- Gendarmerie and paramilitary organisations, sometimes only during exceptional circumstances; and
- Military justice.

Parliamentary committees vary in their powers to collect and receive evidence from external sources. Some parliamentary committees, such as the *ad hoc* standing committees of the British House of Commons, are not entitled to collect evidence themselves whereas other committees, such as those in the US Congress, have nearly unlimited power to take evidence from external sources.

Some parliamentary committees enjoy the capacity to legislate (e.g. the committees on defence of Canada, Belgium, Germany, Italy, Luxembourg, Norway, Poland and Turkey)—adopting or even drafting new laws or proposing amendments to existing legislation—while other committees are only entitled to scrutinise action by the executive and the budgetary appropriations without being able to legislate (e.g. Hungary and the United Kingdom).

In some countries, the parliamentary committee of defence/security has to present an annual report to parliament on the activities of the defence sector. This report can be followed by a vote, and even sometimes by a vote of confidence.

Finally, the level of means and expertise available to a committee will be crucial to whether it can perform its mandate effectively: the number, capacity level and stability of the staff servicing the committee; the research capacity and its nature (specialised versus general; separate versus part of the broader parliamentary research unit); access to data and relevant support documentation (the capacity to obtain and copy it); the capacity to call on experts; and the capacity to hold hearings and to carry out inquiries.

Key functions that may be performed by a committee on defence or security issues are:

#### *Security Policy*

- To examine and report on any major policy initiative announced by the Ministry of Defence;
- To report annually on the Ministry of Defence's performance against the objectives of the national military/security strategy;
- To periodically examine the defence minister on his discharge of policy responsibilities;
- To keep under scrutiny the Ministry of Defence's compliance with freedom of information legislation, and the quality of its provision of information to parliament by whatever means;
- To conduct inquiries and report to the parliament on any issues raising special concern (as can happen in Belgium, Canada, Germany, Hungary, Italy, Norway, and others, though it is not in the authority of the committee in countries such as Poland and Turkey); and
- To examine petitions and complaints from military personnel and civilians concerning the security sector.

*Legislation*

- To consider, and report on, any draft legislation proposed by the government and referred to it by the parliament (as with the committees on defence of Canada, Belgium, Germany, Italy, Luxembourg, Norway, Poland, Turkey and others);
- To consider international or regional treaties and arrangements falling within the area of responsibility of the Ministry of Defence, and to draw the attention of the parliament to those which raise particular questions of policy requiring debate or other consideration, including ratification or adhesion, corresponding policy and legislation, and budgetary appropriations; and
- If appropriate, to initiate new legislation by asking the minister to propose a new law or by drafting a law itself (as with the committees on defence or national security of Belgium, Canada, Hungary, Italy, Norway, Poland, Turkey and others).

*Expenditure*

- To examine, and report on, the main estimates and annual expenditure of the Ministry of Defence;
- To consider each supplementary estimate presented by the Ministry of Defence and to report to the parliament whenever this requires further consideration;
- To report periodically on the impact of efficiency savings on the running cost of the Ministry of Defence; and
- If necessary, to order the competent authorities to carry out an audit.

*Management and Administration*

- To consider the reports and accounts of each branch of the armed forces and to report periodically on whether any matters of particular concern are raised;
- To consider and, if appropriate, to take evidence and report on each major appointment made by the relevant executive authority (leading military commanders, top civil servants); and
- To consider the internal organisation of the defence sector, eventually through external bodies relating to the parliament (e.g. ombudsman), and to draw the attention of the parliament to its possible malfunctioning.

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) Working Group on Parliamentary Control of Armed Forces produced a study on the powers of committees on defence of lower chambers of parliaments in NATO countries. This research was carried out through a questionnaire that was distributed among the members of parliament in these countries. The results are in Annex I of this Vademecum.

A relatively new dimension of defence management and operations is the increase in outsourcing of activities that were previously performed by the defence establishment itself. The activities of the Blackwater company in Iraq, which included the use of force, were hotly debated and raised important issues concerning accountability. In general terms, the

conclusion seems warranted that the government entering into such contracts remains responsible for the actions of its contractor.

### **Parliamentary Control over the Budget**

Most parliamentary democracies have standing committees to cover each government department. Their size and attributions vary considerably. In Germany, the Basic Law provides for standing committees for Foreign Affairs, Defence, European Union Affairs and Petitions. The Bundestag is free to establish other committees. Currently, the Defence Committee comprises thirty-eight members, reflecting the relative strengths of the parliamentary groups in parliament, and an equal number of substitutes. In the UK, the select committees are much smaller and number around twelve members.

In Germany, the traditional task of the Defence Committee is to deliberate on bills and motions for resolutions referred to it by the plenary of the Bundestag. It can also consider issues on its own initiative, mostly to discuss reports the Committee has requested from the Federal Ministry of Defence. It has the right to summon a member of the government to a committee meeting at any time. The Defence Committee is the only committee that may declare itself a committee of inquiry. On the budget, the committee has an indirect role in reporting its examination (taking several days each year) to the Budget Committee.

All procurement projects over € 25 million have to pass the committee. The German Bundestag also appoints a Parliamentary Commissioner for the Armed Forces, who works closely with the Defence Committee and regularly attends its meetings. His primary task is to protect the basic rights of service personnel and to ensure compliance with the principles of 'Innere Führung,' the concept of leadership, dignity and civic education.

In 1994, the Federal Constitutional Court in Karlsruhe ruled that the prior consent of the Bundestag was required for all missions of the Bundeswehr except in cases of imminent danger. The manner in which parliament would handle these matters could be regulated by law. Parliament does not have the right to demand on its own initiative that a mission should take place.

In the Netherlands every draft law, including the budget, is subject to a written phase in which the relevant committee asks questions and obtains written answers before an oral debate takes place, usually in plenary. Policy questions are discussed in committee and, when sufficiently controversial, also in plenary sessions.

Looking at NATO countries generally, the manner in which budgets are scrutinised varies considerably. In principle, it should be possible to examine a budget line by line. In its most extensive mode, it concerns both the authorisation of expenditures as proposed and amendment of the figures. The latter can take the form of increasing or decreasing the line item, but usually this is done in connection with another article to effect a change in priorities. Depending on the constitutional possibilities for doing so, pluri-annual budgeting for defence projects is recommended because it facilitates their smooth implementation. Such authorisation, however, should be accompanied by reliable reporting arrangements to ascertain whether a project is on track and the funding made available for it is not diverted to other purposes.

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

### **Parliamentary Control over Equipment Decisions**

The role of parliaments in equipment decisions requires a separate chapter. Public interest is aroused because these procurement decisions have a direct impact on defence capabilities for a long time to come and normally involve jobs at home. Development and production require long lead times and therefore decisions have to be based on assumptions of future threats and alternative options. Cooperative arrangements in building multinational units and force packages provide a stimulus for standardisation or, as a minimum, interoperability. Industrial interests are served by cooperative development, co-production and offset programmes. No other field of government activity and public procurement attaches such importance to work-sharing, as is common practice in the defence sector. One of the causes is a general concern to channel taxpayers' money back into the national economy, but oddly enough that argument is not heard when trains, power stations or civilian aircraft are bought abroad. Defence is different inasmuch as its procurement is exempt from the competition rules of the European common market and thus national protectionism goes unchecked. This is also true outside the EU.

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

Several attempts have been made to enhance European defence equipment cooperation. In the early 1970s, the Euro-group was created partly for this purpose and partly to show the US that the European allies were making an adequate defence contribution. It contained all European allies except Luxembourg and Ireland and was later transformed, first into the Independent European Programme Group to include France and, in the 1990s, into the Western European Armaments Group as part of the revitalisation of the WEU

(Western European Union). In addition, a French initiative to pool pre-competitive defence research in EUCLID (European Cooperation for the Long Term in Defence), as a corollary to the civilian programme Eureka, was turned into the Western European Armaments Organisation with the authority to conclude research contracts as the first element of a future European Armaments Agency. For some time it was doubtful whether this aim would be realised as the main defence producers—France, Germany, Italy and the UK—formed the OCCAR (Organisation for Joint Armament Cooperation/Organisation Conjoint de Coopération en Matière d'Armement) group to spread work-sharing arrangements over the entire number of cooperative projects instead of the project-by-project arrangements of the past. In addition, a larger group of six countries engaged in the aeronautical industry—also including Spain and Sweden—concluded a Letter of Intent (LOI) and became known as the LOI group.

European industry did not wait for governmental action and over the years undertook impressive rationalisation and consolidation efforts. The emphasis during the first phase was on national champions, followed by a second phase of trans-border mergers and capital sharing arrangements. Successful examples are EADS and Thales as industrial groups and Airbus with a military transport version of its A400 design. Inasmuch as European industry remained able to be both competent and competitive, a third phase of transatlantic cooperation could follow but remained elusive. In a competition for tanker aircraft, an EADS/Northrop bid seemed promising but in the end, after much procedural haggling (and the fall of the dollar), Boeing might still win it.

In 2003 during the deliberations of the European Convention which drafted an EU Constitution (later to be changed into the Treaty of Lisbon), agreement was reached on the creation of a European Defence Agency (EDA) to be established in Brussels and charged with a combination of tasks that were previously dealt with separately. Ministers agreed to its establishment before the Constitution was completed and subsequently rejected by referenda in France and the Netherlands, so it did not fall foul of the ensuing confusion and delay before finally the Treaty of Lisbon entered into force on 1 December 2009. The EDA should contribute to a European Defence Equipment Market by greater transparency in national planning and acquisition and link requirements with research, development and joint procurement. The EDA did well on the transparency side by better notification of tenders but has to date failed in coordinating and commonly funding European research money.

The involvement of parliamentary defence committees is particularly strong in cases of purchases abroad. In France and the UK, which cover most of the industrial spectrum themselves, equipment decisions are usually left to the government and provoke little parliamentary discussion. There the emphasis of the debate is on the overall composition of the armed forces rather than on individual procurement issues. In Belgium and the Netherlands, the minister of defence follows a prescribed procedure of first including the requirement for a weapon system in a ten year programme and subsequently explaining it, then analysing the alternatives, reporting on the negotiations and the co-production and compensation aspects (handled by the Ministry of Economic Affairs), and finally making a decision. Belgium established an *ad hoc* committee for military purchases of the House of

Representatives on 9 May 1996. The Netherlands follows a convention that parliament has sufficient time to consider contracts above € 50 million before the contract is signed.<sup>5</sup> This normally results in a green light from the Defence Committee but members have the right to put the item on the agenda of the Second Chamber for plenary discussion and vote. In other NATO countries practice is very uneven, ranging from close scrutiny in Germany to hardly any monitoring of arms procurement in Greece. In the latter case, important decisions are made by the prime minister in meetings with his close personal advisers. In Turkey, the minister of defence ranks below the chief of defence and concentrates on recruitment and procurement policy. In many countries, cabinet decisions are prepared by ministerial subcommittees before they obtain formal governmental endorsement.

### **Terrorism**

The terrorist attacks of 11 September 2001 on the World Trade Centre and the Pentagon—symbols of the Western way of living and US power—have had a profound impact on security policy. For the first time since its inception in 1949, NATO invoked Article V with its collective defence guarantee. Previously, terrorism had been described in NATO's Strategic Concept as a new threat but most saw it more as an Article IV subject for consultation than an Article V issue with its connotation of military action organised and commanded by the integrated military structure. At first, the operations in Afghanistan were predominantly American with only a few countries being invited to contribute resources. Some measures were taken to replace US forces engaged in or around Afghanistan ('back-fill'). The coalition against terrorism, assembled remarkably quickly by former US Secretary of State Colin Powell, was primarily political in character in supporting these operations, or at least not impeding them, and assumed a worldwide character. With the privilege of hindsight, the fight against the Taliban should have covered the whole country much earlier to prevent its resurgence.

The fight against terrorism would remain on the agenda of all international security organisations but for some time it remained unclear whether action would be taken in the form of 'coalitions of the able and willing' as in Iraq. During the Yugoslav crises, NATO overcame its old inhibition to act 'out of area' but that region bordered on member countries and had an immediate impact on European stability. Further afield, NATO never intervened in the Arab-Israeli conflict or in humanitarian crises in Africa. This time, however, the fight against terrorism has been defined as collective defence and American evidence convinced the Allies of collusion between the Taliban regime and Bin Laden's terrorist organisation Al-Qaeda. Thus 9/11 qualified as an armed attack originating from outside the North Atlantic treaty area. Many Americans wanted NATO to go global already before September 2001 but European opinion was, and still is, reticent about putting a NATO label on opera-

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<sup>5</sup> The Netherlands' procurement decision process includes five phases, each embodied in a document: A. the military requirement; B. preparatory study; C. detailed study; D. preparation of the contract; and E. evaluation (for contracts exceeding € 250 million). Parliament is informed about contracts exceeding € 12 million, but these are not subject to the full documentation process.

tions that were not immediately connected with action to restore and maintain the security of 'the North Atlantic area' as stipulated in Article V.

Even before 9/11 the UN had taken the initiative in concluding treaties on the protection of UN personnel (9-12-1994), against terrorist bomb-attacks (15-12-1997) and the financing of terrorism (9-12-1999). The OSCE Code of Conduct on political-military aspects of security of 1994 contained in §6 the following clause:

The participating States will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms. They will cooperate fully in combating the threat of terrorist activities through implementation of international instruments and commitments they agree upon in this respect. They will, in particular, take steps to fulfill the requirements of international agreements by which they are bound to prosecute or extradite terrorists.

The ministerial OSCE session in Bucharest on 3-4 December 2001 agreed an Action Plan for Combating Terrorism. The EU convened a special session of the European Council on 21 September 2001, which drew up a plan of action dealing with strengthening police and justice cooperation (a European arrest warrant, a definition of terrorism, drawing up a list of terrorist organisations, establishing an anti-terrorist team in Europol and concluding an agreement on cooperation between US authorities and Europol), combating the financing of terrorism and money laundering and improving airline security. The long debates of previous years concluded and decisions were taken expeditiously.

The Council of Europe ministerial conference decided on 8 November 2001 to base its activities on three elements:

1. Strengthening juridical cooperation, including a review of the existing Convention against Terrorism;
2. Protection of fundamental values: the fight against terrorism should be consistent with the requirements of democracy, the rule of law and human rights. Ministers asked the Steering Committee on Human Rights to draft guidelines; and
3. Investing in democracy and social cohesion to combat intolerance and discrimination and to promote intercultural and inter-religious dialogue.

The Treaty of Lisbon contains two solidarity clauses: one in case of aggression and one if a country asks for help in dealing with a terrorist attack or national calamity, either natural or man-made. Cooperation in the field of justice and home affairs, previously known as the 'third pillar,' next to the Economic Communities and the Common Foreign and Security Policy (CFSP), is now better integrated into the EU and subject to initiative by the European Commission, majority voting and co-decision by the European Parliament (EP).

The upshot of all these activities is that at last Europe is showing a fairly coherent picture with mutually reinforcing organisations. In the midst of this flurry of action it is important to remember that the fight against terrorism requires more than military measures only and that in a democracy the balance between increased vigilance and individual freedom requires constant attention. After all, terrorism is a method to achieve political objectives. Combating it will be effective only if it attacks the underlying causes. Those are not always

easy to identify, particularly in the case of catastrophic and suicidal terrorism with the goal of destroying Western society. Nevertheless, the 'war on terror' alone will not do the job.

### Conclusion

The foregoing analyses can be summed up as thirteen elements<sup>6</sup> that ensure the military plays their proper role in a democratic society:

- The existence of proper constitutional and legislative structures with clearly defined responsibilities for the executive and legislative branches and a system of checks and balances;
- Coordination between foreign and security policy-making structures and processes, the primary role being played by the former in formulating a country's external policies;
- A clear political primacy in the Ministry of Defence, the military being ultimately accountable to the democratically elected representatives of the public;
- Substantive parliamentary oversight involving members of parliament trained in the techniques for and the responsibilities of holding the military authority accountable;
- The presence of expert professional staff in national parliaments to keep the members fully informed on key security issues and related data;
- The development of a cadre of security policy experts in the public domain, specialising in a range of security issues in order to generate public debate;
- Statutory audit structures to prevent corruption, fraud and abuse of public resources by the military, which remain unknown to the public because of military confidentiality;
- Transparency in the defence budget-making process in order to prevent the military's threat perceptions being driven by interest groups;
- Training and education in the armed forces about the role of the military in democratic society, including respect for human and civil rights;
- A fair and effective military justice system that enforces established standards of conduct and discipline and allows complaint procedures;
- An open and informed national debate preceding major decisions on national security and military matters;
- The commitment of armed forces outside national borders should require broad endorsement by the elected representatives of the population; and

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<sup>6</sup> This list is an amended form of the points raised in Pal Singh, *Arms Procurement Decision Making*.

- De-politicisation of the army's role in society but also minimum political interference in professional military matters.

## The International Parliamentary Dimension

### International Organisations and their Parliamentary Dimension

The debate on the parliamentary dimension of European integration is as old as European institutions themselves. Ever since the creation of the Council of Europe in 1949, emanating from The Hague conference of 1948 and endowed with a Consultative Assembly, problems of competence, membership and relations with other emerging parliamentary bodies have been on the agenda. Parliamentarians complained about the lack of attention paid by ministers to their recommendations. Governments hesitatingly agreed to extend the scope of parliamentary involvement. Three aspects have to be distinguished. The first particularly applies to the EU where nations have transferred competencies to the EU and decision-making increasingly takes place with qualified majority voting (which means approximately seventy-one percent of the votes cast). In those cases, a clear 'democratic deficit' arises if control by the EP does not replace the scrutiny by national parliaments. Under unanimity rules, a minister can be held to account by his national parliament but if he is outvoted that becomes ineffective. The second deals with unanimous decisions in the EU where ministers can be held responsible in their national parliaments but the EP has a role in budgetary procedures. The third is the subject of this chapter: the parliamentary dimension of intergovernmental cooperation as a necessary element of consensus-building and multinational underpinning of debates in national parliaments.<sup>7</sup> Parliamentary control in the proper sense of the word rests with national parliaments but these cannot function adequately without the necessary information about the various positions in a multinational context.

Europe is blessed with a plethora of international organisations with overlapping competencies and activities. If one were to start from scratch, the present picture would not be repeated. Nevertheless, all organisations have a role to play and perform some functions that are not carried out by others. In comparison with other continents, Europe might be over-organised but Asia and Africa lack comprehensive regional organisations that facilitate dialogue, crisis prevention and, where possible, common action. The players on the European scene, who are analysed below in their main functions and parliamentary dimension, admit the need for mutual reinforcement but do not always practice what they preach. Suffice it to say that these inter-locking institutions have, unfortunately, sometimes suffered from attempts at 'inter-blocking' by their erstwhile counterparts.

The United Nations Security Council (UNSC) has the primary responsibility for world-wide peace and security and a monopoly in authorising the use of force. The UN Charter in

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<sup>7</sup> An earlier version of this chapter, covering only the parliamentary organisations mentioned, was used at a seminar in The Hague on May 2001 and later published in the *European Business Journal* 14:1 (2002): 20–30.

Art. 51 makes an exception for the inherent right of individual or collective self-defence against an armed attack until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in exercising this right shall be immediately reported to the Security Council.

NATO and the WEU started as collective defence organisations, based on Article 51 of the UN Charter, but later acquired crisis management and peace support functions. The OSCE focuses on principles among states and conflict prevention, election monitoring and the status of national minorities. It aims at promoting stability through the strengthening of good governance and civil society in a multicultural context. The Council of Europe plays a leading role in the legal protection of the individual through its European Treaty on Human Rights and its Court of Human Rights in Strasbourg. The OSCE and Council of Europe differ in membership, as the latter does not include the US, Canada and the Central Asian republics of the former Soviet Union.

The EU, with its ambition of 'ever closer Union,' possesses a unique set of instruments in its three 'pillars': the European community with the supranational characteristics of its communitarian method (the initiative of the European Commission, co-decision and majority voting of the Council of Ministers and EP, uniform application of the law by the Court of Justice in Luxembourg), the intergovernmental CFSP, and its third pillar of cooperation in the field of justice and home affairs. The combined use of these instruments was of particular importance in the process of enlargement with thirteen states and the Stabilisation and Accession Agreements with others.

The Treaty of Lisbon abolished the pillar structure but differences in decision making remained, in particular in the intergovernmental foreign, security and defence policies where unanimity remained the rule. Coherence was improved by the double-hatting of the High Representative for the CFSP with the Vice President of the European Commission responsible for external relations, and the creation of a joint External Action Service, including the circa 130 Delegations of the Commission with personnel from the Council Secretariat and diplomats from member states.

### **The Council of Europe**

The Statute of the Council of Europe was signed in London on 5 May 1949 by ten European states: Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. Its preamble expressed the aim 'to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.' Yet the only matter that was excluded from the scope of the council was national defence. The creation of a two-tier structure with a Committee of Ministers and a Consultative Assembly (later becoming the Parliamentary Assembly) represented a new political concept: ensuring for the first time the participation of parliamentarians of an international organisation, but also an uneasy compromise between opposing political forces.

The Assembly was the driving force envisaged by the 'Europeans' at The Hague in 1948, the Committee being the check inserted by the anti-federalists. The two bodies pur-

sued largely independent lives, the Committee of Ministers concentrating on technical matters and the Assembly conducting wide-ranging political debates. The chief source of information is the Committee of Ministers' reporting on its activities and on the actions taken regarding the recommendations of the Assembly. The Committee, however, is under no obligation to give reasons for its decisions or to explain why it has not accepted a recommendation. As a result, the Assembly's Working Party in Parliamentary and Public Relations worked hard to persuade members of the Assembly to ask questions in their national parliaments. The Assembly succeeded in intensifying the dialogue with a ministerial Chairman-in-Office at each of the four part-sessions to present the report and answer questions.

The Assembly had no power to make laws, to vote for funding or to control governments. Yet, its 'parliamentary diplomacy' indirectly contributed to a corpus of 'European law' by initiating and helping to draft over 170 international conventions, starting as early as 1950 with the European Convention on Human Rights. It established the European Court of Human Rights, which any individual residing in one of the states party to the Convention can petition directly if he/she believes his/her rights have been violated at the national level. Thus the Council of Europe developed as a 'standard-setting' institution, membership being regarded as a first step towards participation in the processes of European integration.

In October 1993, the Council of Europe's first Summit of Heads of State and Government was held in Vienna and solemnly proclaimed the organisation's pan-European vocation. It also laid down the basic conditions for membership:

Such accession presupposes that the applicant country has brought its institutions and legal system into line with the basic principles of democracy, the rule of law and respect for human rights. The people's representatives must have been chosen by means of free and fair elections based on universal suffrage. Guaranteed freedom of expression and notably of the media, protection of national minorities and observance of the principles of international law must remain, in our view, decisive criteria for assessing any application for membership. An undertaking to sign the European Convention on Human Rights and accept the Convention's supervisory machinery in its entirety within a short period is also fundamental. We are resolved to ensure full compliance with the commitments accepted by all member States within the Council of Europe.

In the course of considering membership applications, the Assembly invented the concept of the monitoring of commitments. Specific undertakings were spelled out with precise deadlines. A common requirement was ratification within one year of the convention on human rights. The scope of other undertakings varied, depending on the problems to be solved after accession in consolidating democracy (separation of powers, electoral law, functioning of parliament, local authorities), securing the rule of law (legislative reform, independence of the judiciary, organisation of the prison system), and the observance of human rights and protection of minorities.

Despite the exclusion of defence from the competencies of the Council, the Assembly obtained an amendment to the Statute as early as 1951. After Sir Winston Churchill's ad-

vocacy of a European army a year earlier, ministers recognised the right of the Assembly to discuss the political aspects of defence, though not having the competence to address recommendations on this matter. The Assembly did not hesitate to visit trouble spots such as Albania in 1997 and the North Caucasus in 2001 and again in 2002.

### The European Coal and Steel Community

The European Coal and Steel Community (ECSC), created on 18 April 1951 for a period of fifty years, had supranational characteristics but its Common Assembly had limited powers. Its 'representatives of the peoples of the states' should have been nominated from the Consultative Assembly of the Council of Europe but the numbers of seats allotted were not identical. Minister Schuman, the initiator of the ECSC, favoured increasing the Benelux representation in the ECSC. In the end, Belgium and the Netherlands got ten seats each and Luxembourg four, while Germany, France and Italy had eighteen each. In the Council of Europe, Belgium and the Netherlands had six each and Luxembourg three, together less than one of the larger countries; in the ECSC they had more than a larger member.

On substance, the Common Assembly, which held its inaugural meeting in September 1952, had real power only through a vote of censure, which could be passed during the discussion of the High Authority's annual report. To force the resignation of the entire High Authority, a two-thirds majority of the members present was needed, representing an absolute majority of all members. The President of the High Authority or his appointee had to be given a hearing upon his request and, in turn, the High Authority was obliged to reply to written or oral questions put by the Assembly. Although the Assembly maintained a watching brief, mainly through its committees, and thus had some influence over the High Authority, it had none over the Council of Ministers; the most the Assembly could do was through the indirect means of attacking the High Authority when that body had the Council's backing.<sup>8</sup> It usually pushed the High Authority to extend its activities. The Assembly also played a role in deciding the budget through the participation of its president in the Committee of Four Presidents.

### The Eden Plan

With the entry into force of the ECSC and the signature of the treaty of the European Defence Community (EDC) in 1952, the United Kingdom contemplated links with both organisations. The 'Eden Plan' proposed to remodel the Council of Europe to serve the ECSC, the EDC and any future organisation of its kind there might be. The Consultative Assembly supported this approach and suggested an agreement enabling non-ECSC representatives to take part in the work of the Community with the right to speak but not to vote. The High Authority was wary about losing its supranational characteristics in an intergovernmental setting and was not keen on admitting observers. A committee of legal experts confirmed that the ECSC treaty would have to be revised before observers could be admitted with the

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<sup>8</sup> See: Dirk Spierenburg and Raymond Poidevin, *The History of the High Authority of the European Coal and Steel Community* (London: Weidenfeld and Nicolson, 1994), 61.

right to speak. Instead, the Monnet-Layton agreement of January 1953 provided for joint meetings of members of both assemblies to be held on a yearly basis for an exchange of views, without a vote, on the general report on ECSC activities. Members of the High Authority would be present and answer questions. They would also be prepared to appear before committees of the Consultative Assembly. A suggestion to have joint meetings of committees also came to nothing.

The treaty of the unsuccessful EDC continued on the same line as the Eden Plan in enlarging the Common Assembly of the ECSC to become the Assembly of the EDC. It would meet once a year for a session lasting not longer than one month to discuss the annual report of the EDC Commissariat. A motion of censure adopted by two-thirds of the members voting could force the Commissariat to resign. This assembly was also tasked with studying the formation and tasks of a new assembly elected on a democratic basis as well as possible changes in the Treaty with regard to the other institutions, particularly in order 'to safeguard an appropriate representation of member states.' Ultimately, the EDC should be able to constitute one of the elements of a federal or confederal structure based on the separation of powers and including 'a representative bicameral system.' Finally, the Assembly should study the problems resulting from the existence of different organs of European cooperation in order to ensure coordination in the framework of the federal or confederal structure.

### **The Western European Union (WEU)**

The Brussels Treaty signed on 17 March 1948 between Belgium, France, Luxembourg, the Netherlands and the United Kingdom was the first demonstration of intensified cooperation in Western Europe. In its preamble the parties resolved to:

...reaffirm their faith in fundamental human rights..., to fortify and preserve the principles of democracy... to strengthen the economic, social and cultural ties... to cooperate loyally and to coordinate their efforts to create in Western Europe a firm basis for European economic recovery; to afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression... to conclude a treaty for collaboration in economic, social and cultural matters and for collective self-defence.

Over time, economic and social matters were taken over by other institutions and defence became the focus. Article V read:

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

This article provided a unique automatic military assistance guarantee, unmatched in scope by any other treaty, including NATO. It was completed by a procedure for consultation in Article VIII sub 3, which was remarkable for its wide scope:

At the request of any of the High Contracting parties the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.

Following the failure of the European Defence Community, the draft for a European Political Union also fell. In 1954, the Brussels Treaty was modified to include Germany and Italy in the WEU. A new paragraph in the preamble stated the purpose 'to promote the unity and to encourage the progressive integration of Europe.' A new Article IX created the WEU Assembly:

The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe.

The brevity of the text was the result of a difficult negotiation: most members did not want to give the Assembly significant powers. As a result, the mandate seemed limited: consideration of the annual report, with emphasis on the control of armaments. The Assembly, however, made good use of the lack of further precision and drafted its own charter and rules of procedure. These stressed the 'parliamentary' dimension (going beyond the 'consultative' function of the Council of Europe) deriving from the application of the Brussels Treaty and extended its competence to any question relating to this treaty and to any question referred to it by the Council for an opinion. In addition, the assembly could address recommendations and opinions to the Council and would adopt a motion of disapproval, tabled by at least ten representatives, by an absolute majority of its members. Such a motion has been introduced several times but approved only once: on 15<sup>th</sup> June 1967 when the 12<sup>th</sup> Annual Report was rejected by forty-six votes to nil with three abstentions. That was the year of NATO's departure from Paris to Brussels and the ensuing disarray about the feasibility of Western defence.

The WEU Assembly developed into a fully-fledged parliamentary body with its independent secretariat in Paris and separate budget, two plenary sessions a year with addresses by ministers from the country holding the presidency as well as others and by the secretary-general; active committees paying visits to member countries, NATO members and trouble spots; political groups, written questions to the council; and extensive and informative reports on a variety of security issues resulting in recommendations. As long as there was a functioning WEU Council, the position of the WEU Assembly could be placed between the Consultative Assembly of the Council of Europe, and the EP, which has legislative and budgetary powers but no formal competence in security matters. Obviously it was not able to change the policies of the Council of Ministers except through the mobilisation of parliamentary opinion in member countries. In this respect it suffered from the combination of membership with the Council of Europe, which expects different expertise from

its representatives.<sup>9</sup> The often awkward relationship between the WEU and the EU will be discussed below.

## NATO

In 1948, East-West relations deteriorated. The communist takeover in Czechoslovakia and the Berlin blockade led the signatories of the Brussels Treaty (transformed into the WEU in 1954) to seek security guarantees and mutual commitments in a transatlantic framework. Denmark, Ireland, Italy, Norway and Portugal were invited to become participants in this process, which culminated in the signature of the Treaty of Washington on 4 April 1949 with Canada and the United States. Greece and Turkey joined in 1952, the Federal Republic of Germany in 1955 and Spain in 1982. The Czech Republic, Hungary and Poland became members in 1999.

In the preamble, the parties to the treaty reaffirmed their faith in the purposes and principles of the Charter of the United Nations and their determination to:

...safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.

Like its predecessor in Brussels, the Washington Treaty was short, only fourteen articles long. Article 4 dealt with consultation 'whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.' The commitment was embodied in Article 5, not as binding as in the Brussels Treaty but coming close to it. In 1949, the US Senate was not prepared to accept an obligation to render military assistance automatically and inserted an element of discretion. It reads in full:

The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all, and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually, and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Spurred on by the Korean War, the Allies decided to create a military headquarters, SHAPE, which became operational on 2<sup>nd</sup> April 1951 at Rocquencourt near Paris. For many years NATO's main concern was to build a credible defence against a possible mas-

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<sup>9</sup> For a detailed analysis, see: André Dumoulin, Eric Remacle, and Erik Derycke, *l'Union de l'Europe Occidentale, Phénix de la défense européenne* (Paris: Bruylant, 1998), 52–54.

sive surprise attack by the Soviet Union and the Warsaw Pact. In 1967, after France had left the integrated military system, the Alliance reflected on its future and adopted the Harmel report, which defined the double tasks of defence and detente. At the same time, a revised strategic concept—of flexible response—was adopted, replacing the strategy of massive retaliation.

The fall of the Berlin Wall was the beginning of a major transformation of the international security environment. The strategic concept was revised in 1991 and no longer talked about 'threats' but instead of 'risks and responsibilities.' In view of what happened on 11<sup>th</sup> September 2001, it is interesting to note that the Declaration on Peace and Cooperation issued at NATO's summit meeting in Rome on 8<sup>th</sup> November 1991 had already pointed out 'the risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources and action of terrorism and sabotage, which can affect Alliance security interests.'

#### *Drawing in Eastern Europe*

NATO rapidly engaged in a process of cooperation and subsequently enlargement with the new democracies of Central and Eastern Europe. In June 1990 the foreign ministers extended to them 'the hand of friendship and cooperation' and issued an invitation to establish liaison arrangements at NATO headquarters. A month later, the London 'Declaration on a Transformed North Atlantic Alliance' assured the Soviet Union that the withdrawal of their forces from Eastern Europe would lead NATO to field smaller and restructured forces and reduce its reliance on nuclear forces. In June 1991 in Copenhagen, the NATO ministers issued a statement on partnership with the countries of Central and Eastern Europe, to be followed in November at the Summit in Rome by a proposal to start a North Atlantic Cooperation Council (NACC) at ministerial, ambassadorial and committee levels.<sup>10</sup> The next step came in January 1994 at the summit in Brussels, which launched the Partnership for Peace (PfP) open not only to all NACC partner countries but also to other OSCE states able and willing to participate. A Framework Document was issued in which NATO undertook to consult with any active partner that perceived a direct threat to its territorial integrity, political independence or security. Each partner was committed to fulfilling the objectives of the programme as a whole, which were specified as follows:

- To facilitate transparency in national defence planning and budgeting processes;
- To ensure democratic control of defence forces;
- To maintain the capability and readiness to contribute to operations under the authority of the United Nations and/or the responsibility of the OSCE;
- To develop cooperative military relations with NATO, for the purpose of joint planning, training and exercises, in order to strengthen the ability of PfP participants

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<sup>10</sup> In 1997, the NACC was superseded by the Euro-Atlantic Partnership Council (EAPC) to stress its links with the Partnership for Peace programme.

to undertake missions in the field of peacekeeping, search and rescue, humanitarian operations and others as may subsequently be agreed;

- To develop, over the longer term, forces that are better able to operate with those of the members of the North Atlantic Alliance.

The Framework Document also stated that active participation in the PfP would play an important role in the evolutionary process of including new members in NATO. After signing it, the next step for a partner is the submission of a Presentation Document, indicating the steps it will take to achieve the political goals of the partnership, the military and other assets it intends to make available for partnership purposes and the specific areas of co-operation it wishes to pursue jointly with NATO. Subsequently, an Individual Partnership Programme is agreed, covering a two-year period, and based on the principle of self-differentiation, i.e. the selection of areas of cooperation from a wide spectrum of possibilities contained in the Partnership Work Programme (PWP). The 2001–2002 PWP listed twenty-three areas, including as item six democratic control of forces and defence structures.

At SHAPE in Mons, Belgium, the Partnership Coordination Cell carried out the military planning of the PWP, notably with respect to exercises in such fields as peacekeeping, humanitarian operations and search and rescue. Finally, the Partnership for Peace Planning and Review Process (PARP) was offered on an optional basis in order to facilitate combined operations. It resembled the defence planning cycle followed by the full members of NATO.

The process of admitting new members started in January 1994 when the NATO Summit reaffirmed that the Alliance was open to the membership of other European states that were in a position to further the principles of the Washington Treaty and to contribute to security in the North Atlantic area. The criteria and timeline for expansion were vague. Active participation in the PfP was seen as a necessary—but in itself not sufficient—condition for joining NATO. By the end of 1994, twenty-three countries had joined the partnership and three PfP exercises had been held. The North Atlantic Council ministerial level-meeting of December 1994 described enlargement as an ‘evolutionary process, taking into account political and security developments in the whole of Europe’ that would complement the parallel process of EU enlargement. A study was commissioned ‘to determine how NATO will enlarge, the principles to guide this process, and the implications of membership.’ Ministers agreed that enlargement would be decided on a case-by-case basis and that some nations might attain membership before others.

#### *Criteria for Democratic Oversight*

The discussion about criteria for democratic oversight was complex. Enlargement should be possible for the new democracies to the East and contribute to stability, but it should also strengthen the effectiveness of the Alliance in performing its core missions. From the outset, an evaluation of the state of civil-military relations within the candidate countries was an important issue. Among the first to analyse this aspect was Jeffrey Simon. In his

study 'Central European Civil-Military Relations and NATO Expansion,'<sup>11</sup> Simon posited four conditions as being necessary for effective civilian oversight of the military:

1. It is necessary either through the constitution and/or amendments to establish a clearly-defined division of authority between the president and government (prime minister and defence minister). The law must be clear for peacetime authority (e.g., command and control of the military, promotions of senior military officers and appointment of civilian defence officials), and for a crisis (e.g., emergency powers), including the transition to war.
2. It is necessary that parliament exert oversight of the military by exercising effective control of the defence budget; and also its role in deploying armed forces must be clear in emergency and war.
3. Government control of the military (general staff and military commanders) must be exercised through its civilian defence ministry to include effective peacetime oversight of the defence budget, intelligence, strategic planning, force structure and deployments, arms acquisitions and military promotions.
4. Military prestige must be restored in order for the armed forces to be an effective institution. Having come from the communist period when the military was often used as an instrument of external or internal oppression, society must perceive the military as being under effective national control. Also, military training levels and equipment must be sufficient to protect the state.

In the spring of 1995, Simon reached the sobering conclusion that most of the Visegrad countries would not qualify. Though Central Europe had already made enormous progress since the 1989 revolutions, clearly much work remained to be done. That sentiment also seemed to be prevalent in Western Europe and only the German minister of defence publicly advocated rapid enlargement.

#### *Towards a Membership Action Plan*

In September 1995, a study was adopted that described factors to be taken into account in the enlargement process. An important point made was that ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes, must be settled by peaceful means in accordance with OSCE principles, before a state involved in them could become a member. The deciding voice, however, came from President Clinton who named three countries as suitable for entry during a campaign speech in Detroit in 1996. The Madrid Summit of 8 July 1997 invited the Czech Republic, Hungary and Poland to start accession talks and reaffirmed that NATO would remain open to new members. These countries acceded to NATO in March 1999 and participated in the Washington

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<sup>11</sup> Jeffrey Simon, "Central European Civil-Military Relations and NATO Expansion," *McNair Papers* 39 (Washington D.C.: Institute for National Strategic Studies, National Defence University, April 1995): 157. Simon emphasises civilian oversight, but the term democratic oversight would be better.

Summit of 23–25 April. To the disappointment of the other candidates, no new invitations were issued.

Instead, an elaborated Membership Action Plan (MAP) was adopted for countries wishing to join. It was not very different from the PfP documents but was more precise and gave further substance to the procedure of the '19 + 1' format of council meetings with the individual candidates aiming at a 'focused and candid feedback mechanism on aspirant countries' programmes.' The plan included chapters on political and economic issues, defence/military issues and their implementation, resources, security and legal issues. On the political and economic issues, the aspirants would be expected to:

- Settle their international disputes by peaceful means;
- Demonstrate commitment to the rule of law and human rights;
- Settle ethnic disputes or external territorial disputes, including irredentist claims or internal jurisdictional disputes, by peaceful means in accordance with OSCE principles and pursue good neighbourly relations;
- Establish appropriate democratic and civilian control of their armed forces;
- Refrain from the threat or use of force in any manner inconsistent with the purposes of the UN;
- Contribute to the development of peaceful and friendly international relations by strengthening their free institutions and by promoting stability and well-being;
- Continue to fully support and be engaged in the Euro-Atlantic Partnership Council and the PfP; and
- Show a commitment to promoting stability and well-being by economic liberty, social justice and environmental responsibility.

Moreover, aspirants would be expected upon accession to:

- Unite their efforts for collective defence and for the preservation of peace and security;
- Maintain the effectiveness of the Alliance through the sharing of responsibilities, costs and benefits;
- Commit themselves to good faith efforts to build consensus on all issues;
- Undertake to participate fully in the Alliance consultation and decision-making process on political and security issues of concern to the Alliance; and
- Commit themselves to the continued openness of the Alliance in accordance with the Washington Treaty and the Madrid and Washington Summit Declarations.

#### *The Washington Summit*

The Washington Summit produced an extraordinarily long communiqué on the occasion of NATO's 50<sup>th</sup> anniversary and a new strategic concept. Like its predecessor of 1991, the latter was more political in character than military, defining NATO's tasks in the new envi-

ronment and its relationship with other international organisations. It provided little guidance for military planning and emphasised the need for flexibility and mobility. Large scale conventional aggression against the Alliance was highly unlikely but the possibility existed of such a threat arising over the longer term. The security of the Alliance remained subject to a wide variety of military and non-military risks, which were multi-directional and often difficult to predict (§20). The achievement of the Alliance's aims depended critically on the equitable sharing of the roles, risks and responsibilities, as well as the benefits, of common defence (§42). A coherent response to all possible contingencies was made possible by a set of practical arrangements: procedures for consultation; an integrated military structure; collective force planning; common funding; operational planning; multinational formations, headquarters and command arrangements; an integrated air defence system; the stationing and deployment of forces outside home territory when required; arrangements for crisis management and reinforcement; common standards and procedures for equipment, training and logistics; joint and combined doctrines and exercises when appropriate; and infrastructure, armaments and logistics cooperation (§43).

Both the communiqué and the strategic concept stated the fundamental security tasks. In comparison with 1991 there were two changes: the core task of preserving the strategic balance within Europe was omitted and crisis management and partnership were added. The new formulation read as follows:

- Security: To provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the growth of democratic institutions and commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force.
- Consultation: To serve, as provided for in Article 4 of the Washington Treaty, as an essential transatlantic forum for Allied consultations on any issues that affect their vital interests, including possible developments posing risks for members' security, and for appropriate coordination of their efforts in fields of common concern.
- Deterrence and Defence: To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty.

And in order to enhance the security and stability of the Euro-Atlantic area:

- Crisis Management: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.
- Partnership: To promote wide-ranging partnership, cooperation and dialogue with other countries in the Euro-Atlantic area, with the aim of increasing transparency, mutual confidence and the capacity for joint action with the Alliance.

Other paragraphs stated that in fulfilling its purpose and fundamental security tasks, the Alliance would continue to respect the legitimate security interests of others and seek the peaceful resolution of disputes as set out in the Charter of the United Nations. The Alliance would also promote peaceful and friendly international relations and support democratic institutions. The Alliance did not consider itself to be any country's adversary.<sup>12</sup>

The process of enlargement continued with the invitation of the Prague Summit of November 2002 to seven countries, even though their levels of military preparedness varied considerably. Bulgaria, Romania, Slovakia and Slovenia joined as well as the three Baltic 'start from scratch countries' Estonia, Latvia and Lithuania. At the Bucharest Summit of 2006, NATO welcomed Ukraine's and Georgia's Euro-Atlantic aspirations for membership and '... agreed today that these countries will become members of NATO.' This formula was a compromise between US pressure for a clear invitation and the reluctance of many European countries, including Germany, to mention a date in light of the nationalistic mood in Moscow. After the Georgian war this perspective receded into the background and the readiness of both countries again was questioned. Bucharest started MAP proceedings with Albania and Croatia, which were crowned with NATO membership in April 2009. Macedonia lagged behind because of the dispute with Greece over its name.

#### *The NATO Parliamentary Assembly (NPA)*

In 1955 the North Atlantic Assembly was created. Although it was not based on the Washington Treaty, it developed into a complete assembly structure with committees, a secretary-general with a competent staff drafting reports and resolutions, to which the Secretary-General of NATO replies with substantive comments. By 2009, the NPA annually conducted some forty events with its five committees, eight sub-committees, three Rose-Roth Seminars (since December 1991) and two Mediterranean Dialogue Seminars, an annual Transatlantic Forum in the US, a NATO-Russia Parliamentary Committee, Interparliamentary Councils with Ukraine and Georgia, and a New Parliamentarians Programme.

The following description is taken from the report of Simon Lunn, then secretary-general of the NPA, on the activities of the assembly and the agenda for 2001:

The aims of the NATO PA can be defined as including the following:

- To foster dialogue among parliamentarians on major security issues;
- To facilitate parliamentary awareness and understanding of key security issues and alliance policies;
- To provide NATO and its member governments with an indication of collective parliamentary opinion;
- To provide greater transparency of NATO policies, and thereby a degree of collective accountability; and
- To strengthen the transatlantic relationship.

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<sup>12</sup> See: [www.nato.int/docu/pr/1999/p99-065e.htm](http://www.nato.int/docu/pr/1999/p99-065e.htm).

These have been long-standing goals of the Assembly. Since 1989, the following have been added:

- To assist the development of parliamentary democracy throughout the Euro-Atlantic area by integrating parliamentarians from non-member nations into the Assembly's work;
- To assist directly those parliaments actively seeking Alliance membership;
- To increase cooperation with countries that seek cooperation rather than membership, including those of the Caucasus and Mediterranean regions; and
- To assist the development of parliamentary mechanisms and practices essential for the effective democratic control of armed forces.

In addition, the important aspect of direct contacts between parliamentarians from Europe and North America should be stressed. Moreover the NPA now has fourteen associate members (including the EU members Austria, Finland and Sweden, and also Switzerland) and maintains contacts with Cyprus, Malta and ten countries in North Africa and the Middle East.<sup>13</sup>

## **The Move towards the European Union**

### *European Political Cooperation*

European Political Cooperation (EPC) among the members of the European Economic Community started in 1970 after a summit meeting in The Hague had cleared the way for British entry into the Community. Public debate grew and came to an early climax during the oil crisis of 1973. A common policy on the Middle East proved hard to formulate but in the OSCE the EPC became a major player. Equally, much attention was paid to voting in the UN. The London report on European Political Cooperation adopted on 19 October 1981 contained the following paragraph formalising relations with the EP:

In accordance with the Luxembourg and Copenhagen reports, which underline the importance of associating the European Parliament with Political Cooperation, there are frequent contacts between European Parliament and the Presidency. These take the form of four annual colloquies with the Political Affairs Committee, answers to questions on Political Cooperation, the Annual Report on Political Cooperation, and the Presidency speeches at the beginning and end of its term of office, which now usually include Political Cooperation subjects.

The contacts between the Council of Ministers and the European Parliament have been extended to include informal meetings between Ministers and the leaders of the different political groups represented in the Parliament; these informal meetings provide a further opportunity for informal exchanges on Political Cooperation.

Taking account of the need to further strengthen ties with the directly-elected Parliament, the Ten envisage the possibility of more frequent reference to resolutions adopted by the

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<sup>13</sup> On the occasion of its 50<sup>th</sup> anniversary, the NPA published *NATO Parliamentary Assembly 1955–2005, 50 Years of Parliamentary Diplomacy*.

Parliament in the deliberations, communiqués and declarations of the Ten, and in Ministers' opening statements at colloquies with Political Affairs Committee of the Parliament.

The Ten note that after a meeting of the European Council the President of the European Council will make a statement to the Parliament. This statement will include Political Cooperation subjects discussed at the meeting.

### *Stuttgart Declaration*

The Solemn Declaration on the EU, adopted in Stuttgart on 19 June 1983, was the outcome of the Genscher-Colombo initiative to enlarge the scope of European Political Cooperation and to cover security issues as well. Mainly on account of opposition to a military dimension by Denmark, Greece and Ireland, the declaration only referred to the 'political and economic aspects of security' that henceforth would be dealt with. It also took a further step in improving relations with the EP. It stated the following paragraphs on the parliament:

2.3.1. The Assembly of the European Communities has an essential role to play in the development of the European Union.

2.3.2. The European Parliament debates all matters relating to the European Union, including European Political Cooperation. In matters relating to the European Communities, it deliberates in accordance with the provisions and procedures laid down in the Treaties establishing the European Communities and in agreements supplementing them.

2.3.3. In addition to the consultation procedures provided for in the Treaties, the Council, its members and the Commission will, in keeping with their respective powers, respond to

- Oral or written questions from Parliament;
- Resolutions concerning matters of major importance and general concern, on which Parliament seeks their comments.

2.3.4. The Presidency will address the European Parliament at the beginning of its term of office and present its programme. It will report to the European Parliament at the end of its term on the progress achieved. The Presidency keeps the European Parliament regularly informed through the Political Affairs Committee of the Subjects of foreign policy examined in the context of European Political Cooperation. Once a year, the Presidency reports to the European Parliament in plenary session on progress in the field of Political Cooperation.

### *Revitalisation of the WEU*

Since the Stuttgart Declaration did not deal with the military dimension of European security, the WEU was re-launched with the Rome Declaration on 27 October 1984. Section II of the Declaration dealt with relations between the Council and the Assembly:

The Ministers supported the idea of greater contact between the Council and the Assembly. Recalling that, under Article IX of the treaty, the Assembly is expressly required to discuss the reports submitted to it by the Council of Ministers on matters concerning the security and defence of the member states, and considering that the practice adopted has enabled the Assembly to widen the topics of its discussions, the Ministers wish to see the Assembly playing an increasing role, particularly by contributing even more in associating public opinion in the member states with the policy statements of the Council, which expresses the political will of the individual governments. Accordingly, the Ministers submit the following proposals

to the Assembly:

1. In order to improve the contacts between the Council and the Assembly, the Ministers believe there are a number of noteworthy options, among which are:

- A substantial improvement in the existing procedures for giving written replies to Assembly recommendations and questions. On this point, the Ministers consider that a leading role should be given to the presidency, making the best use of the services of the Secretariat-General.
- The development of informal contacts between government representatives and the representatives of the Assembly.
- If appropriate, a colloquium involving the presidency of the Council and the Committees of the Assembly.
- The improvement of the contacts that traditionally take place after the ministerial meeting of the Council, and more generally, the improvement of the procedures under which the Assembly is kept informed by the presidency, whose representatives could—between the Assembly sessions—keep the various committees up to date with the work of the Council and even take part in their discussions.
- The possibility that the Assembly might make use of contributions from the technical institutions of WEU.

2. Convinced that greater cooperation between the Council and the Assembly is a key factor in the enhanced utilisation of the WEU, the Ministers underscored the importance they attach to the recommendations and the work of the Assembly.

3. Without wishing to pre-empt the decision of the members of the Assembly, the Ministers also stress the value, in their eyes, of developing a dialogue between the Assembly and other parliaments or parliamentary institutions.

4. The Ministers also stated that the member states were always ready to inform their national delegations of their governments' attitude to questions dealt with in Assembly reports and were prepared to offer information to their rapporteurs.

In spite of these limitations, there were several instances in which the Council was influenced by Assembly recommendations:

- The ministerial decision of 13 November 1989 concerning the setting up of the WEU Institute for Security Studies recalled Assembly Recommendation 467. It also stated that the Assembly might, with the council's approval, assign to the institute studies relating to the Assembly's own activities;
- The ministerial communiqué of 23 April 1990 recognised that, by virtue of its activities, the Parliamentary Assembly of the WEU had an important role to play in opening up contacts with the countries of Central and Eastern Europe; and
- On 19 May 1993 ministers welcomed the increased contacts between the WEU Assembly and the parliaments of what were then called the Consultative Partners. Similarly, with the Kirchberg Declaration on 9 May 1994, the Assembly was invited (while recognising its autonomy) to further examine the present arrangements for the participation of parliamentarians from associate member countries

(at that time Iceland, Norway and Turkey) and after NATO's enlargement in 1999, the Czech Republic, Hungary and Poland.

The Treaty of Amsterdam transferred the function of the WEU to the EU and incorporated the Petersberg missions into the European Security and Defence Policy (ESDP). When the European Defence Agency was created in 2003 it subsumed the armaments cooperation of the WEAG. Only the Modified Brussels Treaty with its automatic military assistance clause remained as an empty framework as well as the WEU Assembly, which was re-baptised as the European Security and Defence Assembly. The Treaty of Lisbon, which entered into force on 1 December 2009, contains a mutual assistance clause against aggression, not as clear as those of the WEU and NATO but nevertheless an argument for those wanting to eliminate the WEU altogether. The only remaining problem would be the Assembly consisting of national parliamentarians, who played a role in consensus-building that could not be taken over by the EP. As detailed later in this chapter, objections to giving it some role in the security field have weakened but current arrangements lag far behind parliamentary scrutiny in other fields.

The Lisbon Treaty introduced some novelties in the security and defence area. Article 27 (formerly Art. 17) received a new first paragraph and an amendment to the next:

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peacekeeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the member states.
2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides.

The next paragraphs of this important article state that member states may make available multinational forces to the CSDP; that they shall undertake progressively to improve their military capabilities; that they will act unanimously on a proposal by the high representative or an initiative from a member state; that the council may entrust the execution of a task to a group of member states in order to protect the Unions' values and serve its interests; and that those members whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. The Permanent Structured Cooperation is further defined in Protocol 4. Paragraph 7 includes a solidarity clause:

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in

accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.<sup>14</sup>

The other solidarity clause refers to assistance to a member state, at its request, in case of a terrorist attack or a natural or man-made disaster. Article 188 states that in implementing this clause, the Council will be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy (i.e., the EU Military Committee and the EU Military Staff).

*The Organisation for Security and Cooperation in Europe (OSCE)*

The OSCE (formerly the Conference on Security and Cooperation in Europe [CSCE] but referred to as the OSCE after 1994) started a political consultative process incorporating all European states, the US and Canada. It is based upon the Helsinki Final Act of 1975, which was negotiated over three years and formulated important principles for the conduct among states. In addition, it developed confidence-building measures, especially in the politico-military field, in the midst of the Cold War and contributed to respect for human rights and fundamental freedoms. Initiated by the Soviet Union as an attempt to freeze the status quo in Europe, including the division of Germany, the provisions of the Final Act became a support for all those who wanted change and a return to democratic principles. The communist countries could no longer object to a discussion of the treatment of their own citizens on the grounds that this constituted interference in their internal affairs. Equally important was the admission by Moscow that all peoples had the right to freely decide their political status, both internally and externally.

This was confirmed in the Charter of Paris for a new Europe, adopted by the CSCE Summit on 21 November 1990, establishing the Council of Foreign Ministers as the central body for regular political consultations, a preparatory Committee of Senior Officials (in 1994 renamed Senior Council), a Conflict Prevention Centre in Vienna and the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. In June 1991, the first meeting of the Council took place in Berlin and agreed on a mechanism for consultation and cooperation with regard to emergency situations in the CSCE area, namely the former Yugoslavia and Nagorno-Karabakh.<sup>15</sup> Subsequently, all independent states emerging from the former Soviet Union were invited to join. The Helsinki Follow-up Meeting of July 1992 strengthened the CSCE institutions by establishing a High Commissioner on National Minorities (first Max van der Stoep from the Netherlands, succeeded by Rolf Ekeus from Sweden and currently Knut Vollebaek from Norway) and developing a structure for early warning, con-

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<sup>14</sup> The second sentence was meant to overcome Irish objections. To avoid any ambiguity on their side, the NATO members added another paragraph: Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

<sup>15</sup> The CSCE came close to peacekeeping in Nagorno-Karabakh. At the Budapest summit of 1994, member states declared their political will to provide a multinational peacekeeping force following agreement among the parties for the cessation of armed conflict.

flict prevention and crisis management including fact-finding and rapporteur missions. A few months later, in December 1992 in Stockholm, the Council of Foreign Ministers adopted a Convention on Conciliation and Arbitration. In 1994, the Budapest Summit turned the CSCE from a conference into an organisation, known as the OSCE. A Permanent Council was established, meeting in Vienna, as the regular body for political consultation and decision making. Finally in 1999 in Istanbul, a Preparatory Committee and an Operations Centre were created to plan and deploy OSCE field operations. Altogether, nineteen field missions with some 3000 personnel were deployed.

The OSCE continued its important work on Confidence and Security Building Measures (CSBM) and Disarmament in Europe (CDE). At the opening of the CSCE Summit in Paris in November 1990, twenty-two members of NATO and the (then) Warsaw Pact signed the Conventional Forces in Europe Treaty (CFE) limiting conventional armaments from the Atlantic Ocean to the Urals. Two years later in Helsinki, the CFE-1A was signed which introduced limitations on personnel and additional stabilising measures. At the same time, it was decided to establish the Forum for Security Cooperation in Vienna under whose auspices a security dialogue would be promoted and negotiations on arms control and the Conference on Security Building Measures (CSBM) took place. In 1999 in Istanbul, the Adapted CFE Treaty was concluded. In the meantime, in 1994 the Budapest summit had agreed a Code of Conduct on Politico-Military Aspects of Security.

#### *Code of Conduct*

The OSCE Code of Conduct deserves more attention than it usually gets because it embodies the progress made since the Final Act of Helsinki. In 1975, a battle of wits was raging between two incompatible systems and there was little factual cooperation. In 1994, the OSCE made good its objective of encouraging 'norms of responsible and cooperative behaviour in the field of security.' It confirmed the comprehensive concept of security, relating the maintenance of peace to the respect for human rights and fundamental freedoms. It also linked economic and environmental cooperation with peaceful inter-state relations (§2). The signatories expressed their conviction that security is indivisible and that the security of each of them is inseparably linked with the security of all others; they would not strengthen their security at the expense of the security of other states (§3). They would consult promptly with a state seeking assistance in individual or collective self-defence (§5) but at the same time recognised the sovereign right of every participating state to determine its own security interest (§10) and to belong or not to belong to international organisations or to maintain neutrality (§11). Each state would maintain only such military capabilities as were commensurate with its security needs (§12) and determine them on the basis of national democratic procedures (§13). Stationing of armed forces on the territory of another participating state would be allowed in accordance with their freely-negotiated agreement as well as in accordance with international law (§14).

The Code of Conduct devoted an entire section (VII, §§20–33) to the democratic control of military, paramilitary and security forces, deeming it 'an indispensable element of stability and security.' States would clearly define the roles and missions of such forces

(§21), provide for legislative approval of defence expenditures (§22), ensure that its armed forces were politically neutral (§23), guard against accidental or unauthorised use of military means (§24), ensure that recruitment was consistent with human rights and fundamental freedoms (§27), reflect in their laws the rights and duties of armed forces personnel (§28), make widely available the international humanitarian law of war (§29) and instruct its personnel that they were individually accountable for their actions (§30), and that the responsibility of superiors did not exempt subordinates from any of their individual responsibilities (§31).

The next section, VIII, stated the obligation to command, train and equip armed forces in ways consistent with the Conventions of The Hague and Geneva and the 1980 Convention in the Use of Certain Conventional Weapons (§34), to ensure that defence policy and doctrine were consistent with international law (§35) and that internal security missions were assigned in conformity with constitutional procedures (§36). Participating states would not use their armed forces to limit the peaceful and lawful exercise of 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 Code of Conduct came into force on 1 January 1995 as a politically binding document. Each state would provide appropriate clarification regarding its implementation. In the previous chapter in the section on terrorism it was noted that this OSCE document of 1994 already contained a commitment not to support terrorist acts in any way and to take appropriate measures to prevent and combat terrorism in all its forms.

The OSCE operates by consensus but has mitigated the strict application of this by agreeing during the Yugoslav crisis that it could suspend a member country in cases of flagrant violations of human rights. This came to be known as 'consensus minus one.' The potentially paralysing effects of consensus have been circumvented further by intelligent use of the authority of the Chairman-in-Office. The organisation operated a large number of field missions, including in the former republics of Yugoslavia. Following the Dayton peace agreement, the OSCE organised the 1996 general elections in Bosnia and Herzegovina and the municipal elections a year later. The same happened in Albania after the personal representative of the Chairman-in-Office had assisted in finding a political solution to the internal crisis. In 1998, the OSCE mounted a Kosovo Verification Mission until it was forced to withdraw from the region in March 1999.

#### *The Parliamentary Assembly of the OSCE*

After the end of the Cold War, the CSCE was endowed with a parliamentary dimension. Previously, the Inter-Parliamentary Union (IPU) had organised inter-parliamentary conferences on cooperation and European security. The NATO summit of July 1990 in London envisaged the creation of an assembly to be based on the existing Parliamentary Assembly of the Council of Europe. The US Congress objected because it had not been consulted about this objective by the Bush administration. As a result, the Paris Charter of 1990 did not go further than advocating a parliamentary assembly of the CSCE bringing together the members of parliament of all participating states. In April 1991 a meeting of parliamentari-

ans in Madrid adopted a final resolution envisaging a distinct entity next to the existing assemblies. Later, the site of its secretariat was fixed at Copenhagen.

The OSCE Assembly, now bringing together 317 parliamentarians from fifty-six states, has three General Committees, which correspond to the three 'baskets' of the Helsinki Final Act: on Political Affairs and Security, on Economic Affairs, Science, Technology and Environment and on Democracy, Human Rights and Humanitarian Questions. Its own rules of procedure differ from the intergovernmental organisation in composition and voting procedure: each country is given a number of seats according to population and resolutions are adopted by majority voting. Only the Standing Committee of Heads of Delegation, which carries out the work between plenary sessions, decides according to the principle of consensus minus one.

Since 1993 the Chairman-in-Office has reported to the Assembly's annual session and answered direct questions from the floor. The Assembly has consistently voiced criticism that the OSCE decision-making process lacks transparency, openness and accountability. As early as its second annual session in 1993, the Assembly advocated abandoning the consensus principle for it would allow a single state to paralyse the organisation and to prevent collective action in times of crisis. A year later, the Assembly proposed a procedure of 'approximate consensus' based on ninety percent of both membership and financial contributions. And in 1999 it called for the option of decision making without the approval of the parties to a conflict. The Assembly also argued in favour of opening the meetings of the Forum for Security Cooperation and of the Permanent Council to the public and publishing a detailed record of their deliberations.

The ministerial meeting in Bucharest in December 2001 demonstrated the differences of approach between the EU, the US and the Russian Federation. For many years Russia was the main advocate for turning the OSCE into a security council for Europe. The West opposed this out of fear of subjecting its own policies to the paralysis of consensus. The US pressed for the human dimension, especially in the countries of the former Soviet Union and in the Balkans, but was averse to building up a large bureaucracy at the headquarters in Vienna. Ever since the beginning of the Helsinki process in 1972, the EU has been a driving force behind the organisation and over the years managed to strengthen its operational effectiveness. In Bucharest the role patterns changed. The US was less activist, Russia resented that in practice the OSCE focused primarily on Eastern Europe, and the countries which were not engaged in the enlargement processes of the EU and NATO felt that the organisation did not do enough for them. As a result, the discussion about further reform lost momentum, particularly because Moscow wanted to limit the role of the Chairman-in-Office and the Secretary-General. A panel of eminent persons reported in 2005 on ways to make the OSCE more effective but with little success. One of the recommendations was to develop a statute or charter to make OSCE a full-scale regional organization.

In June 2008 in Berlin, in October 2008 at the World Policy Conference in Evian,<sup>16</sup> and in subsequent clarifications, Russian President Medvedev proposed a legally binding security architecture, which contained many well-known principles but also new points that Western countries interpreted as aimed at weakening NATO: insurance of equal security for all (point 3) alluded to a ban on military alliances and point 4 stated the rejection of an exclusive right of one state or organization to maintain security in Europe. Point 5 did not talk of 'spheres of influence,' a concept completely anathema to western thinking, but its replacement by 'regions of privileged interest' hardly seemed any better. Interestingly enough, the proposal focused exclusively on hard security and fundamentally diverged from the comprehensive concept of the EU which is based on a development towards well-governed democratic states and its dimension of human rights. Moreover, it remained unclear how such a legally binding charter could be enforced. Western reactions were not positive and limited to asking for further clarification.

The Russian proposals were subsequently explained during various visits and meetings. In Finland, Medvedev said that he was looking for a 'Helsinki Plus' type of agreement and proposed a pan-European summit of all individual states and international organisations involved in countering security threats and challenges in the Euro-Atlantic area. Deputy foreign minister Grushko, at a special meeting of the OSCE Parliamentary Assembly, stated that he was 'not proposing the elimination of existing mechanisms – including those in which Russia is not participating.'<sup>17</sup> Nevertheless, the proposals were widely interpreted as formalising the status quo while optimising Russian influence and involving the Collective Security Treaty Organisation (CSTO). A natural forum for discussing them was the informal OSCE ministerial meeting in Corfu in June 2009, which started the 'Corfu Process.' In preparing for the Athens ministerial 'clear and present' threats to the security of Europe were identified: the persistence of frozen conflicts and unresolved border disputes, the absence of consensus on the agreement on Conventional Forces in Europe (CFE) and lack of progress with respect to confidence and security building measures (CSBM). In addition, energy supply, migration, human trafficking, terrorism and fundamentalism, cyber crime and instability in adjacent regions were also noted as issues. Finally, democracy, the rule of law and respect for fundamental principles on human rights needed to be strengthened. OSCE officials stressed the point that the aim was to strengthen rather than replace the existing OSCE agreements.

On 29 November, shortly before the OSCE ministerial meeting in Athens, Russia proposed the draft of a European Security Treaty<sup>18</sup> but for most of the other delegations it was too early to enter into a substantive discussion. Russia was apparently working on parallel tracks: the Cyprus Process within the OSCE and the consideration of the draft treaty in other organizations as well. They also raised the issue in the NATO-Russia Council of December 2009. The preamble of the draft stated that 'the use of force against the territorial

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<sup>16</sup> 8 October 2008. The president built on an earlier speech at Berlin on 5 June: <http://eng.kremlin.ru>.

<sup>17</sup> 20 February 2009: [www.osce.org](http://www.osce.org). See: WEU/ESDA Assembly Doc. A/2053 Recommendation *Towards a New Security Architecture for Europe* (December 2009).

<sup>18</sup> See: [www.kremlin.ru](http://www.kremlin.ru).

integrity or political independence of any state... is inadmissible....' Article 1 contained the wording 'Any security measures taken... shall be implemented with due regard to security interests of all other parties.' Article 2 sub 3: 'A Party shall not allow the use of its territory... with the purpose of preparing or carrying out an armed attack against any other Party...'. Article 3: 'A Party shall be entitled to request, through diplomatic channels or the Depository, any other party to provide information on any significant legislative, administrative or organizational measures... which, in the opinion of the Requesting Party, might affect its security.' Article 5: 'Should a party determine that there exists a (threat of) violation of the Treaty, it may request consultations, through the Depository.' Article 6: 'Any participant in these consultations shall be entitled to propose the convening of a plenary conference.' Article 7-8: 'In case of an armed attack the Depository shall immediately convene an Extraordinary Conference of the Parties which, if attended by at least four-fifths of the parties, could decide on necessary collective measures.'

On 2 December 2009 ministers adopted Decision No. 1/09 *Furthering the Corfu Process*, which stressed a 'comprehensive and balanced approach' and implementation of all OSCE norms, principles and commitments. The informal meetings at the level of permanent representatives would continue and cover the role of the OSCE in early warning, conflict prevention etc. and the role of arms control and CSBM regimes in building trust in the evolving security environment.<sup>19</sup> The decision explicitly stated that the OSCE Parliamentary Assembly may contribute to the Corfu Process. The budget for 2008 was € 169 million. In 2010, the OSCE Chairman-in-Office is with Kazakhstan.

#### *The European Union and the European Parliament*

The Treaty on the European Union concluded at Maastricht in December 1991 defined the three-pillar structure of the Union: first the European Community plus Economic and Monetary Union; second the CFSP, replacing the former European Political Cooperation; and third cooperation in the fields of justice and home affairs. These pillars are capped like the tympanum in a Roman temple by the European Council of heads of state and government, with a problem solving role but an unclear and opaque relationship with the pillars. The security component did not include defence and military cooperation and consequently lacked transparency. Instead, the WEU would be developed 'as the defence component of the EU and as a means to strengthen the European pillar of the Atlantic Alliance.' Other key phrases in the declarations issued as annexes to the Maastricht treaty stated:

The CFSP shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence...

The Union requests the WEU, which is an integral part of the development of the Union to elaborate and implement decisions and actions of the Union which have defence implications.

In practice, this provision was never implemented as the EU rarely asked the WEU to do anything, and, when it did, the actions had little to do with defence but dealt with opera-

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<sup>19</sup> Second day of the 17<sup>th</sup> meeting, MC (17) Journal No.2, Agenda item 8.

tions outside the EU such as embargo enforcement in the Gulf, the Adriatic and on the Danube, and police activities in Mostar and Albania.

In 1997 in Amsterdam, the post of High Representative for the CFSP was created and twinned with that of Secretary-General of the Council of Ministers. This meant an uneasy triangular relationship between the High Representative (who had no budget), the six-monthly presidency (which he had to serve as Secretary-General) and the European Commissioner for External Relations (who could use the EU budget but only for non-military purposes, subject to the approval of the EP).

The personal qualities of High Representative Solana and Commissioner Patten (succeeded by Benita Ferrero-Waldner) have prevented the triangle from getting unstuck, but the arrangement was far from ideal as it did not allow the EU to use all its instruments in a coherent manner. The basic problem was that some member countries, including France and the UK, did not wish to grant the Commission and the EP any competence in military matters and wanted to maintain the intergovernmental character of the second pillar. Apart from the conceptual point regarding sovereignty resting in national parliaments, these countries found it difficult to give the EP powers which were not exercised by their own national governments. In this respect the so-called democratic deficit rested as much in national capitals as in the EU.

The Maastricht Treaty contained Article J.11 on the role of the EP in the CFSP. In the treaty of Amsterdam this became Article 21:

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.

The EP gave an extensive interpretation to these provisions and initiated a great number of reports and recommendations. The High Representative for the CFSP appeared frequently before the commission for external affairs of the EP. In an inter-institutional agreement between the EU Council and the EP, a lump sum was provided in the EU budget to cover CFSP expenditure. The Lisbon Treaty improved on the consultation arrangements by amending Art. 21 as follows:

The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and basic choices of the common foreign and security policy and the common security and defence policy and inform it of how these policies evolve. He or she shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.... Twice a year it shall hold a debate... including the common security and defence policy.

The Maastricht Declaration of 10 December 1991 included an encouragement of closer cooperation between the Parliamentary Assembly of the WEU and the EP in paragraph 3, but little came of it. The Maastricht Treaty also included a declaration on the role of national parliaments in the EU: governments were called upon to ensure 'that national parliaments receive Commission proposals for legislation in good time for information or possible examination.' This declaration constituted a discretionary provision without any legally binding effect. However, it became a source of political debate and conflict between governments and parliaments, and between national parliaments and the EP on the effectiveness of parliamentary accountability in EU affairs.

During the IGC leading up to the Amsterdam Treaty, several proposals were made under the headings of 'democratisation' and 'parliamentarisation.' The first group—based on the assumption that the EP performs as the organ of general feedback of EU citizens in European governance—focused on its functions of policymaking, institution-building and interaction.

A second approach focused on the roles of the national parliaments. During the IGC negotiations, the delegations of France, the UK and Denmark tabled concrete proposals arguing for a strengthened role for national parliaments in the EC/EU decision-making process. Proposals varied between:

- Those who opted for the introduction of direct participatory or control powers for national parliaments within the legal framework of the EC/EU;
- The introduction of a provision within the EC/EU Treaty framework guaranteeing national parliaments some unilateral control mechanisms vis-à-vis their respective governments; and
- The formal upgrading of existing multilateral scrutiny regimes bringing together members from both the EP and the national parliaments.

The negotiations on these proposals led to the insertion of the 'Protocol on the Role of National Parliaments in the European Union' (PNP) into the Amsterdam Treaty. It addressed both the problems of scope and timing of unilateral parliamentary scrutiny and the issue of locking inter-parliamentary cooperation into the inter-institutional framework of the EU. Following the proposal made by the Dublin Conference of Community and European Affairs Committees (COSAC) meeting of 16 October 1996, the PNP stated firstly that:

...national parliaments shall receive all Commission consultation documents such as green and white papers or communications. These documents shall promptly be forwarded to national parliaments.

The Protocol however, left the question open as to who would provide the documents: the governments of the member states, the European Commission or any other European institution. Instead, the Protocol simply stipulated that each member state might ensure that its own parliament received the proposals 'as appropriate.' Thus it remained unclear whether the governments were obliged to send all legislative proposals to their parliaments or the PNP implicitly delegated these tasks to another body, institution or network.

Secondly, the PNP implicitly excluded the following types of documents from the general provision for the transmission of legislative proposals to national parliaments:

- All documents falling under the CFSP pillar and all documents concerning the entry into closer cooperation;
- All documents prepared by member states for the European Council; and
- All documents falling under the procedure of the 'Protocol on integration of the Schengen acquis into the framework of the European Union.' However, once the Schengen acquis would be integrated into the EC or EU pillar, the appropriate legislative and scrutiny procedures for both the EP and the national parliaments would apply.

The PNP also included a commitment of timing addressed to the Commission and the Council. Firstly, the Commission should ensure that the legislative proposal is 'made available in good time.' Secondly, a six-week period between issuing a legislative proposal and its discussion or adoption by the Council had to elapse. These two provisions on timing allowed governments to inform their parliaments of the proposal and leave parliaments time for discussion. However, the protocol did not impel governments to use the time provided by the Community institutions for informing their parliaments. Thus, it remained up to the parliaments and their governments to negotiate on the content and the procedures to be applied for the implementation of the PNP.

The Nice Treaty added little to the competence of the EP. In the second pillar, the EP would merely be informed about cases of closer cooperation among members. The ESDP would henceforth be part of the CFSP but would remain excluded from forms of closer cooperation. In the third pillar the EP would be consulted. In Article 7 the EP obtained the right to make a reasoned proposal with a four-fifths majority that there was a clear risk of a serious breach by a member state of the fundamental principles contained in Article 6. In the Treaty of Lisbon the latter is replaced by Article 2, which now talks of 'values' such as human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including those of persons belonging to minorities. The new text of Article 7 also gave the right to make a proposal to the European Commission.

In Article 300 (6) the EP was given the right to request an opinion from the Court of Justice as to whether an international agreement was compatible with the treaty. In Declaration 3 of Article 10 the possibility is mentioned of the conclusion of institutional agreements. Finally, the agenda for the new IGC of 2004 included the role of national parliaments in the European architecture. Today, their role is to hold ministers accountable for their conduct in European affairs, to ratify fundamental amendments to the treaties, to approve legal acts in the EU framework and the transposition of Community legislation into their national legal framework.

The lengthy process, which commenced with the European Council of Laeken in 2001 and ended with the entry into force of the Lisbon treaty on December 1, 2009, passed through a European Convention and a European Constitution, and ultimately resulted in a victorious EP by making its co-decision in legislative matters the general rule in cases

where the Council had decided with qualitative majority voting (i.e., with approximately seventy-one percent of the votes, which became the normal procedure in the EU, except in the foreign, security and defence policy fields, where consensus remained the rule). National parliaments would receive all documents from the European Commission upon publication and have eight weeks to express an opinion on whether the subject merited decision making at the European level or under the subsidiarity principle should be left to national governments for regulation. If one third of the parliaments (each country having two votes to cover bicameral systems) stated in a reasoned opinion that the draft did not comply with this principle, the proposal would be reviewed.<sup>20</sup>

#### *Which Way Ahead?*

From the preceding description of the various forms of parliamentary oversight, its many gradations have become clear. It varies from simple *ex-post facto* information rules to mandatory procedures, and its essential characteristic is the juxtaposition of a parliamentary body and a ministerial and/or executive organ. The relationship between the two varies from co-decision and budgetary control to advisory functions such as resolutions, recommendations, opinions and reports. If these advisory functions do not result in an obligation of the other side to respond, it seems difficult to regard them as parliamentary oversight or scrutiny. In that case, they will only have some significance in providing information to and from parliamentarians, which might be of importance to them for their national debates.

The reports of the Consultative Assembly of the Council of Europe undoubtedly are of a high quality and contribute to some general consensus-building in Europe. Nevertheless, their impact is small because the Committee of Ministers does not define a precise policy, which could provide a common basis for a reply to the reports and their recommendations. An even worse situation presents itself in the Inter-Parliamentary Union where resolutions are not addressed to anybody in particular. In the COSAC, the twice-yearly meetings of chairmen and a few members of national parliamentary committees on European affairs, the other extreme is visible: ministers of the country holding the presidency provide information on items selected by them and answer questions but there is little possibility for parliamentarians to develop common or even majority positions. There is no agreed method of making up representative delegations, which would be essential for arriving at democratic decisions.

The number of procedures involving the EP has been reduced by the Treaty of Amsterdam and its right of co-decision was considerably extended. Under Lisbon it has become normal practice. Other procedures include information, consultation, cooperation, assent and the budget procedure. In discussing activities in the second pillar it should be remembered that they include little legislation and focus on the machinery for and action in crisis management.

The present problem with parliamentary oversight of the second pillar of the EU seems to be the result of a number of developments:

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<sup>20</sup> Protocols 1 and 2 of the Lisbon treaty (*Treaty amending the Treaty on European Union and the Treaty establishing the European Community*).

1. Several governments did not wish to give the EP more say in CFSP matters than is foreseen in the TEU and questioned the need to extend those provisions to the emerging ESDP. Fortunately, the EU's High Representative Solana as well as its Special Representatives have been prepared to address committees of the EP frequently, without an obligation to do so.

2. During the deliberations of the European Convention the creation of a Senate has been advocated (and at one stage by President Giscard d'Estaing even a People's Congress) to represent the member states in addition to the directly-elected EP. Objections to this suggestion included the arguments that the Council of Ministers represents the national interests in the communitarian process, that the decision-making process in the 'first pillar' would become more complicated and that a double mandate would become an unbearable workload (and without a double mandate it would not provide the desired link with national parliaments). The new body would provide a multinational input into national debates rather than national inputs into areas where the EP has its own task and legitimacy.

3. The WEU has not been transferred *in toto* to the EU and therefore its treaty remains valid. Its automatic military assistance obligation of Article V of the WEU continues to bind its members more stringently than the more discretionary Article V of NATO, although since 1954 it has never resulted in an organisational form of collective defence; everybody agrees that collective defence is the primary task for NATO. With the continued validity of the WEU Treaty, its Assembly will demand annual reports from the WEU Council. As this Council has yet to meet post-report and responses to parliamentary questions have been agreed through silent procedures at the initiative of its Presidency, there is little dialogue between the Assembly and the Council and no debate between them on the topical issues of European security and defence.

4. Common actions in the field of ESDP will require funding of common costs beyond nations financing their own force contributions. These funds can only come from the EU budget, which requires the consent of the EP. As a minimum, the inter-institutional agreement providing a total sum for CFSP activities would have to be extended to cover some military expenditure. The EU is a step ahead of NATO by having the Athena mechanism for sharing some common costs of a peace support operation; in NATO the principle of 'costs lie where they fall' means that everybody finances his contribution without any burden sharing. The EP already has a role in the funding of civilian crisis management.

5. Both the EP and the WEU Assembly formulate their resolutions and recommendations on the basis of extensive reports debated both in committee and plenary sessions. These documents are essential tools in a process of information, transparency, consensus-building and legitimacy. Without this process, both the CFSP and the ESDP would lack an international parliamentary dimension, which has become the backdrop against which national parliaments conduct the scrutiny of their own governments. Without it, popular support for EU operations would inevitably shrink.

6. The WEU Assembly adopted a policy of inclusiveness of all EU members, its candidates and all European members of NATO and provides a link with other countries involved in European security. In addition, it has made innovative arrangements with other

countries from the Mediterranean and Eastern Europe, including Russia and Ukraine. Similar arrangements for associating non-members have been developed by the NATO Assembly. Both are seen as important instruments for furthering stability and democracy throughout Europe and for preparing candidates for membership. These are of particular importance for associating Iceland, Norway and Turkey closely with European security and should not be lost with the further transfer of WEU functions to the EU.

7. Conceptually there is no reason why a directly-elected EP could not cover the inter-governmental aspects of European integration as well. However, as ministers are most effectively scrutinised in national parliaments on their acts in intergovernmental cooperation, and as national parliaments will require a say in decisions to dispatch personnel on military operations, leaving the international debate entirely with the EP would not resolve the problem of informing national parliamentarians. Nor would it provide an opportunity for building consensus among them. This might be an argument for a mixed body composed of both national parliamentarians and members of the EP in a manner representative of European citizens.

8. The way national parliaments deal with foreign and defence policy varies greatly among member states. National debate is not merely a matter of adequate information being provided. It also depends on the willingness of parliamentarians and governments to engage in in-depth discussion on these issues.

9. In addition to parliamentary debates, much more will be required to enhance public awareness of the new realities of foreign, security and defence policies, for example through open fora, symposia and hearings. This also raises the question of openness of the proceedings in the Council: effective scrutiny is not possible without minutes of meetings, including as a minimum the way members voted on issues discussed.

#### *Options for Parliamentary Oversight of the Second Pillar of the EU*

In May 2001, the Netherlands presidency of the WEU organised a seminar to discuss the options available for the parliamentary dimension of the second pillar. An introductory paper by the present author listed them as follows:

- Full competence for the EP in the second as well as in the first pillar of the EU with reports, resolutions, budgetary power and written and oral questions to the Presidency and the High Representative.
- Creation of a mixed Assembly, with the national parliamentarians of the EU states as members together with a sufficient number of members of the EP to allow representation of the political groups and of the committees dealing with all CFSP and ESDP matters.
- Continuation of the present practice of the EP with the ESDP left entirely to the WEU Assembly in its present form, possibly with some division of labour to avoid duplication. The status of the EU states would have to be synchronised. Under Lisbon, this option has been overtaken.

- Meetings of national delegations to be informed by the country holding the Presidency (the COSAC model but consisting of members of standing committees for defence and foreign affairs).
- No multinational oversight. Fortunately this option can now be deleted.

The Hague seminar provided support for the second option but several problems remained. WEU parliamentarians stressed their mandate from the Modified Brussels Treaty but failed to convince their colleagues of its concrete significance, as the WEU was being emptied of its functions. Members of the EP opposed the creation of a new body and tended to be satisfied with a COSAC-type model of chairmen of defence committees in national parliaments; they apparently feared an institutional arrangement which, although presented as temporary until the conclusion of the 2004 intergovernmental conference, might become permanent, thereby preventing the development of the powers of the EP in the second and third pillars. The immediate effect, however, was a step back in the security sector, where the transfer of the WEU functions to the EU was not matched by a parliamentary dimension and the link with the candidate countries was lost. The process of 'security through participation,' developed in the WEU, suffered a setback.

The Belgian presidency did its utmost to salvage a positive outcome. A parliamentary conference was organised in July and again in November 2001. A preliminary draft declaration was circulated which recommended that:

...for an interim period pending the institutional changes in the EU that will result from the 2004 IGC there should be a European collective, that is to say a trans-national, parliamentary dimension and system of supervision that will enable national parliamentarians to form a common view on the needs of the European Security and Defence Policy, in association with the European Parliament, which has an obvious and central role to play in the development of the EU.

Accordingly, an *ad hoc* security and defence assembly should be set up within the EU comprising members of the EP's committees for Foreign Affairs, Human Rights, and Common Security and Defence Policy and national parliamentarians from EU countries. The national parliamentarians sitting in the new Assembly would preferably also be appointed to the WEU Assembly, which would continue functioning. In addition, a pan-European forum should be created, which might either be the WEU Assembly or formed by associating the non-EU countries concerned directly with the new assembly.

The members of the EP referred to a resolution of 15 June 2000 proposing, in the context of the CFSP and the ESDP, the regular holding of a meeting bringing together representatives of the competent committees of national parliaments and the EP with a view to examining the development of the two policies, jointly with the Council presidency, the High Representative for the CFSP and the Commissioner responsible for external relations. It would be desirable, subject to certain conditions, to involve the parliaments of the applicant countries and those of non-EU countries that are members of NATO. The problems with this formulation, however, were that meetings cannot be a substitute for normal parliamentary activities and that the participants were not representative for the composition of

their own assemblies. In most parliaments, the chairmen of committees have no mandate to represent them abroad. If the meetings are to be more substantial than mere information exchanges, the membership should be more representative. On the other side of the argument, the WEU Assembly should clarify what its remaining functions could still be.

Before the November meeting the Belgian rapporteur, Armand De Decker, president of the Senate, changed his proposal and suggested a parliamentary conference on the ESDP to be held twice a year at the joint invitation of the parliament of the country holding the EU presidency and of the EP and involving six members per country, including the chairmen of the committees of foreign affairs and defence. The EP would have one-third of the total membership and the WEU Assembly could send six members. The conference would examine reports jointly drawn up by co-rapporteurs from national parliaments and the EP, and adopt recommendations and opinions. The EU Presidency, the High Representative for the CFSP and possibly the European Commissioner responsible for External Relations would be asked to present reports.

On November 7, the second day of the conference, De Decker again changed his proposal but without success. He now envisaged a parliamentary conference at three levels:

1. A broad session including, next to the EU level, representatives from the EU candidate countries, the non-EU European members of NATO, the WEU and NATO Parliamentary Assembly;
2. The EU level involving up to five members per country, the EP being entitled to one-third of the number of national parliamentarians;
3. A Committee of Chairmen of the Conference, consisting of the chairmen of the foreign affairs and defence committees, for approving the agenda and work programme as proposed jointly by the parliament of the country holding the EU presidency and the EP.

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the EP elaborated an opinion recommending a formula very similar to the 7 November proposal by De Decker. The Spanish EU presidency followed part of the advice and organised meetings of chairpersons of the parliamentary committees of the EU member states in the areas of defence, foreign affairs and development assistance, respectively. This initiative has continued under successive presidencies.

The matter currently awaits clarification under the Treaty of Lisbon. The problem with the Belgian formula and the Spanish practice is their insufficiently representative nature. Chairmen of committees usually have no mandate to speak on behalf of their members and play a neutral role. Experience with the COSAC meetings of chairmen of national committees for EU affairs has been pleasant through the cordial reception in the capital of the presidency but limited to the provision of information. When reports are discussed and resolutions voted on, an assembly needs a more representative composition and an opportunity to form political groups. Otherwise the main function of consensus-building at the international level cannot materialise. Moreover, with the new High Representative chairing the meetings of the Foreign Affairs Council (which will be separated from the General Af-

fairs Council) the role of the Presidency will be reduced to standing in for the High Representative in their absence.

Similar considerations have played a role in the third pillar of justice and home affairs. How could parliamentary oversight be organised, especially with regard to Europol? Seminars held in The Hague and Brussels in 2001 came to the conclusion that the reinforcement of police and intelligence cooperation in the EU following 9/11, as well as cooperation over arrest warrants, prosecution and punishment required a system of control by national parliaments and/or the EP. No formal resolution was adopted by these 'Parlopol' meetings, as representatives could not bind their parliaments. Stress was laid on the timeliness of these measures as the Europol Convention was coming up for review. With the Treaty of Lisbon much of the former 'third pillar' has been subjected to the procedures of the 'communitarian method,' thus giving the EP a role.

The European Convention, consisting of government representative members of national parliaments and the EP, was instituted by the European Council at Laeken to deliberate on the future of the EU. It met for the first time in February 2002. The members were designated by their governments and parliaments but functioned in a personal capacity. Under the presidency of Giscard d'Estaing, a courageous method was adopted to reply to the sixty-odd questions put forward by the European Council: instead of answering them one by one, the Convention decided to draft a Constitution in which all issues would be clarified in a comprehensive manner. The parliamentary dimension was a major point on the agenda, as well as the strengthening of the CFSP. A positive aspect was the presence of the thirteen candidate countries (including Turkey), which elected a representative to the Bureau of the Convention. In fact, their participation was most valuable because it forced candidate members to express their views on the future of the EU and to move beyond the ongoing negotiations for entry. The outcome of the Convention was a small miracle with 220 delegates forming a consensus but the political climate at home had become more euro-sceptic. Referenda in France and the Netherlands were lost and the Treaty of Lisbon, which replaced the Constitution, went through two referenda in Ireland. That Treaty was couched in the traditional form of amendments to existing texts. It also avoided any symbolism which smacked of a 'super-state,' like a flag and anthem. In substance, the difference with the constitution was not that great, except for the concession to Ireland that every member state would be able to keep a national in the European Commission.

Under the Treaty of Lisbon, the CFSP and CSDP will remain intergovernmental. The EP will become more involved and be able to express opinions in reports and debates and through questions, alongside the NATO Parliamentary Assembly and the WEU/ESDA. However, this does not amount to proper parliamentary oversight. The double-hatting of the High Representative with the Vice President of the Commission responsible for External Relations will enhance coherence and efficiency, and might enhance European parliamentary influence through the budget procedures, but otherwise little will change. Moreover, it is not clear how other commissioners dealing with external aspects will relate to the new vice president. Similarly, the rotating presidency will still have a role in the General Affairs Council and in the sectoral council formats. The presidency will also substitute for

the High Representative in their absence. The ship will have many captains and good personal relations will be of the essence. The new External Action Service, combining the delegations of the Commission with members from the Council Secretariat and member governments, will make it possible for the EU to speak abroad with one voice, covering the entire spectrum of its activities, but how it will be integrated is yet to be decided. The EU now also has legal personality.

Some questions remain on the parliamentary side.<sup>21</sup> Within the EU, the two most important publications were the presidency report on the ESDP (now re-baptised as the CSDP) and the Council document on the main aspects and basic choices of the CFSP. In the WEU, the obligation of the Council to provide the assembly with a written annual report took the form of two half-yearly reports corresponding to each six-month presidency, but in practice these documents had little practical and even less political value (because the WEU Council did not meet since May 2002 and the reports by the presidency were agreed by silent procedure). In the CFSP/CSDP the presidency role will disappear and the High Representative will chair the Foreign Affairs Council (which will be separated from the General Affairs Council). She will present a second report, but only an oral one. Part of this reporting issue will be overcome by the willingness of the High Representative and the Special Representatives to appear before the EP (sub)committee but the fact remains that national parliaments, which really control defence policy, apparently are not in the loop. Solana was aware of this problem and appointed a personal representative for parliamentary affairs charged with liaising with the EP and national parliaments.

The EP intends to organise a special conference with the speakers of national parliaments in the first half of 2010 to strengthen the links between the EP and national parliaments. One idea circulating in Brussels is the creation of a permanent network of corresponding EP and national committees to conduct a pre-legislative dialogue, aimed at assisting national parliaments with subsidiarity issues, and a post-legislative dialogue to improve implementation and enforcement of EU law. One of the open questions concerns the continuation of the (separate) conferences of Committee Chairmen of Foreign Affairs and Defence, which are not mentioned in the Treaty of Lisbon. The COSAC, the existing forum of committees for EU affairs, did not seem keen to be involved in foreign, security and defence policies.

## Final Remarks

The first part of this chapter reached some conclusions on the proper role of the military in a democratic society. It also described the changing European security environment and the need for a comprehensive security policy in which the modern soldier has many tasks to perform. The emphasis on peace support needs a 'guardian soldier' who functions internationally very much like the police function nationally: he is at the scene of instability,

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<sup>21</sup> See the thorough report and recommendations by: Michael Hancock and Giacomo Santini, *EU and WEU Council Information on European security and defence policy*, Doc. C/2059 of the WEU/ESDA Assembly (2 December 2009).

deters by his presence, but, when necessary, is able and willing to apply force in the implementation of his mandate. In addition, he has to do so in multinational formations that underline solidarity of the international community, reduce the risks involved for participating countries and provide security through cooperation.

Both NATO and the EU have experienced impressive rounds of enlargement, avoiding a grey zone of instability in Eastern Europe. The two processes have moved on separate tracks, with NATO membership coming sooner than accession to the EU. Both have moved through preparatory stages that have been remarkably successful. Most of Europe is no longer divided and the shape of the Euro-Atlantic security zone seems to be defined for several decades to come. If things go well, all the Balkan countries will join both organisations. Turkish membership of the EU has become more problematic, but would be in the interest of both sides. Eastern enlargement of NATO will slow down because it would produce more negative than positive effects, largely on account of the rise of nationalism in Russia. Relations with Russia will be a major item in the drafting of a new Strategic Concept for NATO. On the one hand, it makes sense to emphasise mutual interests like energy and cooperation and the problems in Afghanistan, Iran and North Korea but on the other, pressure on the former Soviet republics should be resisted, which would limit their rights to determine their own destiny. In this sense it will be important for national parliaments to discuss President Medvedev's proposal for a security treaty to see if and where a constructive relationship with Russia might be possible. The current wording will need considerable change to make it acceptable. Another key issue in the Strategic Concept will be the continuing role of nuclear weapons. Obama's perspective of a nuclear free world (under conditions of strict verification) is long-term and exceeds the five-to-ten-year time-span normally associated with these concepts. In any case, something will have to be said about the function which remains at present, i.e. to deter the use of nuclear weapons by other nuclear powers. In addition, it seems possible to further reduce the numbers of nuclear weapons held by the US and Russia. Trickier still is the issue of the stationing of American tactical nuclear weapons in Europe, which the new members of NATO regard as an expression, albeit largely symbolic, of transatlantic solidarity. Similar considerations will apply to the revised American plans for anti-ballistic missile defences. Finally, the EU-NATO relationship will have to be improved. The EU is able to use NATO assets in operations where the Alliance as a whole is not engaged. This 'Berlin Plus' arrangement, however, is only used in Bosnia where the EU is conducting operation Althea. Further application is blocked by the Cyprus issue.

While the relationship between the EP and the WEU Assembly remained strained, relations between the EP and the NATO Parliamentary Assembly were much better, with a delegation of MEPs attending the plenary and committee sessions twice a year. Paradoxically, the transatlantic forum was held in greater regard among Europeans despite the security debate. Nonetheless, the NPA has been unable to achieve real parliamentary control. Most, if not all, members prefer to maintain NATO as an intergovernmental body, with strong US leadership.

The EU is different. It is engaged in a process of ever closer union applying a 'communitarian method,' which includes the right of initiative in the Commission and an expanding area of majority voting in the Council and co-decision with the EP. As powers are being transferred from national capitals to Brussels, such European parliamentary co-decision becomes necessary in order to avoid gaps in scrutiny. A national minister cannot be held responsible in his own parliament for being outvoted in the EU. Inasmuch as foreign, security and defence issues become the subject of majority decisions, parliamentary control could only be exercised at a European level, but that will not happen soon. In fact, after the lengthy gestation period of the Lisbon Treaty there will be little appetite for negotiating new constitutional provisions. If they become generally desirable, they could be included in future accession treaties.

While enhancing stability within the area of membership, enlargement obviously creates new problems in relations with those countries which are not—or not yet—eligible for membership. Here the maxim should be applied of doing more with everybody, although not necessarily the same thing. New forms of partnership are being developed and the notion of concentric circles with different forms of cooperation might appear Brussels-centric, but remains essential for moving forward.

Obviously the processes of NATO and EU enlargement made them larger groupings within other organisations. The question could be asked whether Europe has become over-organised given its sheer number of organisations, each of them having their own associations and partnerships. Ideally, the parliamentary assemblies of the OSCE and the Council of Europe should merge, with the necessary adjustment to enable North American participation. Every body should continually examine its own output and relevance. With the entry into force of the Lisbon Treaty things will change, but it is still too early to say how substantially. Its solidarity clauses, though ambiguous, will lead some to argue that the WEU will become redundant. Yet, the consensus-building role of a European assembly of national parliamentarians versed in security matters cannot be replaced by meetings of national committee chairmen.

The changing nature of security linking external and internal aspects raises public interest, but also requires a great deal from national parliamentarians who have their main duties at home. Yet, every inch of consensus reached among them is progress in the building of stability and security throughout our continent.

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Annex I  
**The Powers, Procedures and  
 Practices of Parliamentary  
 Oversight of Defence in the NATO  
 Member States <sup>1</sup>**

Willem F. van Eekelen

**PART A: Committee Structure and Organisation**

	1a. Original Name	1b. English Name	2. Number Members	3. Annual Budget	4. Assisting Staff	5. Regulation Source
BEL	Commissie Voor de Landsverdediging/ Commission de la Defence Nationale		17		1	RoP and custom
CAN	Attending Committee on National Defence and Veteran Affairs		16		3	RoP and custom
CZR	Vybor Pro Obrano A Bezpecnost	Committee on Defence and Security	19		4	RoP
DEN	Forsvarsudvalget and Det Udenrigspolitiske Naevn	Defence and Foreign Policy Committee	17	€ 33.333	3	Const, Law, RoP and customs
FRA	Commission de la Défense National et	Committee for	72	€ 130.000	11	Const, Law, RoP and

<sup>1</sup> Research carried out in cooperation between DCAF and NATO-PA. DCAF: Dr. Hans Born (Project Leader), Mr. Matias Tuler (Research Assistant). NATO-PA: Dr. Wim van Eekelen, Ms. Svitlana Svetova.

	des Forces Armés	National Defence and Armed Forces				customs
GER	Verteidigungsausschuss	Defence Committee	38		8	Const, RoP and custom
GRE	Aiapkhs Emitpomh eonikhs amynas kai eeotepikon ymooseon	Standing Committee for National Defence and Foreign Affairs	50		1	RoP
HUN	Nemzetbiztonsagi Bizottsag	National Security Committee	15	€ 4000	2	Law and RoP
ICE	-	-	-	-	-	-
ITA	Commissione Difesa della Camera dei Diputati	Defence Committee (Chamber of Deputies)	43		4	Const, RoP and custom!
LUX	Commission des Affaires Etrangères et Européennes et de la Défense	Committee for Foreign and European Affairs and for Defence	11		2	RoP
NLD	Vaste Kamercommissie Voor Defensie	Standing Committee for Defence	30	Approx. € 25.000	5	RoP
NOR	Stortinsets Forsvarskomite	Standing Committee on Defence	10		1	Const, RoP
POL	Komisja Obrony Narodowej	National Defence Committee	18		3	Const, law, RoP and custom
POR	Comissao de Defesa Nacional	Committee on National Defence	26		3	RoP
SPA	Comision de Defensa	Defence Committee	40		4	Const, RoP, custom
TUR	Milli Savunma	National	25	€ 130m	3	RoP and

	Komisyonu	Defence Committee				custom
UK	Defence Committee		11		7	RoP and custom

## PART B: Committee Procedures

	6. Public Meetings	7. Secret Meetings	8. Meeting Frequency	9. Chairman Election	10. Chairman in office
BEL	Y	Y	Once a week	Members themselves and political parties	19
CAN	Y	Y	Twice a week	Members themselves	4½
CZR	Y	Y	Twice a month	The Parliament and Members themselves	10
DEN	N	N	Once or twice a month	Members themselves and political parties	18
FRA	N	Y	Once a week	Members themselves and political parties!	24
GER	N	Y	Once a week	Political parties	22
GRE	N	Y	It depends	Members themselves	25
HUN	N	Y	3/month	The Parliament	10
ITA	N!	Y	More than twice a week	Members themselves	3
LUX	N	Y	1/2/month	Members themselves	8
NLD	Y	Y!	Once a week	Members themselves!	12
NOR	N	Y	Once a week	The Parliament and Members themselves	13

POL	Y	Y	3/month	Members themselves	9
POR	N	N	Once a week	Members themselves and political parties	22
SPA	Y	Y	Once or twice a month	Members themselves	12
TUR	Y	Y	1/2/month	Members themselves	1
UK	Y	Y	More than once a week	Members themselves	28

### PART B: Committee Procedures (continued)

	11. Members Reelected	12. Chairman Opposition?	13. Expertise Criterion	14. Previous Discussion	15. Minority Reports
BEL	13	N	Y	Y	Y
CAN	5	N	N		
CZR	10	Y	Y	Y	Y
DEN	9	N	N	N	Y
FRA	32	N	Y	Y	Y
GER		N		Y	N
GRE	30	N	Y	Y	Y
HUN	0	Y	N	Y	Y
ITA	6	N	N	Y	Y
LUX	10	N	N	Y	Y
NLD	15	N	Y	Y	Y
NOR	3	Y	N	Y	
POL	5	N		Y	Y
POR	9	N	Y	Y	Y
SPA	12	N	Y	Y	Y
TUR	N	N	N	N	Y
UK	2	N	N	N	Y

## PART C : Powers of the Defence Committee

### The Move towards the European Union

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NLD	NOR	POL	POR	SPA	TUR	UK
16. The Committee has oversight powers (oversight of military, executive, budget, inquires).	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Neither	Yes
17. The Committee has a legislative function.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
18. To initiate legislation on defence issues	Both	Comm.	Both	Parl.	Both	Parl.	Neither	Comm.	Neither	Parl.	Parl.	Both	Comm.	Neither	Parl.	Both	Neither
19. To amend or to rewrite proposed defence laws	Both	Both	Both	Both	Both	Comm.	Both	Comm.	Both	Parl.	Parl.	Both	Comm.	Comm.	Parl.	Both	Parl.
20. To question the minister of defence	Both	Comm.	Both	Both	Both	Comm.	Both	Comm.	Both	Both	Both	Comm.	Comm.	Comm.	Comm.	Neither	Both
21. To summon the minister of defence to Committee/Plenary meetings to testify	Both	Comm.	Both	Both	Comm.	Comm.	Comm.	Comm.	Both	Neither	Comm.	Comm.	Comm.	Comm.	Both	Both	Parl.
22. To summon military and other civil servants to committee meetings to testify	Both	Comm.	Both	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Neither	Comm.	Comm.	Neither	Comm.	Comm.	Both	Comm.
23. To summon experts from society (NGOs/Universities /Think Tanks) to committee meetings to testify	Both	Comm.	Both	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Neither	Comm.	Comm.	Neither	Comm.	Comm.	Comm.	Comm.
24. To obtain documents from the ministry of defence and military	Both	Comm.	Both	Both	Comm.	Comm.	Comm.	Comm.	Neither	Both	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.
25. To carry out investigations (parliamentary inquiries) on defence issues	Both	Comm.	Parl.	Both	Both	Comm.		Comm.	Neither	Parl.	Comm.	Comm.	Neither	Comm.	Comm.	Neither	Comm.
26. To hold hearings on defence issues	Both	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Comm.	Both		Comm.	Neither	Comm.	Comm.	Neither	Comm.

27. Does the Plenary of the Parliament often change draft laws submitted by the Parliamentary Committee on Defence?	No			No	No		Yes		Yes	Yes	No	No		No	No		Yes
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*Both* – power of the Committee and the Plenary

*Comm.* – power of the Committee

*Neither* – neither a power of the Committee nor of the Plenary

*Plen.* – power of the Plenary

*Notes:* Questions 16 and 17 are introductory and can be answered by yes or no. Questions 18 to 26 show whether it is a power of the Committee on Defence (Com) or a power of the Plenary (Plen), or of both of them (Both) or neither of them (Neither). Question 27 is a general question about practice and can be answered by yes or no.

## PART D: Budget Control of Defence Issues

Does the Parliamentary Committee on Defence and/or the Parliament (the Plenary) have the following powers or procedures?

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NLD	NOR	POL	POR	SPA	TUR	UK
28. Has access to all defence budget documents	Both	Comm.	Both	Both	Comm.	Comm.	Comm.	Comm.	Both!	Both	Comm.	Comm.	Comm.	Comm.	Comm.	Plen.	Neither
29. Has the right to amend and to allocate defence budget funds	Both	Comm.	Both	Plen.	Both			Comm.	Both	Plen.	Plen.	Both	Plen.	Comm.		Plen.	Neither
30. Control of the defence budget by programmes	Both		Neither	Plen.	Both	Comm.			Comm.	Plen.	Comm.	Comm.	Comm.		Comm.	Plen.	Neither
31. Control of the defence budget by projects	Neither		Neither	Plen.	Both	Comm.			Neither	Plen.	Comm.	Comm.	Comm.		Comm.	Plen.	Neither
32. Control of the defence budget by line-items	Neither		Neither	Plen.	Comm.	Comm.			Comm.	Plen.	Comm.	Comm.	Comm.		Comm.	Plen.	Neither
33. Has the right to approve or disapprove any supplementary defence budget proposals	Both	Comm.	Plen.	Plen.	Both	Comm.		Plen..	Both	Plen.	Plen.	Both		Plen.	Both	Plen.	Plen.

## PART E: Powers Concerning Peace Missions

Does the Committee on Defence and/or the Plenary approve the following aspects of peace missions?

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NLD	NOR	POL	POR	SPA	TUR	UK
34. Participation in peace missions before the troops are sent abroad?	Neither	Neither	Both	Both	Neither		Neither		Both	Neither	Both	Plen.	Comm.	Neither	Neither	Plen.	Neither
35. The mandate	Neither	Neither	Both	Both	Neither	Both				Neither	Both	Neither	Neither	Neither		Neither	Plen.
36. Budget		Neither	Both	Plen.	Neither	Both			Both	Neither	Both	Plen.	Neither	Neither	Plen.	Neither	Plen.
37. The risks for military personnel involved	Neither	Neither	Neither	Both	Neither	Both				Neither	Both	Neither	Neither	Neither	Neither	Neither	Neither
38. Rules of engagement	Neither	Neither	Neither	Both	Neither	Comm.				Neither	Both	Neither	Neither	Neither	Neither	Neither	Neither
39. Command/control	Neither	Neither	Neither	Both	Neither	Com.				Neither	Both	Neither	Neither	Neither	Neither	Neither	Neither
40. The duration of the peace mission	Neither	Neither	Both	Both	Neither	Both				Neither	Both	Neither	Neither	Neither	Neither	Neither	Neither
41. The committee members have the right to visit the troops on missions abroad	Comm.	Both	Com.	Comm.	Comm.	Comm.	Comm.		Comm.	Neither	Comm.	Comm.		Neither	Comm.	Neither	Comm.

## PART F: Powers Concerning Procurement

### Powers of Committee on Defence and/or the Plenary

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NLD	NOR	POL	POR	SPA	TUR	UK
42. The Minister of Defence is obliged to provide the Committee/Parliament with detailed information on procurement decisions above ... EUR (or USD)	Neither	Neither	Neither	Neither	Neither	Comm € 25 Mill			Neither	Neither	€ 50.000	Comm. € 0.8 Mill	Comm.		Neither	Neither	Comm.
43. The Committee/Parliament decides all contracts above ... EUR (or USD)	Neither	Neither	Neither	Neither	Neither	Comm € 25 Mill			Neither	Neither	€ 50.000	Comm.	€ 28 Mill		Neither	Neither	Neither
44. The Committee/Parliament is involved in specifying the need for new equipment	Neither	Comm.	Both	Neither	Both	Comm.			Neither	Neither	Comm.	Neither	Neither		Neither	Neither	Neither
45. The Committee/Parliament is involved in comparing and selecting a manufacturer and product	Neither	Neither	Both	Neither	Neither				Neither	Neither	Comm.	Comm.	Neither		Neither	Neither	Neither
46. The Committee/Parliament is involved in assessing offers for compensation & offset	Neither	Neither	Both	Neither	Neither				Neither	Neither	Comm.	Neither	Neither		Neither	Neither	Neither







# Annex II

## NATO's Developing Partnerships

Rasa Juknevičienė (Lithuania), Rapporteur,  
Sub-committee on NATO Partnerships,  
NATO Parliamentary Assembly

NATO Partnerships, initiated after the end of the Cold War, are among the greatest success stories of the Alliance. These formal relations, upon which the Allies have embarked, have been part and parcel of the profound transformation of the Alliance. NATO Partnerships reflect the transition from a body whose primary function was the territorial defence of its member countries to a highly flexible security organisation able to project security and stability beyond its borders. The Sub Committee has addressed NATO Partnerships in previous reports and continues to monitor developments in this area. This short report takes stock of NATO's current partnerships and makes some suggestions for their further development.

### The Origins of Partnerships

The Alliance has engaged in structured co-operation with partner countries since the end of the Cold War. Since 1991 it has established five different partnership concepts focused on dialogue, co-operation, reform and education. In addition to the NATO-Russia Council (NRC) and the distinctive NATO-Ukraine Partnership, NATO Partnerships also include the Mediterranean Dialogue (MD) and the Istanbul Co-operation Initiative (ICI). But NATO's most successful practical partnership is without doubt the Partnership for Peace (PfP) and its political framework, the Euro Atlantic Partnership Council (EAPC), which currently includes 23 partner countries. NATO's engagement with partners covers a vast geographical area and a broad range of topics, bringing together countries that share similar interests but at the same time maintain their specific needs.

The concept of partnerships developed after 1991 served NATO as a political tool for maintaining stability in a dramatically changing security environment. Moreover, the concept of partnerships and the increasing number of corresponding instruments have prevented the emergence of new dividing lines between NATO member states and their neighbours. Partnerships that have evolved since its creation reflect NATO's adaptation to a new security development, and today they represent a crucial aspect of NATO's contribution to security and stability in the Euro-Atlantic area and beyond. As a result, NATO's

Strategic Concept of 1999 recognises partnerships as one of the fundamental security tasks of the Alliance. It is important to note that partnerships are not a one-way street where participating nations simply benefit from the assistance they receive from the Alliance. Rather, NATO partner countries have contributed troops to vital NATO missions in the Balkans and in Afghanistan, effectively easing the burden-sharing issues in many operations.

In 1991, after the end of the Cold War, NATO created the *North Atlantic Co-operation Council* (NACC) as a means of reaching out to the countries that had been members of the Warsaw Pact, as well as to the new states that succeeded the Soviet Union. NATO's initial goals were not only to promote security dialogue and co-operation but also to help the newly independent states build a democratic environment and modernise their armed forces. As such, NATO Partnerships have promoted and accelerated the transformation processes in Central and Eastern Europe on the military as well as on political, economic and, to a degree, societal level.

The *PfP* programme, established in 1994, included more partners and a wider range of defence co-operation, including interoperability and defence reform. As PfP expanded the scope of partnerships beyond the more limited approach of the NACC, NATO Allies and Partners established the *Euro-Atlantic Partnership Council* (EAPC) which added a political framework to the PfP's practical co-operation, thus bringing together 26 Allies and 23 Partners. Currently, the EAPC provides the political framework for the planning, execution and political oversight of NATO-led PfP activities. Thirteen of the 18 non-NATO contributing nations participating in NATO-led operations are EAPC members.

## NATO's Current Partnerships

The PfP programme provides a framework for direct bilateral co-operation between individual Partner countries and NATO. It enables partners to build up individual relationships with the Alliance, choosing their own priorities for co-operation as well as the level of engagement. A new bilateral mechanism was introduced at the 2002 Prague Summit in the form of *Individual Partnership Action Plans* (IPAPs), which further deepened relations and strengthened NATO's support for Partner countries, among others by facilitating the co-ordination of bilateral assistance provided by individual Allies and Partner countries. All the different PfP programmes are value-based, aiming at enhancing internal democratic reforms, including the difficult task of bringing security services and military establishments under effective democratic control. However, it is the Partner countries themselves that decide on the level of their participation. Some of them participate in the full range of activities available, while others are more reluctant to engage in programmes—such as IPAP—which are more challenging in terms of internal reforms.

Formal NATO-Russia relations were established in 1991, when Russia joined the NACC. In 1994 Russia also joined the PfP, and in 1996 it asked to join NATO's newly established Stabilization Force (SFOR) operation in Bosnia-Herzegovina. The *NATO-Russia Founding Act*, signed in 1997, formed the basis for closer NATO-Russia relations that led to the development of an institutionalised bilateral programme of consultation and co-op-

eration under the Permanent Joint Council (PJC). However, the PJC did not live up to its full potential, partly due to an enduring lack of trust after the end of the Cold War. Moreover, differences over NATO's 1999 Kosovo air campaign also negatively impacted NATO-Russia relations. Yet, in 2002, following Russia's participation in SFOR/IFOR and the Kosovo Force (KFOR), as well as the 9/11 terrorist attacks, and in recognition of common interests and the need for co-ordinated action to respond to common threats, the Allies and Russia established the NRC. This Council further deepened the co-operation between the Allies and Moscow, particularly concerning the fight against terrorism that remains a key area of concern for the partnership, especially after the tragic 2004 events in Beslan.

On a practical level, primarily regarding military-to-military co-operation, the NATO-Russia relationship has been successful. Russia has contributed to Operation Active Endeavour (OAE), NATO's counter-terrorism operation in the Mediterranean under Article V, and other activities, including a joint NATO-Russia exercise related to Theatre Missile Defence (TMD) conducted successfully in January 2008 in Germany, the fourth of this kind since the launch of the NRC. An important activity agreed upon by NRC foreign ministers is the Project for Counter-Narcotics Training of Afghan and Central Asian personnel. To date, the programme has allowed more than 450 officers from Afghanistan and Central Asian countries to advance their professional qualifications by benefiting from the joint expertise of instructors from NATO members as well as Russia and Finland, which joined the project as donors in 2007. At the NRC Bucharest Summit in April 2008, Russia offered the possibility of land transit through its territory of non-military cargo dispatched in support of NATO's ISAF mission in Afghanistan. Regrettably, following the war in Georgia, Russia suspended the remaining activities for 2008 thereby putting the future of the military-to-military co-operation into question.

Even though it is considered to be a useful forum for frank and open exchanges with Russia, the NRC has not lived up to expectations. Moreover, following Russia's actions in Georgia in August 2008, Allied Foreign Ministers decided that 'business as usual' was no longer an option in relations with Russia, and that NATO needed to consider seriously the implication of those events on the current state of NATO-Russia relations. While this process is ongoing, and until Russia has fully implemented the agreements of 12 August and 8 September brokered by the EU Presidency, the Allies have decided not to meet with Russia at the ambassadorial level in the NRC. Russia is also conducting a similar review of its relations with NATO and has announced that it would suspend military co-operation with NATO. Relations deteriorated even further following Russia's recognition of the independence of Georgia's breakaway regions of Abkhazia and South Ossetia, a move which the Alliance strongly condemned. Additionally, continued differences over a number of issues, such as the independence of Kosovo; Moscow's temporary suspension of the Conventional Forces in Europe (CFE) Treaty; the plan to deploy parts of the comprehensive US anti-missile system in the Czech Republic and in Poland; and NATO's open door policy, especially with regard to Georgia's and Ukraine's membership aspirations, have further limited progress in NATO-Russia relations.

The *NATO-Georgia Commission* was established on 15 September 2008 as a consequence of the short war between Russia and Georgia in August. The Commission monitors and supports Georgia's relationship with the Alliance as it pursues its path to future membership as pledged at the 2008 Bucharest Summit. Moreover, it co-ordinates allied support for Georgia's recovery from the recent conflict. Tbilisi already joined the PfP programme in 1994, concluded the IPAP with NATO in 2004, and launched the so-called Intensified Dialogue in September 2006.

NATO-Ukraine relations date back to 1991, when Ukraine joined the NACC. Since then, the relationship has continued to expand and deepen as reflected by a series of agreements that have been signed: the PfP membership in 1994; the establishment of NATO Ukraine Charter in 1997; the creation of the *NATO-Ukraine Commission* (NUC) in 2002; adoption of the NATO-Ukraine Action Plan; and the Intensified Dialogue launched in 2005. These projects aim to support Ukraine's reform efforts on the road towards full integration in the Euro-Atlantic security structures. Ukraine has also proved to be an important contributor to Euro-Atlantic security within the framework of NATO-led operations.

Ukraine participates in the Intensified Dialogue with NATO, and its government has applied for NATO membership. Although its defence spending is rather low, Kyiv is the only Partner country which contributes to all NATO operations. However, a number of shortcomings – including sluggish implementation of reforms, the lack of public support of NATO membership and limited knowledge of the Alliance have prevented development of deeper relations. Moreover, Ukraine needs to make further progress in terms of civilian control of the armed forces, particularly the Interior Ministry troops. Kyiv needs to build support among the Ukrainians for NATO membership, which requires significant improvements in its communication and education policy concerning Euro-Atlantic co-operation. However, continuing divisions among the country's political elites make a major change unlikely in the short term, particularly after the recent government crisis.

The events in Georgia have highlighted the role of the Republic of Moldova, situated between NATO member state Romania and NATO aspirant Ukraine. Moldova joined the PfP in 1994, as the second CIS country after Ukraine, and agreed on an IPAP in 2006. While Moldovan neutrality is enshrined in its Constitution, the current government has signalled an interest in closer co-operation with NATO. The Republic of Moldova participates in different peacekeeping operations, including Iraq, together with other NATO countries. However, it also suffers from a 'frozen conflict,' as Trans-Dniester broke away from Moldova after the collapse of the Soviet Union, and one-third of its people hold Russian passports. While Chisinau has offered Trans-Dniester broad autonomy, Moscow's recognition of South Ossetia and Abkhazia as independent states has encouraged Trans-Dniester's separatists.

In recognition of the fact that Euro-Atlantic security is closely linked to security and stability in the Mediterranean, the North Atlantic Council initiated NATO's *Mediterranean Dialogue* (MD) programme in 1994. As a co-operative security arrangement, the MD involves Algeria, Egypt, Jordan, Morocco, Tunisia, Mauritania and Israel. There has been significant progress within the framework of the partnership since the Istanbul and Riga Summits, as

political consultations with Partners have gained in frequency and substance, and practical co-operation has increased. For example, several MD countries are also contributing to Operation Active Endeavour (OAE), and Israel and Egypt have signed individual co-operation agreements with NATO.

In the wake of the 2001 terrorist attacks and the realisation of the need to foster stability in the broader Middle East area, Allied Heads of State and Government launched the *Istanbul Co-operation Initiative* (ICI) at the June 2004 Summit. Thus far, four countries—Bahrain, Qatar, Kuwait and the United Arab Emirates (UAE)—have joined the Initiative. Based on the principle of inclusiveness, the initiative is open to all interested countries of the broader Middle East region that support its goals, including the fight against terrorism and the proliferation of weapons of mass destruction (WMD).

In addition to the above-outlined formal relations, the Alliance also co-operates with a number of countries that are not part of established institutional frameworks. Countries like Australia, Japan, South Korea and New Zealand share similar strategic concerns and key Alliance values. They provide significant contributions to NATO-led operations and offer value added to NATO activities in other ways. The Alliance's increasing engagements 'out-of-area,' e.g. in Afghanistan and Darfur, have amplified both the need and the opportunities for enhanced interaction with the established Western Pacific democracies.

NATO's Partners differ in terms of geography, politics and military capabilities. Some are interested in closer political as well as military co-operation and have expressed their interest in joining the Alliance. Others prefer military and, to varying degrees, political collaboration, but are not applying for membership in the Alliance. The main political motivation is a desire for experience, advice and assistance from NATO countries to improve the capabilities of their armed forces. For example, NATO's Central Asian partners in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are not necessarily predisposed towards Western political ideas or values, but they are eager to build up the necessary military infrastructure in order to combat terrorism, religious extremism and drug trafficking. Also, they want to strengthen the security along their porous borders. As they are not pursuing alliance membership, NATO has less leverage to encourage military and political reforms in these countries than it has in the Western Balkans or in the Caucasus. For Central Asia, co-operation with NATO provides a level of assistance that mainly involves a direct transfer of military aid and equipment. In addition, co-operation with NATO offers an enhanced sense of international legitimacy and credibility, which can be very useful for attracting foreign direct investment.

There is a growing strategic interest in Central Asia, primarily because of NATO's role in Afghanistan, but also because of the region's geo-strategic location and its increasing relevance with respect to energy resources. Russia's recent military intervention in Georgia has further underlined the importance of this region. While China's influence in the region is increasing, their relations with Russia remain a 'first-tier priority' for Central Asian countries. From that perspective, a formalised relationship with NATO allows them to conduct a 'multi-vector policy' which gives them some leverage in relations with Russia. NATO should therefore continue, and where possible deepen, such co-operation, but it must make it

clear that this is not directed against Russia. However, it must be noted that the weak human rights record of some Partner countries pose the risk that NATO's engagement could become associated with the repressive tendencies of those regimes. Therefore, the Alliance needs to proceed carefully in such cases and should emphasise common values more strongly.

## **NATO's Open Door Policy**

NATO's Open Door policy is an extension of the existing partnership programmes. Ten former EAPC Partner countries have become NATO member states since 1991. The process of NATO enlargement has substantially contributed to security in Central and Eastern Europe: the membership incentive encouraged candidate countries to co-operate with neighbours as well as to undertake profound reforms in the military, political, economic and civil spheres.

Obviously, the accession of new countries must not only improve the security of the aspirants, but must also strengthen the security of the Alliance as a whole. NATO's doors remain open, and at the Bucharest Summit members agreed that Ukraine and Georgia will eventually join NATO. However, in the view of the Rapporteur it was a mistake that these countries did not receive an invitation to participate in the Membership Action Plan (MAP) last April.

Participation in the MAP would help encourage positive political trends in both countries. Georgia and Ukraine have, in recent years, experienced political instability, and some critics have expressed concern about the fragility of their democratic institutions. However, the Georgian government would be more likely to devote greater attention to the 'frozen conflicts' in Abkhazia and South Ossetia, if faced with a realistic prospect of joining NATO. Georgia and NATO engaged in an Intensified Dialogue in 2006, and more than 70% of the Georgian population voiced support for eventual NATO membership in a referendum earlier this year. The World Bank recently gave Georgia high marks for economic reforms and anti-corruption efforts. However, Russia remains adamantly opposed to a closer relationship between Georgia and the Alliance, and Russian Foreign Minister Lavrov warned that Moscow would oppose Georgia's membership in NATO in every possible way. In fact, as retaliation against the Georgian effort to join the exclusive club, Russia decided to intensify its link with the two separatist regions, a step that—as the NATO Secretary General pointed out urging Russia to reverse such measures—undermines the sovereignty of Georgia.

The desire of Ukraine and Georgia to come closer to NATO should be encouraged by the Alliance. The MAP is a logical extension of the Intensified Dialogue in which they already take part. However, it must be understood that their participation in the MAP would not be tantamount to 'fast track' membership, but that this would depend on continued and improved efforts to meet the criteria for joining the Alliance as well as the consensus among NATO members. Although Ukraine and Georgia have made considerable progress towards meeting NATO standards, further work needs to be done. For example, additional reforms in Georgia are necessary, particularly with regard to its politicised judicial system.

That said, given the recent events, Georgia is a litmus test for NATO's credibility, and it would be detrimental to NATO's standing if Tbilisi could not count on measurable benefits from being a NATO Partner. NATO Foreign Ministers should therefore invite Ukraine and Georgia to participate in the MAP at their next meeting in December.

At the Bucharest Summit in April 2008, NATO Heads of State and Government invited Albania and Croatia to begin accession talks to join the Alliance. The Rapporteur regrets that the former Yugoslav Republic of Macedonia\* has not received the invitation due to the lack of consensus among Alliance members regarding its name. The former Yugoslav Republic of Macedonia has actively participated in the MAP process for over six years, and it has made great strides towards reforming its political system, its economy and its military. It has also been successful in building an integrated, multi-ethnic society after the end of the Balkan Wars in 1999. However, the Rapporteur commends NATO's declaration that an invitation to the former Yugoslav Republic of Macedonia will be extended as soon as a mutually acceptable solution to the dispute is reached. Given the turbulence that followed Kosovo's declaration of independence, a membership invitation to the Former Yugoslav Republic of Macedonia would underscore NATO's continued commitment to the security and stability of South Eastern Europe.

## Developing Partnerships

At the Bucharest Summit, NATO Heads of State and Government decided to deepen the existing Partnerships. Partnerships and membership are inevitably linked, and the Rapporteur welcomes the decisions made. Regarding the continuation of NATO's Open Door policy, the Rapporteur notes that in addition to Ukraine and Georgia the countries of the Western Balkans, including Serbia, are prospective members of the Alliance. In Bucharest, Montenegro and Bosnia and Herzegovina were invited to start an Intensified Dialogue with NATO and the Alliance reiterated its willingness to deepen its collaboration with Serbia. One can thus assume that Bosnia and Herzegovina, Montenegro and Serbia will join the MAP and embark on the road to NATO membership at some point. NATO should grant all Central and Eastern European countries a chance to join Euro-Atlantic institutions.

Some critics have argued that NATO Partnerships are not harmonized and thus require a fundamental reform. Others have suggested that NATO lacks 'an overall vision or strategy' concerning the MD and the ICI, and that the Alliance has not capitalised on 'strategic openings' in this region. It has also been suggested that NATO should establish a formal, overall framework that would combine partnerships under one umbrella in recognition of both its formal and informal Partners' important contributions to NATO-led operations.

However, there is no agreement among the Allies with regard to the creation of such a global framework for Partners. Some point out that many of NATO's new strategic challenges emerge from outside the Euro-Atlantic area and require NATO's engagement in potentially unstable regions of the world. They argue that NATO as an organisation needs to build strategic relationships in new and important regions. Others, however, stress that

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\* Turkey recognizes the Republic of Macedonia with its constitutional name.

NATO should focus on its core business because its engagement with far-away Partners might require the Alliance to meet military commitments outside its sphere of responsibility. But more importantly, NATO's engagement in Partnerships has primarily been 'demand driven:' it is precisely the Partner countries that have expressed the wish to maintain their distinctiveness and an individual relationship with NATO. From an operational point of view, as their military, financial and other contributions are important and ease the burden on NATO Allies in Afghanistan and elsewhere, it is only fair to give them a voice in the decision-making process for the operations, to which they contribute, and the Alliance should, therefore, consider how it can enhance information sharing and consultations with partners.

One area where progress is urgently needed is the NATO-Russia relationship. While there can be no real stability and security in the Euro-Atlantic area without Russia's co-operation, Moscow's international standing has suffered as a result of its intervention in Georgia. Russia's role is now less clear: it is seen as a partner in some areas, a competitor in others, and sometimes as a rival. Its neighbours, including those in the CIS, have become much more suspicious of Moscow's intentions. It cannot be excluded that the Russian intervention in Georgia will lead to increased tensions with other CIS countries that have significant Russian populations or large numbers of Russian citizens, particularly Ukraine, Kazakhstan, and Belarus.

The restoration of the NATO-Russia relationship will require considerable efforts from both sides. In the short term, Moscow must fulfil its commitments stemming from the agreements of 12 August and 8 September brokered by the EU Presidency. Russia's standing with the Allies, but also within the international community in general, will be strongly influenced by its future policies and its willingness to abide by international standards and agreements. Rebuilding confidence between the Alliance and Russia will not be easy as there are a number of areas where the two do not see eye-to-eye. Moscow wants to stop further eastward enlargement of the Alliance and to limit closer co-operation between NATO and the CIS countries which Moscow sees as an erosion of its own influence. However, we must not forget what NATO Allies and Russia have already achieved in their relationship and that, despite differences, they share many strategic priorities and face common challenges.

Another area where strong, vigorous efforts are necessary to deepen the existing Partnerships is Central Asia, whose strategic importance has markedly increased since the 9/11 terrorist attacks. Therefore, NATO should enhance its activities as well as its representation in Central Asia and the Caucasus. The EAPC will remain the substantive forum for political discussions with Partner countries, particularly, but not only, with those of the Caucasus and Central Asia. NATO should continue to develop this framework gradually by devising new initiatives, including, for example, increasing the integrity of defence institutions. NATO Partnerships should also add more emphasis to the regional dimension of security whenever possible, particularly in Central Asia and the South Caucasus. As for the PFP, it remains a centrepiece of NATO Partnerships and the Alliance should continue to support the engagement of all interested Partners in the Euro-Atlantic area in programmes aiming at reforms in the defence and other areas, including the IPAPs.

The new security environment also demands that NATO further strengthens its relations with the MD and the ICI Partners. As for the ICI, the four participating Gulf Co-operation Countries (GCC), Bahrain, Kuwait, Qatar and the UAE, have also expressed an interest in NATO training and education activities. Moreover, the Alliance plans to develop existing liaison arrangements with the countries of that region on a voluntary basis. A next step should be to initiate ICPs with ICI countries, which would create a better structure for the current co-operation. In Bucharest, NATO approved proposals for a structured co-operation framework to develop its long-term relationship with Iraq, and it continues to develop Iraq's capabilities to address common challenges and threats. The main weakness of the ICI and the MD is the fact that the countries involved do not perceive that the programmes address their main security concern, namely the Israeli-Palestinian conflict. There is a misperception in these countries that NATO is an instrument of America's foreign policy, and this continues to limit the ability of these countries to co-operate with the Alliance. NATO therefore needs to increase its public diplomacy efforts in these countries and explain what it is and what it stands for. The Rapporteur also wants to stress the very valuable contribution that NATO PA, particularly the Mediterranean and Middle East Special Group (GSM) and this Sub Committee, offers in reaching out to the countries of the Persian Gulf. NATO should increase its co-operation with the Assembly in this field.

Finally, NATO needs to strengthen co-ordination with other national and international players, particularly the United Nations and the EU. Although there is a general consensus that NATO-EU co-operation needs to be improved, little progress has been achieved. With regard to Partnerships, it is highly regrettable that NATO and the EU have not developed a coherent division of labour. The EU's approach to the countries of Central Asia still remains inconsistent with that of NATO. The two organisations send ambiguous, sometimes even contradictory, signals. This is even more incomprehensible as 19 of the 27 EU member states are also members of the Alliance. NATO and the EU must improve their co-operation and co-ordination in order to achieve a truly strategic partnership that avoids unnecessary duplication of efforts and allows for greater efficiency. Your Rapporteur, therefore, calls upon the parliaments of (European) NATO member countries to use all means available to make this happen.

## Conclusions

The war in Georgia has an impact on NATO's partnership policy beyond its bilateral relationship with Moscow. The so-called 'frozen conflicts,' which can easily escalate, must be addressed more urgently. Even though there is no direct role for the Alliance in solving these conflicts, NATO partnerships can assist in addressing them on a political-diplomatic level by developing confidence-building measures. The role of partnerships should also be strengthened in the revision of NATO's Strategic Concept.

NATO Partnerships will develop further, and they will continue to make meaningful contributions to the security and stability in the Euro-Atlantic area and beyond. Moreover, the Alliance also benefits from the added value that individual Partner countries bring to NATO-led missions. Seventeen Partner nations are contributing forces to NATO-led opera-

tions, while many others provide alternative forms of support. As Partnership programmes are 'demand driven,' the future of Partnerships will heavily depend on the current and prospective Partners themselves. Therefore, the Allies and NATO as an organisation, will 'react' to those demands. But the Allies also need to make improvements on the 'supply side,' i.e. by reducing existing redundancies and by increasing training and education that need to be tailored according to the needs of current and future Partners. As mentioned above, one key resource still remains untapped: the co-operation between NATO and the EU. The reintegration of France into NATO's military command and the scheduled updates of NATO's Strategic Concept and of the European Security Strategy, provide an opportunity to devise a general political framework for close NATO-EU co-operation that must not be missed.

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# Annex III

## Democracy and Security in Central Asia: What Policy for NATO and the EU?

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### Introduction

Central Asia, which traditionally comprises Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan, has in recent years been the subject of growing interest in the West, arising in part from a realization of the region's critical position in relation to current global security concerns: energy security, the global fight against terrorism and religious extremism, operations in Afghanistan, the efforts to combat nuclear proliferation and to prevent various forms of trafficking. Furthermore, with the recent enlargements of the European Union and NATO, Central Asia becomes a priority arena for the efforts aimed at ensuring stability at the frontiers of Europe.

At the same time, the EU and NATO find themselves facing a major challenge in their relations with the states of Central Asia. Whereas the two organisations are able, to a significant degree, to influence reforms in the states of the Balkans or the South Caucasus, where the prospect of future accession is a crucial factor, 'the carrot of enlargement' does not seem to work in the case of Central Asia. These states have generally demonstrated an interest in the advantages and expertise that the EU and NATO can offer them in the economic sphere or that of security, but it is much more difficult for these organisations to promote in-depth political change that would lead these states to establish genuinely free and democratic institutions.

The dilemma of how the EU and NATO are succeeding (or not) in reconciling their security interests in Central Asia on the one hand and promoting democracy on the other hand is a central theme of this report. The report will firstly examine the governance models chosen by the states of the region and describe the outcome of the political transitions in Central Asia. It will then turn to the policies pursued by NATO and the EU in the region

and the importance they attach to the promotion of democratic governance. The last section lists some principles that might form the basis of a consistent and coordinated transatlantic policy in Central Asia.

The NATO Parliamentary Assembly (NATO PA) has devoted several of its earlier publications to Central Asia. This Rapporteur would like to mention, in particular, the reports of Mr. Vitalino Canas, General Rapporteur of the Committee on the Civil Dimension of Security in 2005, 'NATO and Kazakhstan' [165 CDS 05 E], and of Rafael Estrella, Rapporteur of the Sub-Committee on NATO Partnerships, 'NATO and Central Asian Security' [175 PCNP 06 E], the excellent Rose-Roth seminar entitled 'Security in the Caspian region,' organised in Azerbaijan in March 2008, and the visit by José Lello, the President of the NATO PA, to Kazakhstan in June 2008.

## Democratic Governance in Central Asia: Assessment and Challenges

### The Post-Soviet Transition in Central Asia: Common Features and Challenges

A feature of the early 1990s in Central Asia was the concern of the authorities in place to assert the national and state identity of the new entities that had emerged from the break-up of the Soviet Union. The Central Asian republics are, in fact, recent creations. As brilliantly explained in 'The New Central Asia,' a book by Olivier Roy, Research Fellow at the *Ecole des Hautes Etudes en Sciences Sociales* in Paris, the identity of the populations of Central Asia, which goes back to the confluence of Persian and Turkic influences in the 14th century, does not relate historically to their belonging to a particular ethnic or linguistic group. Rather, up until the modern period, it was infra-ethnic, 'clan'-based identities (tribal, regional, religious, family, socio-economic, etc.) that distinguished the different groups present on the territory of Central Asia. As a result of the Russian conquest of Central Asia and Soviet nationalities policy, a sentiment of national identity progressively emerged among the local populations. Fearing the development of a pan-Islamic movement in Central Asia, which would undermine Moscow's rule, the Soviet authorities created new administrative divisions which, at the end of the 1930s, became the five republics that we know today. This strategy progressively turned against Moscow as a common identity began to develop in the republics of Central Asia based, in part, on anti-Russian and anti-Slavic solidarity.

The five republics proclaimed their independence in the period between August and December 1991. Independence was achieved peacefully, with the striking exception of Tajikistan, which suffered a terrible civil war. Furthermore, the transition took place under the control of the elites already in place at the moment of independence, with elections being organised rapidly in order to confirm their authority. The local communist parties evolved into presidential parties. The overriding priority of the authorities immediately after independence was to consolidate national and state identity, and this need served to justify the installation of relatively similar autocratic regimes in the five republics. New constitutions were drawn up in the early years of independence putting in place an apparent separation

of powers. In reality, they concentrated the main powers in the hands of a strong president. Regular elections since that time have aimed to confirm the democratic legitimacy of these authorities, but political pluralism is very limited and circumscribed. Recent times have seen a consolidation of power around a single or dominant party, even in the states where there was formerly a degree of plurality (Kazakhstan, the Kyrgyz Republic). Other common features of these regimes include the role played by the regional clans in political life, which is often more important than that of the political parties themselves; the monopolization of economic resources by dominant elites; rampant corruption; and restricted civil liberties. Nonetheless, there are substantial differences between the regimes established in the various states, as the following sections will show.

As they attained independence, Central Asian states have also faced a number of challenges, linked *inter alia* with defining national identity, with national security and with economic development. The exposition below gives a quick overview of these various challenges, which arise in a more or less acute form in all the states in the region.

Two important questions may be mentioned with regard to defining the foundations of national identity in newly independent states in Central Asia: the place of ethnic minorities and the role of religion. The history of the region, forged by successive waves of migration, as well as the borders drawn during the Soviet period, have resulted in the creation of territories with highly heterogeneous populations. The most homogeneous populations are found in Turkmenistan, Tajikistan and Uzbekistan. Kazakhstan, on the other hand, is made up of over 100 different ethnic groups. Moreover, several ethnic groups in the majority in one country form substantial minorities in neighbouring states.

#### Ethnic Groups in Central Asian States

**Kazakhstan** (source: Ministry of Foreign Affairs):

Kazakhs 51.8%, Russians 31.4%, Ukrainians 4.4%, Tatars 1.7%, Germans 1.6%. Over 100 different ethnic groups in all.

**Kyrgyz Republic** (source: 1999 census):

Kyrgyz 64.9%, Uzbeks 13.8%, Russians 12.5%, Dungans 1.1%, Ukrainians 1%, Uighurs 1%, others 5.7%.

**Uzbekistan** (source: 1996 official estimates):

Uzbeks 80%, Russians 5.5%, Tajiks 5%, Kazakhs 3%, Karakalpaks 2.5%, Tatars 1.5%, others 2.5%.

**Tajikistan** (source: 2000 census):

Tajiks 79.9%, Uzbeks 15.3%, Russians 1.1%, Kyrgyz 1.1%, others 2.6%.

**Turkmenistan** (source: 2003 census):

Turkmens 85%, Uzbeks 5%, Russians 4%, others 6%.

Note: official statistics should be used with caution, because ethnic affiliation is sometimes a source of controversy and is used for political purposes.

Although the new constitutions are generally based on the concept of citizenship, in reality one corollary of the consolidation of new nation states has been the strengthening of the position of the dominant ethnic group. Furthermore, Muslim minorities were frequently assimilated into the dominant group, while other groups (notably Slavs) found themselves at a disadvantage. Nevertheless, some states have set up institutional mechanisms for the representation of minorities, such as the Assembly of the Peoples of Kazakhstan. Ethnically-based tensions and violence are not unknown in the region and are sometimes exacerbated by differences in the socio-economic condition of the various ethnic groups. However, it is important to note that these tensions have not given rise to territorial claims. Uncertainties remain, nonetheless, regarding the delimitation of certain borders; for instance, the dispute between Kazakhstan, Turkmenistan and other riparian countries over the delimitation of the Caspian Sea bed still needs to be resolved.

Governments in the region have also had to redefine the place of religion in the new states. The predominant religion in Central Asia is Sunni Islam. In the latter years of the Soviet era the region experienced a religious awakening, which has accelerated since independence. Islam is present in some very different forms – official religious authorities, local mullahs, foreign religious groups, radical Islam; its role is thus multifarious and sometimes difficult to define precisely. Islam has certainly carved out a place for itself within the political elite, who saw it as an additional means of consolidating national identity. At the same time, Islam has also become a significant social force, providing a support network for the populations that have fallen victim to the economic transition and corrupt regimes. In these closed political regimes, where the official opposition is strictly controlled, it may have appeared as the only organised social force capable of providing an alternative to the established power. Nevertheless, only Tajikistan has experienced the rise to power of an openly Islamic party. By contrast, Turkmenistan and Kazakhstan adopted secular constitutions.

Furthermore, the states of the region have had to deal with the emergence of a radical Islam, which combines local roots and foreign influence, and whose geographical centre is the Ferghana Valley – the meeting point of the Kyrgyz Republic, Tajikistan and Uzbekistan. In response, they have, in general, adopted a repressive policy—of which the extreme example is that of Uzbekistan—which defines the threat in very broad terms. The question of religious extremism has become a national security issue, and likewise a question of border protection. It has sometimes created tensions between neighbouring states. Thus, the attacks launched in 1999 and 2000 by the Islamic Movement of Uzbekistan, from Afghanistan and Tajikistan, led Uzbekistan to take unilateral measures to protect its territory, including the mining of part of its border with Tajikistan. Similarly, the Uzbek government has accused the Kyrgyz authorities of allowing into the country *Hizb-ut-Tahrir* militants fleeing from Uzbekistan after the events in Andijan in May 2005, when troops opened fire on a crowd protesting against the jailing of a group of businessmen charged with religious extremism, gunning down hundreds of civilians.

#### The Principal Radical Islamic Movements in Central Asia

The *Islamic Movement of Uzbekistan* (IMU) was regarded as the principal threat at the end of the 1990s, particularly in Uzbekistan. Enjoying outside support and rear bases in Afghanistan and Pakistan, it committed inter alia a series of violent attacks in Tashkent in 1999. Today its actual strength is difficult to assess. Experts are generally in agreement that the IMU is very much weakened and incapable of mounting large-scale operations. However, some observers stress that the movement may revive as the situation on the Afghan-Pakistani border is deteriorating.

*Hizb-ut-Tahrir* (HT) is a radical movement advocating non-violent action. Though banned in several states in the region, it is perhaps the most influential Islamic movement there. The Uzbek government suspects the HT of involvement in the Andijan uprising and of seeking to overthrow the regime in order to set up an Islamic caliphate; much doubt has been cast on these suspicions by several Western experts.

The *East Turkestan Islamic Movement* (ETIM) is on the United Nations list of terrorist movements; it is active mainly in border areas with China and is linked to Uighur separatism.

Generally speaking, border management and protection is a major challenge for the states in the region, and the repercussions of the conflict in neighbouring Afghanistan have made this task even more difficult. Tajikistan, which shares a border of about 1,200 km with Afghanistan, is particularly vulnerable to cross-border movements of persons and illegal goods. It is also the main route for the trade in opium products from Afghanistan to Europe and Russia. Although opiate production in the five states is relatively low, the increased rate of drug trafficking in the region has led to a rise in drug consumption by the local populations.

The management of natural resources, in particular water and fossil fuels, is another challenge which the states in the region have had to face. The Kyrgyz Republic and Tajikistan both have substantial reserves of water derived from the glaciers which tower over the Central Asian plateau. Water is also used as a source of energy in both states, which are short of fossil fuels. Tensions have become apparent in the management of water resources in the region since the break-up of the Soviet Union, and the potential risk of conflict should not be underestimated. In particular, the differing needs of the five states are at the root of the problem: water needed for crops in summer in the states downstream—Uzbekistan and Kazakhstan; water needed for power generation in winter in the states upstream—the Kyrgyz Republic and Tajikistan. Generally speaking, water resources are badly managed in the region. Thus the UNDP estimates that Tajikistan's hydroelectric power production is at no more than 5% of its potential capacity.

Uzbekistan, Kazakhstan and Turkmenistan have substantial reserves of fossil fuel. However, the benefits derived from exploitation of this resource have often gone to enrich the dominant elite instead of being efficiently reinvested in the economy. Kazakhstan is an exception to this rule only in part. The country has complied with international standards regarding transparency in the mining and extraction industries. It has also adopted a long-term national strategy for economic diversification and created a national fund, which re-

ceives part of the profits of the energy industry and is used to finance development projects.

Poverty and underdevelopment linger however in parts of the region. In 2007, national income per capita ranged from \$453 in Tajikistan to \$6,252 in Kazakhstan.<sup>1</sup> In 2003 the World Bank estimated that 64% of the population of Tajikistan was living in poverty. The economic situation in the Kyrgyz Republic is hardly any better. The states rich in energy resources are, in general, better off, the more so because they also have the advantage of better conditions for agricultural production: however, many problems and inequalities remain.

The situation of women in Central Asia presents a mixed picture. Even though in practice many inequalities remain, the communist regimes were based on strict equality of the sexes in the public domain. Since independence the position of women in society has worsened somewhat in economic, social and political terms and with regard to security.<sup>2</sup> First of all, the transition period saw a marked increase in unemployment and the suppression of a certain number of essential social services. Moreover, a return to more conservative traditions, affecting rural areas in particular, was a feature of the post-Soviet period. The collective effect of these phenomena was to change, and quite often to limit, women's participation in economic activities, even though, by and large, the rate of female employment in Central Asia is still quite high. In particular there has been a reduction in the employment of women in the official economy, while more women are turning to the informal economy. Women are also more exposed to poverty, and the reduction in pensions has a disproportionate effect on elderly women.

The record shows that women's participation in political processes is also relatively low. Women hold from 15 to 17% of the seats in these national parliaments, with the exception of the Kyrgyz Republic, where they now hold a quarter of the seats, having been completely absent from the parliament in 2005. The new Kyrgyz electoral law, passed in 2007, goes even further, introducing a quota of 30% women. Uzbekistan had also introduced a 30% quota in 2004, but this is not complied with in practice. It is also interesting to note that, within civil society, groups are being organised for the defence of women's rights. Thus, it is estimated that over half of the human rights defenders in Central Asia are involved in gender issues. However, although all the states have created official institutions for the protection of women's rights and the law guarantees equal rights and non-discrimination, inequalities still exist in practice.

Reported violence against women is also on the increase. Domestic violence, forced marriages and polygamy persist, especially in the countryside. Prostitution is widespread and many women are still victims of trafficking, mainly for purposes of sexual exploitation.

Child poverty is still a serious problem in several states. Thus it is estimated that in the Kyrgyz Republic over half the children live in poverty. Child poverty is also widespread in

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<sup>1</sup> Source: *The Military Balance* (London: International Institute for Strategic Studies, 2008).

<sup>2</sup> See, *inter alia*, Asian Development Bank, *Gender Assessment Synthesis Report: Azerbaijan, Kazakhstan, the Kyrgyz Republic, Tajikistan* (August 2006).

Tajikistan, where children under 15 years of age account for 35% of the population. The rates of school enrolment in the region are relatively high, but UNDP statistics indicate a significant difference in the enrolment rate for girls between Kazakhstan and Kyrgyz Republic on the one hand and Tajikistan and Uzbekistan on the other. If this downward trend in school attendance by girls is confirmed, it is likely to reinforce the socio-economic inequalities between the sexes, which are becoming apparent. Moreover, the educational systems in the poorest states face a significant shortage of resources.

It should also be noted that official statistics regarding school enrolment do not always reflect the fact that child labour is still a problem mostly in Tajikistan and Uzbekistan. International child protection organisations have put pressure on governments in the region to acknowledge the extent of the problem and undertake to solve it. All of them have now subscribed to various international conventions against child labour and condemn these practices, at least verbally. However, they have limited resources and sometimes lack the political will to actually fight this phenomenon. In most cases it is family poverty that compels children to contribute to the household income. Thus, UNICEF estimates that 200,000 children under the age of 15 are working in Tajikistan. Many children are used, in particular, for harvesting cotton, an important source of revenue in several states in the region. The situation in Uzbekistan, where the practice is almost institutionalised, is the greatest cause for concern.

The child protection organisations also stress that trafficking in children is still a problem in several states in the region, as well as, more recently, the recruitment of children by religious extremist movements. Although governments in the region have developed programmes for the protection of children, the resources available often remain very limited.

Over and above, despite common characteristics and challenges of the transition processes in these Central Asian states, the progress of political reform differs significantly from one state to the next. The following sections review the situation in each of them.

### **Kazakhstan**

It is undeniable that Kazakhstan has established a stable political system, which in many regards appears strikingly more open and competitive than that of certain neighbouring states. Thus, the decision of the Ministerial Council of the OSCE to grant the presidency of the organisation to Kazakhstan in 2010 recognizes the genuine efforts of the Kazakh authorities. The discussions surrounding that decision and the commitments that Kazakhstan had to undertake in return nevertheless highlight the fact that far-reaching reforms are still needed in a large number of areas: institutional framework, local autonomy,

media, human rights, participation of civil society in democratic processes, fight against corruption, etc.

The Republic of Kazakhstan proclaimed its independence in December 1991, adopting the model of a unitary republic, featuring a strong presidential regime. The current president, Nursultan Nazarbayev, has held the position since 1989. He was first elected to

Head of State: Nursultan Nazarbayev  
 Prime Minister: Karim Masimov  
 Capital: Astana  
 Size: 2,720,000 km<sup>2</sup>  
 Population (inhab.): 15.4 million  
 Density: 6 inhab./km<sup>2</sup>  
 Growth (2007): 8.5%  
 Unemployment (2007): 7%  
 Currency: Tenge (€ 0.005315)

Sources: *Bilan du Monde* (European Bank for Reconstruction and Development (EBRD), International Monetary Fund (IMF).

the presidency by the Supreme Soviet of Kazakhstan in 1991, then confirmed in his position by a series of referenda and elections. The most recent presidential election, organised in December 2005, witnessed the re-election of Nazarbayev with 91% of the votes. At that time the international observers of the OSCE Office of Democratic Institutions and Human Rights (ODIHR) suggested that, despite some improvements in the handling of the pre-electoral period, this election did not meet a number of commitments and standards relating to the organisation of democratic elections.

In the words of the Head of State himself, Kazakhstan has chosen a model of democratization based on a 'progressive approach' and the 'principle of 'first economics, then politics.'" According to this approach, which provides a real ideological anchor for the regime, in order to be established on a long-term footing, democracy requires a given level of economic development. Consequently, the economy has to be prioritised and political reforms introduced only gradually. This principle justifies the preponderance of the presidential power, which so far has characterised the political system of Kazakhstan.

In March 2006, President Nazarbayev decided to initiate a process of revision of the constitution, which resulted in a series of amendments that were adopted by Parliament in May 2007, following a particularly brief debate. These amendments reinforce some of the oversight powers of the parliament with respect to the government, as well as the role of the political parties, but they do not challenge the pre-eminent role of the president of the republic at all. While the presidential period of office has been shortened from seven to five years, the limit of two consecutive terms has been eliminated, thus entitling the current president to stand for an unlimited number of terms.

The OSCE has been critical of the new Constitution, notably with regard to the modification of the composition of Parliament. In the new Constitution, the number of deputies in the lower chamber, the *Majilis*, has increased from 77 to 107. However, if in the past they were all elected by direct universal suffrage, now nine of them are appointed by a consultative body—the Assembly of the Peoples of Kazakhstan—the members of which are, in turn, appointed by the president of the republic, who heads it. The number of senators has increased from 39 to 47, with 32 of them being appointed by the locally elected members by indirect suffrage. The remaining 15 (compared with seven before) are appointed by the president. The OSCE stresses that with the introduction of appointed deputies within the

*Majilis*, neither of the two chambers of Parliament is entirely selected by universal suffrage. Even if the stated objective of this measure is to allow representation of Kazakhstan's national minorities, the OSCE notes that other measures, more observant of democratic principles, could have brought about a similar result.

The OSCE is also critical of the new electoral law, some provisions of which are considered to be contrary to the Copenhagen principles or to create excessive distortions: freedom for the political parties not to observe the order of their list in appointing deputies, a prohibition on independent candidacies, the 7% threshold that the political parties must exceed in order to be able to be represented in Parliament, and so on.

While these reforms were introduced, the presidential party was strengthened as it absorbed several other small parties. Since the new Constitution abolished the clause that made the president an institution above the political parties, Mr. Nazarbayev was elected in July 2007 as the head of the new consolidated party, renamed *Nur Otan*.

The first parliamentary elections under the new Constitution were held on 18 August 2007. The international observers of the OSCE/ODIHR concluded in their preliminary report that 'While these elections reflected welcome progress in the pre-election process and during the conduct of the vote, a number of OSCE commitments and Council of Europe standards were not met, in particular with regard to elements of the new legal framework and to the vote count.'

Before the election, seven political parties campaigned, but only the presidential party, *Nur Otan*, which received more than 88% of the votes, succeeded in getting over the 7% threshold, thereby securing all of the seats attributed by universal suffrage. The second was well behind with 4.5% of the votes. The opposition party, *Ak Jol*, which, with a single seat, had been the only other party represented in Parliament, came in only third, with 3% of the votes.

While the reform undertaken in March 2006 may well have had the claimed objective of achieving a more balanced institutional system, in fact its implementation appears to have resulted in a consolidation of presidential power and of the control exercised by the presidential party, as well as the elimination of all parliamentary opposition. Thus, the country has gone from a situation in which the Parliament was divided between a coalition of several pro-government parties, independent deputies primarily favourable to the government, and one opposition deputy, to a parliament entirely dominated by one large presidential party. Additionally, there are no members of the opposition among the senators elected by indirect suffrage on 4 October 2008 to fill the 16 seats up for election in the Senate.

Within the context of the commitments undertaken in relation to the Kazakh presidency of the OSCE in 2010, the authorities have announced a revision of the electoral law, as well as the rules relating to the registration of political parties, by the end of 2008. Working groups have been set up to study these issues. A draft law on political parties is now before the lower chamber of Parliament. It provides in particular that no less than two political parties should be represented in the Parliament at any given time. Additionally, it is interesting to note that Kazakhstan has undertaken not to question the mandate of the ODIHR,

even though some months earlier, Astana had supported a Russian initiative to carry out a thorough review of the mandate and powers of this organisation.

The media scene in Kazakhstan is highly developed, with many different public and private information sources. Nevertheless, some problems remain. The organisations for protection of media freedom continue to complain of close links between the media and the business world, as well as the existence of legal and extra-legal obstacles to media activities; they call for complete decriminalization of media law and elimination of the special protections enjoyed by public leaders. The Kazakh authorities have announced that the media law will be reformed in 2008. That is one of the other commitments undertaken in relation to the accession of Kazakhstan to the presidency of the OSCE in 2010. Here again a working group has been set up to propose amendments to the existing legislation, and a draft law has been submitted to the lower chamber of Parliament.

There is also a large number of active NGOs in Kazakhstan. However, despite the fact that the state has put in place various official mechanisms for consultation with civil society, human rights organisations continue to report various obstacles and hindrances to NGO activities.

The future Kazakh presidency of the OSCE will be an important indicator of the authorities' political will to reform their institutions. Nevertheless, it should be stressed that the Madrid commitments, though substantial, are not exhaustive and that, in the long run, reforms would also be desirable in a certain number of other areas.

### The Kyrgyz Republic

By comparison with other neighbouring states, the Kyrgyz Republic has a highly developed culture of democratic politics, in which both parliamentary and extra-parliamentary opposition, the media and civil society represent a real opposition force. Nevertheless, the situation is still far from one of peaceful relations among these different groups, and changes in power often occur in a climate of crisis, marked by personal attacks and mass demonstrations. Recently, power has also been concentrated in the hands of the president and his allies, which calls into question some of the gains of the Kyrgyz transition.

In the early years following independence, President Askar Akayev introduced a number of liberal reforms, which allowed both a relatively active opposition and independent media to emerge. However, he also reinforced the presidential office through a series of revisions to the constitution, and in several cases annulled some liberal freedoms that had been granted. Allegations of fraud in the legislative elections in February-March 2005 resulted in the fall of an increasingly unpopular regime, following events that were given the name, perhaps a little hastily, of the Tulip Revolution. The early presidential elections of July 2005 brought to power Kurmanbek Bakiev, a former prime minister and a native of the

Head of State: Kurmanbek Bakiev Prime Minister: Igor Chudinov Capital: Bishkek Size: 199,000 km <sup>2</sup> Population (inhab.): 5.1 million Density: 26 inhab./km <sup>2</sup> Growth (2007): 8.2% Unemployment (2007-Kyrgyz Ministry of Employment): 17.7% Currency: Som (€ 0.017636) Source : <i>Bilan du Monde</i> (EBRD, IMF).
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south of the country who had resigned under Akayev, and Feliks Kulov, a popular figure within the opposition and a native of the north, who was appointed prime minister. However, the new executive accepted that the parliament that resulted from the disputed election of March 2005, which was dominated by supporters of the defeated former president, should remain in place.

Inevitably, tensions rapidly emerged between the executive and an increasingly hostile parliament, within which alliances had been formed between supporters of the former president and other opposition groups. The discontent was stoked by: a series of unpopular measures (the redistribution of assets and companies privatized by the previous regime and to agrarian reforms); by incidents (a revolt against the conditions of detention in prisons, assassinations of political personalities); and by accusations of corruption and ongoing links between the regime and organised crime. But it was, above all, the reluctance of the president to undertake the revision of the Constitution promised when he had come to power, which acted as a rallying cause for the opposition. This situation gave rise to a political and legal conundrum, punctuated by the adoption of two concurrent texts in November and December 2006, by demonstrations organised by the opposition, and by the resignation of three governments in turn. After the rejection of these first two texts by the Constitutional Court, the president decided to submit a third text, which was adopted by referendum on 21 October 2007.

The Council of Europe's Commission for Democracy through Law (Venice Commission) is highly disapproving of this text. In an opinion drawn up at the request of the Speaker of the Kyrgyz Parliament, the Commission concluded that 'In general, while there are some advances in the text as regards human rights and the independence of the judiciary, the excessive concentration of powers in the hands of the president and the lack of checks and balances give rise to serious concerns.' The experts of the Commission continued: 'Formally the Constitution establishes a semi-presidential system but in reality the powers of the president are almost unrestricted.' 'The position of the *Jogorku Kenesh* [the Parliament] is not strong enough for it to function as an effective counterweight to the powers of the president.'

Following the referendum, President Bakiev decided to dissolve the Parliament and to call early elections on 16 December 2007. The new electoral law established a proportional representation system within a single national electoral district comprising the 90 deputies of the unicameral parliament. This new system does, however, contain multiple restrictions, in particular the introduction of two separate thresholds for obtaining seats, one of 5% of the voters registered at national level and one in each of the nine regions (*oblasts*), which corresponds to 0.5% of voters registered at national level. This second threshold caused vehement dispute, with several parties pointing out emphatically that it was ridiculously high in the regions with small populations. The opposition instituted proceedings in the Constitutional Court, which disagreed with the way in which the 0.5% regional thresholds were calculated; however, this did not prevent the official declaration of the results by the Central Electoral Commission.

The preliminary report of the OSCE/ODIHR concluded that the elections 'failed to meet a number of OSCE commitments. This was despite respect for some commitments that underscore existing pluralism. [ ... ] Overall the election represented a missed opportunity.'

The elections brought victory to the *Ak Jol* presidential bloc, which was reinforced shortly beforehand by an alliance among several parties and which, with 48% of the votes, took 71 of the 90 seats in parliament. The two other parties securing seats were the Communist Party of the Kyrgyz Republic (5.12% of the votes, 8 seats) and the Social Democratic Party (5% of the votes, 11 seats). The latter is the only real opposition party in the new Parliament. Owing to the double threshold, the *Ata-Meken* opposition party, which had received 8.3% of the votes, but had not succeeded in overcoming the regional thresholds, was disqualified. The party of former Prime Minister Kulov, *Ar-Namys* (Dignity), also failed to gather a sufficient number of votes.

The post-electoral period has given rise to new disputes and accusations of fraud voiced by the opposition. Early in 2008 the opposition set up a parallel parliament and cabinet. Overall, however, the opposition was greatly weakened and divided following the elections. It also seemed to have difficulty rallying its forces again. Numerous irregularities were again reported during the local elections held on 5 October 2008.

The outcome of the Tulip Revolution is thus disappointing. The new government has appeared weak and indecisive, lacking the political will to introduce the necessary reforms. With a new constitution confirming the authority of the president and a parliament largely in the hands of the presidential party, Mr. Bakiev's power is enhanced. But to judge by the results in its first few months, Mr. Bakiev's new consolidated government does not seem to be in a better position to bring in the necessary reforms, especially in the economic field. On the contrary, the economic situation has deteriorated, with *inter alia* a serious energy crisis forecast for the winter and an appreciable increase in the price of foodstuffs. At the same time, the privatisation projects that were to have been one of the new government's priorities have been postponed. There has also been a certain retreat with respect to the protection of fundamental freedoms, with amendments to the laws on the media and on freedom of association, widely criticised by competent international bodies. In this context it is quite possible that the government may be faced with a new popular protest, such as that which had enabled Mr. Bakiev to become president.

## Uzbekistan

Although Uzbekistan's Constitution, adopted on 8 December 1992, pledges the separation of powers and respect for individual freedoms, in practice, almost all power is concentrated exclusively in the hands of the executive branch. The president is empowered to rule by decree, dissolve the parliament, and limit speech and assembly in accordance with security needs. In addition, the emergence of political opposition is checked by the executive's constitutional right to prevent speech 'directed against the existing constitutional system.'

This provision enables the president to portray opposition, if necessary, as a threat to the 'constitutional order' and serves as an important tool in exercising strict control over the media. The Constitution thus subordinates individual rights to legislative enactments and presidential decrees, which have the full force and effect of law.

Although the executive dominance over Uzbekistan's political system, and even over the routine aspects of daily life, is pervasive, several recent reforms may provide the institutional basis for some changes. An important development in this regard has been a constitutional amendment that provides for the election of regional governors or *khokims*. Another important development has been the introduction of a bicameral parliament.

Uzbekistan's Supreme Assembly or *Oliy Majlis* consists of an upper house, the Senate, that includes 84 senators indirectly elected by regional councils and 16 appointed by the President, and a lower house, the Legislative Chamber, with 120 members elected in single-mandate constituencies. However, the Assembly meets only a few days a year and has no real power to shape laws. The judiciary is also under the tight control of the executive, which has the unencumbered power to appoint, dismiss and punish all local and regional judges. It is therefore unsurprising that courtrooms are often used by the executive to harass and persecute those who question the regime. Uzbekistan's criminal code allows detention without judicial review of anyone who is deemed a 'witness' to a crime. It also provides for so-called administrative detentions for administrative violations for a period of up to 15 days. This leads to widespread abuses. Individuals in custody have no right to counsel and are often subject to the use of torture, which, according to the UN special rapporteur, is systematic in Uzbekistan. Yet there have also been important reforms, such as the abolition of the death penalty and the transfer of the right to issue arrest warrants from the prosecutor to the courts.

President Islam Karimov has been the head of state since March 1990, when he was elected by the then Supreme Council. He remained in power through a series of referendums and elections. Although the president's term of office expired in January 2007, the authorities, exploiting ambiguities in the law, set the date for the presidential elections in December 2007. Several international bodies questioned President Karimov's right to stand for a fresh term of office, given the constitutional provision limiting the number of successive presidential terms to two. Four candidates in all were authorised to stand. Mr. Karimov was re-elected with 88.1% of the votes, while voter turnout was over 90%. The OSCE/ODIHR statement concluded that the election was 'held in a strictly controlled political environment, leaving no room for real opposition,' and that it 'generally failed to meet many OSCE commitments for democratic elections.'

The third parliamentary elections since Uzbekistan gained independence in 1991 were held on 26 December 2004. The OSCE/ODIHR mission reported that these elections—as

Head of State: Islam Karimov
Prime Minister: Chavkat Mirziyoyev
Capital: Tashkent
Size: 448,000 km <sup>2</sup>
Population (inhab.): 26 million
Density: 60 inhab./km <sup>2</sup>
Growth (2007): 9.5%
Unemployment (official): 0.4%
Currency: Som (€ 0.0004942)
Source : <i>Bilan du Monde</i> (EBRD, IMF).

all the previous ones—fell significantly short of OSCE commitments, as well as other international standards, despite minor improvements in the election law. Only five parties with stated pro presidential views were registered and could participate in the elections. All other political parties or initiative group candidates, who exhibited some critical attitude towards the regime, were denied registration.

Although many forms of media operate in Uzbekistan, there is not really any question of pluralism or of free and independent media. As was carefully observed by the OSCE, 'self censorship is a common practice inherited from Soviet times, and a long list of 'sensitive' issues are unofficially banned from public discussion.' In the aftermath of an uprising in Andijan persecution and harassment of independent journalists and NGOs have intensified. Thus, since 2005, Uzbekistan's extremely poor record of human rights has only worsened. Uzbek sources state that as many as 251 persons were sentenced to prison terms ranging from fourteen to twenty years in relation to Andijan. Hundreds of refugees fled Uzbekistan following the events, including journalists, human rights activists, members of the political opposition, and relatives of the accused persons. An amendment to the criminal code making it a criminal offence for private citizens to give information or support the work of international organisations, introduced a further assault on civil society. Uzbekistan ranked as the most corrupt Central Asian state, 175<sup>th</sup> of 180 states and territories surveyed in Transparency International's Corruption Perception Index (CPI) for 2007.

Religious freedoms are also severely constrained. The government imposes strict rules for registration of all religious groups and controls even private religious activities, such as pilgrimages to Hajj. Not only non-traditional religious groups face harassment and arrest but also the mainstream Muslim population who are labelled, if necessary, as extremists and terrorists. The government justifies its policies citing dangers stemming from radical Islamist groups such as *Hizb ut-Tahrir* and the IMU.

## Tajikistan

Tajikistan proclaimed its independence in August 1990, and since then has gradually emerged as one of the poorest states in the post-Soviet space. Between 1992 and 1997 the country was embroiled in a civil war between the ex-Communist government and the opposition, which brought together, under the banner of the United Tajik Opposition (UTO), both religious fundamentalists and democrats. The conflict, which claimed some 60,000 victims and 1.2 million refugees and displaced persons, officially ended in June 1997 with the signing of the Moscow peace agreements between the government of Imomali Rakhmon<sup>3</sup> and the UTO.

Head of State: Imomali Rakhmon Prime Minister: Akil Akilov Capital: Dushanbe Size: 143,000 km <sup>2</sup> Population (inhab.): 6.7 million Density: 44 inhab./km <sup>2</sup> Growth (2007): 7.8% Unemployment (official, 2007) : 2.1% Currency: Somoni (€0.18609) Source : <i>Bilan du Monde</i> (EBRD, IMF).
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<sup>3</sup> In 2007 the President decided to give up the Russified version of his name (Rakhmonov).

Imomali Rakhmon has been ruling the country since December 1992. After a liberal period following the Moscow peace agreements, the president sought to consolidate his power, relegating to impotency his political rivals, and has legitimized authoritarian rule and the status quo by capitalizing on fears of political turmoil. The weak and divided opposition has been unable to offer any credible alternative to the present government.

The 1994 Constitution provides for the separation of powers, but concentrates almost all power in the hands of the president, who is the head of state and the chairman of the *Majlisi Oli*—the Supreme Assembly—with a broad authority to appoint and dismiss officials at all levels of government. A 1999 referendum extended the presidential term from five to seven years. It also provided for the creation of a bicameral parliament and religious-based political parties. The parliament's lower chamber—the Assembly of Representatives—consists of 63 members elected by popular vote for a five-year term; an upper chamber, the National Assembly, is composed of 34 members, of whom 25 are selected by local assemblies and 8 are appointed by the president. A package of 56 constitutional amendments, reportedly approved by 93% of voters in a 2003 referendum, contained a controversial provision enabling the president to run for two additional seven-year terms, thereby allowing the current president to remain in office until 2020. Skilfully using the widespread fear of renewed civil unrest, President Rakhmon explained that the change was necessary to ensure Tajikistan's post-conflict stability and state building.

Patronage networks and regional affiliations provide an essential basis for the presidential power in Tajikistan. At the same time, members of the opposition have been excluded from major government positions, even though the power-sharing agreement—part of the 1997 Moscow peace agreements—guaranteed them 30% of government posts.

Although the Constitution provides for an independent judiciary, the legal system is subject to strong influence from the executive as well as criminal groups. Reportedly, arbitrary arrests and police torture to extract confessions are widely practiced. Corruption has encumbered the judiciary and is pervasive at every level of the government. In 2007, Transparency International ranked Tajikistan 150<sup>th</sup> on the CPI.

Large-scale irregularities were reported in the February 2005 parliamentary election, in which the ruling People's Democratic Party (PDP) received 74.9% of the votes, while the opposition Communist Party and the Islamic Renaissance Party (IRP) received 13.6% and 8.9%, respectively. Five independent candidates were also elected to the House of Representatives. The OSCE noted that improvements in the legislative framework were not fully implemented in practice, and the election itself fell short of democratic norms.

Prior to the presidential election of 6 November 2006, Mr Rakhmon had embarked on a campaign highly nationalistic in tone to marginalize the opposition. Many figures of the opposition were sentenced on various accounts and some jailed. At the same time the opposition was weakened by several splits; thus the Democratic Party broke up to form three different parties between August 2006 and January 2007. Mr. Rakhmon also allegedly replaced dozens of high level officials, and reinforced his control over local governments. In the end, only pro-regime parties ran in the election, the opposition parties having decided either to boycott them or to put forward no candidate. Unsurprisingly, Mr. Rakhmon re-

turned to office with 79.3% of the vote: the turnout was officially declared to be over 90%. In its post election statement, the OSCE/ODIHR emphasised 'a lack of genuine choice and meaningful pluralism' and identified many serious shortcomings. The partial parliamentary elections organised in five constituencies in March and May 2007 confirmed the presidential party's dominant position: all were won by the PDP, with a majority ranging from 90 to 95% of the votes.

Since 2005, the government has progressively curtailed certain fundamental freedoms. The government is also carrying out a particularly harsh campaign against religious extremism and a new law on freedom of conscience and religious organisations is currently being prepared, which should make the legislation in this area somewhat harsher.

The Tajik authorities have also continued to restrict freedom of speech. The civil war, in which many journalists were killed, has had a devastating impact on the country's media. In recent years, many independent newspapers have been forced out of circulation. A positive development has been the launch of three independent TV stations in the cities of Isfara, Panjakent, and Istaravshan. Nonetheless, harassment of independent media, the detention of journalists, and self-censorship remain widespread features of Tajikistan's media landscape. Moreover, the new laws in 2007 on NGOs and freedom of association, both of which make existing provisions harsher, have been severely criticised by the competent international bodies.

As in the Kyrgyz Republic, the combined effect of several phenomena—the consolidation of political power, the concentration of wealth in the hands of the elite, the deterioration in the economic situation and repercussions from the instability in neighbouring Afghanistan, particularly in terms of drug-trafficking—might imperil the present regime in the long term.

## Turkmenistan

Enacted on 18 May 1992, the Constitution of Turkmenistan provides for the separation of powers. However, in practice, the real power lies exclusively with the executive branch. The 50-member unicameral parliament has been gradually supplanted by a fourth branch, the People's Council or *Halk Maslahaty*, born out of the wish to restore Turkmenistan's national tradition of dealing with problems in tribal assemblies. A 2003 constitutional amendment raised the Council's status to the country's supreme representative body, empowering it to pass constitutional laws. The 2,507-member People's Council consists of the president, members of the Parliament and the Council of Ministers, the chairman of the Supreme Court, the prosecutor general, local officials, the chairmen of officially recognized political parties, as well as representatives of the Council of Elders, trade unions, and youth and women's associations. In practice, the People's Council serves to legally approve policies of the president, who also chairs the Council. It meets

<p>Head of State and Prime Minister: Gurbanguly Berdimukhammedov  Capital: Ashgabat  Size: 489 000 km<sup>2</sup>  Population (inhab.): 6.5 million  Density: 13 inhab./km<sup>2</sup>  Growth (2007): 11.5%  Unemployment: Unknown  Currency: Manat (€ 0.0001233)  Source : <i>Bilan du Monde</i> (EBRD, IMF).</p>
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only once a year and cannot therefore form a basis for any genuine legislative activity. The president remains the author of almost all major and many minor decisions. He also appoints all judges for five-year terms. Almost entirely unreformed since Soviet times, Turkmenistan's legal system, although formally independent, acts as an important instrument of repression for the regime.

Turkmenistan's first post-independence president, Saparmurat Niyazov, who ruled the country for 21 years, died on 21 December 2006. Since independence in 1991, all aspects of life in Turkmenistan were dominated by his monopoly on power. Niyazov was elected president of the Soviet Republic of Turkmenistan in 1990, confirmed as president of independent Turkmenistan in 1992 and later again by referendum. He headed the only registered party in the country, the Democratic Party of Turkmenistan (DPT), a post-independence re-embodiment of the communist Party. In 1993, Niyazov declared himself *Turkmenbashi*, the father of the Turkmen nation. In 1999, he was proclaimed president for life. The personification of Niyazov's rule went hand-in-hand with the institutionalization of an immense cult of his personality. This meant to give visibility to his political power, legitimize the social and political order, and serve as a symbolic embodiment of the Turkmen nation.

The central role in the nation-building process and the construction of Niyazov's cult of personality was assigned to *Ruhnama* – the so-called moral code of conduct allegedly authored by Niyazov. *Ruhnama* presents a rather mythical view of Turkmen history, glorifying the ancient past of the Turkmen nation, and providing moral and ethical guidelines to be followed by every Turkmen. Knowledge of *Ruhnama* was an imperative for entire categories of the population, from pupils to civil servants. No sphere of public or private life has proved impervious to the effects of Niyazov's rule. Furthermore, the consolidation of the national identity has been accompanied by severe restrictions placed on religious freedoms, and by the forced Turkmenification of ethnic minorities.

Niyazov's Turkmenistan had one of the worst human rights records. The OSCE, the European Parliament, the Office of the UNHCHR, and the UN General Assembly adopted numerous resolutions condemning the country's abysmal human rights record, particularly its persecution of political figures. Unsurprisingly, there is no real political opposition to speak of. The weak and divided opposition operates principally abroad.

Niyazov left no chosen successor. Two figures emerged in the transition period, Deputy Prime Minister, Gurbanguly Berdymukhammedov, and the head of the presidential guard, Akmurat Redzhepov. The enlarged and re-shuffled People's Council hastily enacted a number of constitutional amendments, which eliminated the legal barriers on Berdymukhammedov's way towards the presidency and ensured that the opposition would not be able to contest the election result. Allegedly, some 100 officials were arrested to secure the realization of this succession plan.

The electoral platforms of the six contenders in the February 2007 presidential election—all members of the DPT—appeared to differ only slightly in content. While promising a number of reforms, candidates also pledged loyalty to Niyazov's legacy and his political course. Unsurprisingly, Berdymukhammedov won the electoral contest with 90% of the vote.

Since assuming office, the new president has initiated positive changes in a number of areas (education, pensions). He established an intergovernmental commission to improve his country's compliance with its international human rights obligations and a Commission on the Actions of Law Enforcement Bodies. He has had meetings with international human rights delegations and a human rights dialogue with the European Union and also agreed to a US proposal to send a mission to Turkmenistan focusing on democracy and human rights. The new government has adopted a more benevolent attitude to the country's ethnic minorities. More than 12,000 prisoners, including a small number of high-profile political prisoners, have benefited from presidential pardons. The situation has also slightly improved with regard to the right to free movement. During the Niyazov era there were black-lists with thousands of people unable to travel abroad. Today restrictions are confined to some activists, relatives of political opposition members, religious minorities, and journalists.

In the spring of 2008, President Berdymukhammedov initiated a constitutional review, presented as evidence of his commitment to the market economy and the principles of liberal democracy. The new constitution, which was approved by the People's Council on 26 September 2008, includes several important new provisions. In particular the People's Council should disappear, to be replaced by a Parliament enlarged to 125 members. The constitution also recognises the right of every citizen to form a political party. At the same time, a number of competences, such as the nomination of regional governors, are restored as presidential prerogatives. President Berdymukhammedov's willingness to reform the country's institutions is a positive sign in itself, and should be welcomed. However, it is still early for an assessment of the scope and actual impact of this reform. The parliamentary elections will be another important step; these should be held in December 2008 and should provide more guidance on the government's intentions regarding the political development of the country.

Over and above a far-reaching reform of the institutions, much remains to be done, because Turkmenistan's regime remains one of the most repressive in the world. NGOs are few in number and are under supervision. The population has very limited access to information. The Turkmen media scene is relatively undeveloped; all broadcast, print and electronic media remain state owned and tightly controlled. The government also controls the work of foreign press agencies and journalists stationed in the country. President Berdymukhammedov has made increased access to Internet one of his priorities. However, only a very small segment of the population uses this media outlet, which incidentally is still subject to a number of restrictions.

## Democratic Governance and Security in Central Asia: Transatlantic Approaches

### NATO, Security and Democratic Governance in Central Asia<sup>4</sup>

It should be noted by way of preamble that evidently the primary goal of NATO is not to promote democracy. However, as NATO's partnerships have evolved in order to respond to the requests and requirements of the states concerned, they have made more and more room for respect of democratic principles. Particular stress is laid on democratic control of the defence sector and of security. The level of requirement obviously varies according to the closeness of the partnership. It is greatest in the case of states that aspire to membership. However, NATO has also sought—more or less successfully—to encourage its other partners, including in Central Asia, to implement democratic reforms.<sup>5</sup>

Central Asian states were integrated relatively early into the NATO partnership structures. Four of them joined the Partnership for Peace programme (PfP) as early as 1994, with Tajikistan doing so later, in 2002. However, it is primarily since the launching of the Allied operations in Afghanistan that NATO has become aware of the essential role that the states of Central Asia can play with regard to the stability of the region. More recently, the importance attached to the question of energy security has once again placed the region at the centre of Allied concerns. Therefore, the final communiqué of the Istanbul Summit in 2004 underlined the need for action 'in particular through a special focus on engaging with our partners in the strategically important regions of the Caucasus and Central Asia.' This commitment to Central Asia was reaffirmed by the Heads of State and Government of the Alliance at the Bucharest Summit in April 2008; they called for a strengthening of liaison arrangements in this region and continued dialogue on Afghanistan.

For their part, the states of Central Asia also have a direct interest in the stability of Afghanistan. They have also seen in NATO's greater engagement in the region an opportunity to benefit from the organisation's expertise to modernize their armed forces and upgrade their capacity to respond to regional security challenges. The development of relations with NATO also constitutes a counterweight, or at least a useful alternative, to their relations with Russia. Nevertheless, it is clear that none of the states of Central Asia ultimately aims to join NATO.

This new mutual interest is reflected by enhanced co-operation in several spheres. The states of the region have involved themselves, to differing degrees, in initiatives related to the operations in Afghanistan (permitting fly-overs or transit flights, allowing the use of military bases, reconstruction assistance), to the fight against terrorism (within the context of NATO's Partnership Action Plan Against Terrorism), to the destruction of surplus armaments (within the framework of the NATO trust fund), to civil emergency planning, and to

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<sup>4</sup> For a detailed examination of NATO's policy in Central Asia, see the report by Rafael Estrella, "NATO and Central Asian Security" [175 PCNP 06], referred to in the Introduction.

<sup>5</sup> For a survey of NATO's role in democratic reform see the excellent study by Jos Boonstra, "NATO's Role in Democratic Reform," Working Paper No. 38 (Madrid: FRIDE, May 2007).

scientific co-operation. Additionally, NATO has appointed a Special Representative for the Caucasus and Central Asia and a liaison officer based in the area, who jointly make it possible for NATO to have greater visibility and continuity in its dialogue with the governments of the region.

Overall, however, co-operation with the states of Central Asia has remained limited to and focused on a restricted number of key areas. It is even virtually non-existent or at least 'on standby' with Uzbekistan, as a result of the situation in that country in terms of democracy and human rights. This was also the case with Turkmenistan until recently, but under President Berdymukhammedov relations have been revived somewhat. The fact remains that initiatives in more demanding or more sensitive areas, such as interoperability with NATO or defence reform, proposed within the context of NATO's Planning and Review Process (PARP), have been undertaken only with Kazakhstan, and the Kyrgyz Republic since 2007 (Uzbekistan also participated in the PARP from 2002 to 2005). Finally, only Kazakhstan entered into a full partnership with NATO in 2006, under an Individual Partnership Action Plan (IPAP), which comprises a complete programme of political consultations, reforms and joint initiatives. Kazakhstan will also be the first Central Asian country to host a Euro-Atlantic Partnership Council Security Forum. This high-level event will take place in the summer of 2009 in Almaty, and will be organised jointly with a NATO PA Rose-Roth seminar.

This brief overview illustrates first of all that, in its relations with Central Asia, NATO has preferred a flexible, customized and individualized approach, one which takes into account the specific interests of each partner. However, this does not mean that NATO has totally ignored the regional dimension of security in Central Asia; regional projects have indeed been put in place, for example in the scientific sphere (the 'Virtual Silk Road' aims to improve Internet access in the region), in the fight against drug trafficking (by way of a training initiative launched in the framework of the NATO-Russia Council), or in the prevention of and response to natural disasters.

The fact that these co-operation initiatives with the states of Central Asia are restricted to specific areas limits the impact that NATO can have in terms of reforms, including those intended to promote the reorganisation of their defence institutions and democratic control of the armed forces. They differ significantly from the partnerships established with the states of the Balkans or even of the South Caucasus. In that sense, the declarations regularly made by NATO, recalling that the PfP is based on a community of shared values, are not very meaningful in practical terms. The principal tool available to NATO to exert pressure on the states of the region is in fact a negative incentive, i.e. strict minimum co-operation with the most reprehensible regimes, as in the case of Uzbekistan, or until recently Turkmenistan. However, to date, NATO has never yet officially decided to break off its relations with any of these regimes entirely.

In the light of these developments, the relationship between NATO and the states of Central Asia may appear somewhat one-sided, with NATO's interest in a close co-operation with these states being more immediate and pressing than that of these governments, who, in any event, have other partnership alternatives. This is only partially true. One must

not underestimate the interest of the states of the region in the menu of security co-operation activities offered by NATO. However, it would undoubtedly be counterproductive to overestimate the impact that NATO can have in terms of democratization in these states. It is therefore essential to properly balance NATO's offer of assistance and the conditions attached to it. The fact that NATO remains synonymous with military and security co-operation does in fact give it a certain added value relative to other organisations, which have a mandate more closely linked to the promotion of democracy. This specific feature of NATO makes it possible for it to engage the states of the region in bilateral and regional dialogue, with the hope that this will ultimately result in a deeper partnership of the IPAP type.

The NATO PA also has its part to play in this process. Up to now the Assembly has developed relationships with parliaments in the region that are tentative only. Only Kazakhstan has official status as an Assembly observer and regularly takes part in its activities. Moreover, the Kazakh parliament seems ready to develop even closer relations with the Assembly, as demonstrated by the Assembly President's visit to Kazakhstan this year and the organisation of a Rose-Roth seminar next year. The Assembly must be capable of responding to this renewal of interest, and of exploring possible links with other parliaments in the region that may ask for them.

### **The European Union in Search of a Balanced Strategy in Central Asia**

The co-operation between the European Union and the states of Central Asia has developed progressively since the mid-1990s and today covers a variety of policies and instruments. The Partnership and Co-operation Agreements (PCA), signed with the five states, form the main framework for these relations (however, the agreements with Tajikistan and Turkmenistan are not yet ratified). These agreements define the principles, the institutional mechanisms and the fields of co-operation with the states that wish to establish relations with the EU, but cannot aspire to become members or to join the European Neighbourhood Policy (ENP). Furthermore, the Technical Aid to the Commonwealth of Independent States (TACIS) programme finances a certain number of programmes related to regional co-operation, regional policies and poverty reduction. Finally, the EU also finances certain projects in Central Asia by way of its development assistance and democracy promotion programmes. All of these instruments incorporate a dimension related to the promotion of democracy and fundamental freedoms.

Overall the results of this relationship have been mixed. Initiatives have been developed in several areas, but they remain fragmented and lack an overall coherence and a long-term view. The EU has excluded the states of Central Asia from the remit of the ENP and has encountered difficulty in defining the strategic objectives of its relations with this region.

EU achievements in the sphere of the promotion of democracy and fundamental freedoms are even less impressive.<sup>6</sup> The political dialogue has not really borne fruit, suffering from a lack of commitment and continuity on the part of the EU, as well as from the low level of interest of most regimes in the region. In particular, the EU has lacked a visible presence in Central Asia; this is changing, however, with the opening of diplomatic representations in the states of the region and the creation in 2005 of the post of EU Special Representative for Central Asia. Furthermore, the funds allotted to the initiatives in support of democracy and good governance have been extremely limited by comparison with those allocated to other regions (notably the Balkans and the South Caucasus). Additionally, emphasis has been placed on good administration and good governance rather than on democratization and promotion of freedoms as such. Finally, the EU has made only hesitant use of the conditionality policy, with the recent exception of the sanctions applied against Uzbekistan following the Andijan events in 2005 (arms embargo, refusal of visas for certain high ranking Uzbek officials, and a freeze on high level talks). But even these sanctions have been suspended under pressure from some governments that have stressed their ineffectiveness and their possible counter-productive effect. On 13 October 2008, the EU Council decided to extend the arms embargo, but did not renew the travel restrictions it had previously imposed on several Uzbek officials in recognition of 'the progress achieved in Uzbekistan in the last year with regard to respect for the rule of law and protection of human rights.' This decision has been heavily criticised by human rights organisations, which have pointed out that the progress mentioned by the EU represents only minor concessions and does not change the highly repressive nature of the Uzbek regime.

Awareness of the growing strategic importance of Central Asia for the EU, in particular in the energy field, as well as political events in the Kyrgyz Republic (the Tulip Revolution) and in Uzbekistan (the Andijan massacre in 2005) led the EU to undertake an in-depth review of its activity in this region. This process resulted in the adoption by the EU Council in June 2007 of the 'Strategy for a New Partnership.' This undertakes, for the first time, to define the strategic interests of the EU in the region and to redefine the parameters of a long-term commitment. It is complemented by the European Commission's new Regional Strategy Paper for Assistance for the period 2007-2013. The strategy relies on three inter-dependent pillars, which represent the three strategic objectives of the action of the EU: to promote security and stability; to develop the rule of law; and to strengthen economic and energy-related co-operation. These objectives are subdivided into seven topics of priority co-operation: human rights, rule of law, good governance and democratization; youth and education; promotion of economic development, trade and investment; strengthening energy and transport links; environmental sustainability and water; combating common threats and challenges; and inter-cultural dialogue. The budget devoted to Central Asia has been doubled. Seventy per cent of the assistance will go to bilateral projects, while the re-

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<sup>6</sup> For an evaluation of European policy relating to the promotion of democracy in Central Asia before the adoption of the new European strategy, see the excellent article by Alexander Warkostsch, "The European Union and Democracy Promotion in Bad Neighbourhoods: The Case of Central Asia," *European Foreign Affairs Review* 11 (Winter 2006): 509–25.

maintaining 30% will be devoted to regional projects (in the areas of energy, transport, environment and education).

It is interesting to note also that the Commission's strategy paper acknowledges existing links between the relations of the EU with Central Asia on the one hand and those that it maintains in the framework of the ENP and through its interaction with Russia on the other. In particular, the paper stresses that the states of Central Asia 'have essentially become the neighbours of the EU neighbourhood.' Consequently, it will be possible for certain benefits of the ENP to be extended to them.

These new documents indicate a clear political will on the part of the EU to adopt a more consistent and balanced approach to Central Asia. On 24 June 2008 the Council and the Commission submitted an initial report assessing the implementation of the new strategy. This document stresses that the quality of co-operation has definitely improved. In particular, the goal of developing an enhanced political dialogue has been achieved, both at the highest level and at the technical follow-up level. Documents on bilateral priorities have been prepared to coordinate EU action with that of its member states. Two major regional initiatives should be launched before long, one relating to education and the other – to the rule of law. Progress in the six priority areas has been uneven. However, one of the aspects regarded as particularly positive has been the launch of structured dialogues on human rights with all the states in the region. At the same time, the document recognises that much remains to be done, and sets new priorities in the various areas of action.

Analysts, for their part, have generally been more severe in their criticisms of the European strategy.<sup>7</sup> Some stress that this is not so much a real change of course as a mere reformulation, not a real strategy, but rather a framework and a list of priorities. In particular they deplore the lack of analysis of the geopolitical environment in the region and the role of the other great regional powers. More specifically with regard to action relating to human rights, several writers deplore the fact that this area is dealt with in isolation, that the EU has not really defined any criteria to measure progress and that it does not attach more importance to dialogue with civil society. The EU's decision to give its Special Representative for Central Asia, Pierre Morel, a second role of Special Representative for the Crisis in Georgia, is also somewhat surprising. At a time where the Union boasts of having finally established an ongoing deep dialogue with Central Asia, Ambassador Morel's double-hatting sends a rather clumsy and inopportune political signal.

Furthermore, while the Council's strategy appears to place the three objectives—security, the rule of law, the economy—on an equal footing, it does not give any clear indication as to how these elements will be weighted in the relations with each individual country. The Council's strategy and the Commission's paper seem, in fact, to adopt somewhat different approaches. The first indicates that the development of a stable political and economic framework depends on the establishment of the rule of law and of democratic institutions,

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<sup>7</sup> See, for example, the complete study published by the *Centre for European Policy Studies* (CEPS) directed by Neil J. Melvin, "Engaging Central Asia. The European Union' New Strategy at the Heart of Eurasia," 2008.

while the second emphasises the reduction of poverty as a condition for political and economic transition and for the consolidation of democracy and the rule of law. This question of priorities will certainly continue to crop up as the new strategy is implemented. It will then be important for the EU to demonstrate its capacity to coordinate the different pillars of its action towards the objectives identified in the new strategy – a capacity which has been found lacking in the EU in several other areas. The EU will also have to prove that it is capable of going beyond its immediate geopolitical interests (notably in the field of energy) to put in place the wider dialogue that the strategy calls for. The issue of conditionality is also not dealt with clearly in the new strategy, which simply notes that ‘the intensity of the co-operation will reflect the commitment to transition and reform of each country.’

The strategy places the EU’s action in the context of the promotion of democracy and fundamental freedoms, but concentrates on the less sensitive areas of the rule of law and the reform of the justice sector, where the EU can contribute its expertise. Indeed, one of the first regional initiatives focused on this area. This prudent approach acknowledges the fact that the EU has limited means of exerting pressure or providing positive incentives in this area and that laying the emphasis on complete and immediate democratization would doubtless be counterproductive. It now remains to be seen whether by taking this route the EU can indirectly influence the evolution of the political systems in these states.

A further challenge will be to allow for a customized approach, taking into account the expectations of the various states and the progress made by each of them, without going so far as to dilute the overall consistency of the strategy. Kazakh authorities for instance have made clear their interest for deeper relations with the EU, in particular through their country’s inclusion in the ENP. They have adopted in response to the new EU strategy a national programme entitled ‘Path to Europe.’

Finally, it will also be interesting to see how the links between the strategy for Central Asia, and the European Neighbourhood Policy on the one hand and relations with Russia on the other, will be developed in practice.

### **The Other Regional Players**

The states of Central Asia have adopted a multi-vectored foreign policy, based on co-operation with all the major players present in the region. Thus the development of relations with NATO and the EU is counterbalanced by close relations with other powers in the region, in particular Russia and China.

Russia is a natural partner for the Central Asian states, given their geographical and historical ties. Even if in the past Moscow has shown fluctuating interest in the region, it is now actively involved there in several areas. All the Central Asian states are members of the Commonwealth of Independent States and of the Collective Security Treaty Organisation, with the exception of Turkmenistan. Moreover, Russia has signed military co-operation agreements with several states in the region, under which they also maintain several bases. Russia also has substantial economic interests in the region and is still its main trading partner, investing in the energy sector in particular. Furthermore, the presence of

Russian speaking ethnic minorities in several states in the region, particularly in Kazakhstan, gives Moscow another potential source of influence.

Russia has not directly opposed the rapprochement that has taken place between Alliance governments and those of Central Asia for allied operations in Afghanistan. It even agreed to participate, in co-operation with NATO, in certain regional projects, such as the training of border guards and the combating of drug-trafficking. At the same time, however, Moscow has also stepped up its co-operation with governments in the region, particularly in the anti-terrorism area.

Moreover, Russia has acknowledged the growing influence of China in Central Asia and has sought to take advantage of their convergent interests in the region. The creation of the Shanghai Co-operation Organisation (Russia, China, Central Asia, apart from Turkmenistan) in 2001 is the clearest expression of this rapprochement. It should be noted, however, that there are still substantial differences of opinion between Moscow and Beijing as to the purpose of that organisation.

There is an ever-increasing Chinese presence in Central Asia, both in the economy (trade, energy, Chinese migrant workers in Central Asia, etc.) and in the area of security. In particular, the Chinese authorities wish to avoid any potential threat to stability in the Xinjiang-Uighur Autonomous Region, which borders Central Asia and where Beijing is facing separatist claims. It is worried about flourishing drug and arms trafficking in the region and fears the formation of an 'Islamic corridor' across Central Asia, which would facilitate the movement of militants, weapons and explosives and would be likely to destabilise states in the region.

As well as Russia and China, Iran, India and Pakistan also have important interests and a substantial presence in the region. However, this merger of interests does not mean that we are witnessing the emergence of a new 'Great Game' in Central Asia. While there is a degree of competition between the principal regional players in Central Asia, especially in the energy field, there are no major tensions overall. However, one may wonder what the repercussions of the war in Georgia will be on interactions between them. It is to be noted that the Central Asian governments were only half-hearted in their support to Russian operations in Georgia at the recent Shanghai Co-operation Organisation Summit in Dushanbe in August 2008.

### **Towards a Coordinated, Consistent and Effective Transatlantic Strategy?**

The developments above demonstrate clearly that the EU and NATO share many of the same interests and challenges in their relations with the states of Central Asia. This Rapporteur is convinced that a coordinated approach on the part of these two organisations (and their member states) would give them greater leverage, thus strengthening the influence that they are able to exercise with regard to their partners in Central Asia.

The EU and NATO both have a clear interest in stable, prosperous and democratic states in Central Asia. Both also have a major need to cooperate with these states in terms of security (regional and global) and energy. At the same time, NATO and the EU are facing common challenges in their relations with these states. They have to define a perspec-

tive that is appealing to governments that do not intend to join either of the organisations, but are expressing a degree of interest in limited co-operation in a number of specific areas. NATO and the EU have also been faced with the difficulty of finding a suitable balance between, on the one hand, the strategic and economic interests of their member states and, on the other, the long-term objective of promoting fundamental political reform in the states of the region. Furthermore, they have had to reconcile regional and bilateral approaches to take into account the highly divergent interests of very different states. Finally, and not the least of the challenges, they have had to deal with growing competition from other actors, notably Russia and China, with whom co-operation may sometimes seem more attractive and less conditional.

Despite these common interests and challenges, for the present there is no real coordination between NATO and the EU in Central Asia. While the European Strategy mentions NATO as one of the EU's potential intergovernmental partners in the region, it may be noted that the June 2008 follow-up document omits all reference to the Alliance. In the light of the challenges listed above, it is important to avoid sending ambiguous or contradictory signals. By acting in concert, NATO and the EU can create a positive synergy and amplify the effects of their respective policies. Together they can also have a more nuanced and subtle approach, since they can then call on a more varied range of instruments. The lack of a formal forum for political discussion between the two organisations should not prevent informal contacts and exchanges of ideas in order to bring closer the two organisations' policies in Central Asia. This requires, in particular, a closer co-ordination of European and American policies in the region.

What, then, should the pillars of such a coordinated strategy be? Generally speaking, it is important for the two organisations to design their action for the long term and to clearly define their strategic interests in the region. Furthermore, an individualized approach, one that takes into account the specific features and interests of each country, seems the most effective instrument. It would be utopian and counterproductive to try to develop a dialogue of equal depth and in the same terms with states whose ambitions and paths are so different. On the contrary, it may be preferable to favour those states which demonstrate a genuine desire for reform and to encourage them to abide by the standards to which they have committed themselves. This means, for example, co-operating more actively with Kazakhstan on the basis of the commitments it undertook with a view to the presidency of the OSCE and the interest that it shows in a deeper partnership with NATO (involvement in the IPAP programme) and the EU (interest expressed in participation in the ENP).

More specifically, with regard to the promotion of democracy and human rights in the region, it appears particularly important for the EU and NATO to have clear and transparent objectives in order to avoid misunderstandings or suspicions. The West's actions in this sphere is often perceived in the states of the region as an aggressive policy, which seeks to bring about regime change. The EU and NATO should avoid listing non-negotiable demands, and rather place emphasis on a step-by-step, flexible approach, developing at the same time, if possible, a dialogue both with the authorities and with independent groups

and civil society. It would also be useful to re-evaluate the impact of conditionality and sanctions, and to adopt a coordinated, consistent policy.

The establishment of more direct links between democratic governance and security would be useful for both organisations in their relations with the states in the region. The development of democratic institutions and the rule of law should be seen as a way to better guard against possible internal and regional instability and to respond to it more effectively.

In the long term it would perhaps be in the interests of both organisations to clarify the link between security and democracy in their respective partnership policies. The adoption by NATO of a Charter on Atlantic Security at the Strasbourg-Kehl Summit in April 2009, as well as the preparation of a new strategic concept, might serve to better define the place of democratic reforms within NATO partnerships, and more specifically in Alliance interests in Central Asia. This review should be coordinated with that of the EU's European Security Strategy. It is interesting to note that the current version of the strategy, which dates from 2002, does not even mention Central Asia once.

Similarly the EU and NATO should explain more clearly what their added value is relative to the other regional powers, emphasising how they can assist states in the region to respond to common security challenges, as well as their role in facilitating thorough, sustainable modernisation based on democratic principles. There are signs of renewed interest from governments in the region in response to the conflict in Georgia. However, a clarification of what the EU and NATO can each offer must go hand in hand with the search for areas of agreement with Russia on Central Asia, in order to dispel the impression of a zero-sum game in the region and instead to create a positive process, beneficial to all.

Another area of agreement between the EU, NATO and the Central Asian states is their common interest in ensuring a stable, prosperous Afghanistan on good terms with its neighbours. Although Afghanistan cannot aspire to be included within the framework of the partnerships that have been developed with Central Asia, at least for the time being, the EU and NATO have shown that they can play a useful part in facilitating the organisation of regional co-operation projects on matters of common interest, such as border management, combating drug-trafficking, or even civil emergency planning.

Nevertheless, certain Central Asian states are generally cautious not to appear to be providing direct support to international operations in Afghanistan. The five governments have also adopted fairly different approaches towards that country, which reflect their diverging interests and vastly unequal means. Kazakhstan, for instance, seems interested in contributing to economic reconstruction, while Tajikistan's priority in relations with Afghanistan is security and border control. One issue of common interest to all countries in the region is drug trafficking from Afghanistan. Besides poppy-based products, the growth in production of heroin is a worrying trend, which itself relies on increased trafficking in chemical precursors. A more active co-operation between Central Asian countries and Afghanistan would thus be particularly needed in this field. However, this would require a clear and concrete commitment by all countries to crack down on a highly profitable industry, a condition that has yet to be fully met. The first EU-Central Asia Forum on security is-

sues held in Paris on 18 September 2008 is a helpful initiative, which has allowed participants to identify several areas of dialogue and potential co-operation, including over Afghanistan. The international conference in Dushanbe on 21-22 October 2008 on border management and the fight against trafficking in Central Asia is also a timely event, which should help draw attention to the important security challenges that countries of the region face, and co-ordinate regional efforts and international initiatives.

When the Sub-Committee visited Turkey in March 2008, it heard a convincing case for the country's firm resolve to play a bridging role between Europe on the one hand, and the Caucasus and Central Asia on the other. Turkey has strong links with the states of the region, which the end of the Cold War has, to some extent, made it possible to re-establish. Although the dream of rebuilding a grand alliance of Turkic-speaking peoples has not materialized, Turkey has developed close cultural, economic and political bonds with Central Asia. It also holds itself up as an example—a rarity in the region—of a primarily Muslim country that is democratic, stable, secular and prosperous. Accordingly, NATO, of which Turkey is an active member, and the EU, which Turkey hopes to join eventually, would both have an interest in more actively taking advantage of the positive role that Ankara seeks to play in the region.

15 November 2008

# Annex IV

## NATO's Future Political Agenda

Raynell Andreychuk (Canada), General Rapporteur,  
NATO Parliamentary Assembly

### Introduction

This report serves as an update to last year's *Afghanistan and NATO's ongoing transformation* [172 PC 07 E], and offers a brief analysis of NATO's political agenda. At the Bucharest Summit, our Heads of State and Government gave a clear and unanimous signal regarding NATO's short and medium term political agenda. While the future success of the alliance depends on the implementation of the course chosen at Bucharest, this report argues that the deterioration of the NATO-Russia relationship following the latter's military intervention in Georgia affects NATO's policies and activities on many levels. The report also includes the latest developments in Afghanistan and their relevance for NATO.

### NATO's Current Political Agenda

The Bucharest Summit in early April 2008 mapped out NATO's political agenda for the near and medium term. In Bucharest, NATO took stock of its recent achievements and challenges and confirmed its core purpose and its most important security task, namely member states' collective defence of their populations, territory and forces. The Summit acknowledged the progress achieved in the transformation process, which is designed to make NATO better prepared to respond to new security challenges. NATO leaders also stressed that the process must continue to generate more deployable capabilities and to establish new relationships with Partners to maintain security at home and contribute to stability abroad.

In essence, Bucharest focused on four main topics, namely 1) the consolidation of the Euro Atlantic area, 2) the conflict in Afghanistan and the broader context, 3) deepening partnerships, and 4) responding to new threats (such as cyber attacks, threats to energy security, the proliferation of Weapons of Mass Destruction (WMD) and their means of delivery).

#### The Consolidation of the Euro-Atlantic Area

The consolidation of the Euro-Atlantic area remains a priority for the Alliance. In addition to reaffirming its core purpose, the collective defence of the populations, territory and forces

of member states, the Bucharest Summit stressed NATO's commitment to the completion of a 'Europe whole and free,' and reaffirmed that all European states have an opportunity to join Euro-Atlantic structures. NATO leaders also extended an invitation to Albania and Croatia to join the Alliance and stated that Ukraine and Georgia will become members in the future. No consensus could be reached on inviting the former Yugoslav Republic of Macedonia to NATO due to continuing disagreements regarding the country's name. The Rapporteur regrets that this issue is still not settled and hopes that it can be solved as soon as possible in order to allow the former Yugoslav Republic of Macedonia\* to join the Alliance in the same timeframe as Albania and Croatia. Skopje must continue its reform process and the latest parliamentary elections in early June gave the government the mandate to continue and to step up its efforts.

While the Alliance has given Ukraine and Georgia a clear perspective of membership and has also stressed that no third party has a veto over NATO membership, there is still no consensus on Georgia's and Ukraine's participation in the Membership Action Plan (MAP). This is partly due to concerns of some Allies that both countries need to make further progress in their reforms and because of the 'frozen conflicts' in Georgia and the lack of public support in Ukraine.

Ukraine is still facing a difficult political domestic situation. Following another fallout between the former coalition partners, President Victor Yushchenko dissolved the *Verkhovna Rada* (parliament) and called early elections this year, the third in three years since the so-called Orange Revolution. However, even though many promises of the Orange Revolution remain unfulfilled, the parliamentary elections that followed proved that Ukraine can also maintain democracy. What is more, Ukraine, which is the only partner country that participates in all NATO operations, has made great progress in military and defence reform, particularly in the realm of intelligence sector reform. In the view of the Rapporteur, MAP participation would provide Ukrainians with a stronger sense of ownership of the reform process and thus help overcome the current domestic stalemate and advance further reform. In addition, a timely MAP would send a signal that Eastern European security remains high on the agenda of the Alliance, and that NATO countries have not been deterred from helping their allies and partners. Failure to provide a clear MAP might send a message that NATO, in this difficult time for Ukraine, has other priorities, and undermine the integrationist movement in Ukraine. Therefore, it would be a positive signal if Ukraine received an invitation to participate in MAP at the next meeting of NATO Foreign Ministers this December.

The commitment to future membership was intended to reassure Ukraine and Georgia, send a clear signal to Russia, and build a consensus around a long-term perspective on enlargement. However, some critics argue that the effects of this are proving to be almost diametrically opposite. Moscow's military intervention in South Ossetia in early August this year, following Tbilisi's attempt to retake the separatist province by force, and the occupation of strategic points in Georgia proper were violations of international law by Russia.

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\* Turkey recognises the Republic of Macedonia with its constitutional name.

Moreover, by recognising the separatist Georgian provinces of Abkhazia and South Ossetia, Moscow has destabilised the South Caucasus. The North Atlantic Council (NAC) criticised the Russian military action both in South Ossetia and Georgia as 'disproportionate' and condemned the decision of the Russian Federation to recognise the independence of the Georgian regions of Abkhazia and South Ossetia, which is in contravention of fundamental OSCE principles and United Nations Security Council Resolutions (UNSCR). Russia's military intervention has also been widely and strongly criticised by the international community and as a result, NATO decided to temporarily suspend meetings of the NATO-Russia Council (NRC) until the Russian troops have left Georgia. Moreover, at a special NAC meeting on 20 August, NATO Foreign Ministers upgraded the NATO-Georgia relationship by creating a NATO-Georgia Commission and promised humanitarian and (limited) military assistance.

South-Eastern Europe requires the continued attention of the Alliance. Although the overall situation has significantly improved over the last few years, the social and political context of the Western Balkans continues to be plagued by economic depression, high unemployment, and dislocation. Many governments of the region have legitimacy problems and democratic institutions function poorly. Threats, such as organised crime and paramilitaries, could derail progress towards democratic societies in the whole region. NATO's role in assisting with security and stability throughout South-Eastern Europe remains essential, even though the EU is gradually taking on more responsibility. The Kosovo Protection Force (KFOR) will stay in Kosovo on the basis of UNSCR 1244. NATO and KFOR will continue to work with the Kosovo authorities and to co-operate with and assist international actors, particularly the EU and the UN, in support of the development of a stable, democratic, multi-ethnic and peaceful Kosovo. NATO also boosted ties with Montenegro and Bosnia, and stressed its willingness to deepen relations with Serbia.

The general situation of the Western Balkans offers a mixed picture with room for both optimism and pessimism: the region's integration into NATO and the EU is well under way, albeit at an uneven pace and against a background of 'enlargement fatigue' in EU member states. Countries in the region all too often perceive reforms as imposed from outside rather than in their own interest. That said, regional co-operation is developing in a variety of areas, including a new Regional Co-operation Council—headquartered in Sarajevo—to replace the Stability Pact. The performance of NATO and the EU in the Western Balkans, particularly in Kosovo, will not only determine their credibility in the region but also beyond.<sup>1</sup>

## The Conflict in Afghanistan and the Broader Context

### *Afghanistan*

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<sup>1</sup> This paragraph provides only a general overview of the situation in the Balkans. The General Report of the Committee on the Civil Dimension of Security on "Kosovo and the Future of Balkan Security" (155 CDS 08 E bis) by Mr. Vitalino Canas provides more detailed information on this issue.

NATO's UN-mandated operation in Afghanistan, the International Security Assistance Force (ISAF), is currently NATO's largest, as well as most challenging operation. With approximately 48,500 Allied troops and 2,200 from partner states, ISAF has been working to bring security, stability, and to foster development in Afghanistan since 2001. NATO-ISAF has also committed itself to train and equip the Afghan National Army (ANA). At this point, 70,000 Afghan soldiers have been trained and planning is under way to eventually expand the force to 134,000.<sup>2</sup> NATO took over command of ISAF in 2003 at the request of the UN and the Afghan government.

Afghanistan remains a key issue for the Alliance. Seven years after the fall of the Taliban and five years after NATO has taken over the command of ISAF, Afghanistan faces an uncertain future. The security situation in the North and West is reasonably stable, funding for reconstruction and co-ordination among international organisations and with civil actors has increased, and development of the ANA has made progress. However, these achievements have been put at risk by a revitalised Taliban-led insurgency, a record rise in opium production, a deterioration of the rule of law, and a weakening grip of the Afghan national government beyond the major cities. There is a distinct risk of the country sliding back into chaos and instability.

In addition to the ISAF mission, many members participate in Operation Enduring Freedom (OEF), which number approximately 14,000-15,000 troops. A small number of these forces participate in direct action against Taliban and Al-Qaeda targets, the majority of these forces train and equip Afghan military and police forces. Although the Afghans do not distinguish between ISAF forces and OEF forces, parliamentarians from NATO countries need to be more aware of the differences between OEF and ISAF. While it only represents a small force, OEF is a necessary operation and requires sensitivity and an understanding of the goals being achieved. Many ISAF operations could not be performed without the additional security provided by these OEF forces.

Afghanistan was a serious topic of discussion during this year's Bucharest Summit. NATO member states as well as partner countries promised additional troop contributions to the ISAF force, including a French battalion that will be deployed in the east of Afghanistan. The Summit also agreed on a Comprehensive Political-Military Strategic Plan for Afghanistan and a public declaration outlining ISAF's strategic vision. The declaration sets out a clear perspective guided by four principles: a firm and shared long-term commitment to the country; support for enhanced Afghan leadership and responsibility; a comprehensive approach by the international community that brings together civilian and military efforts; and increased co-operation and engagement with Afghanistan's neighbours, especially Pakistan. In October, at the Defence Ministerial in Budapest, NATO members finally decided to directly target Afghanistan's growing opium trade that finances the insurgency.

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<sup>2</sup> "Afghanistan's Army to Double to 134,000: UN," *Agence France-Presse*, 10 September 2008.

The security situation in Afghanistan further deteriorated this summer. According to the UN, the number of security incidents rose to 983 in August, the highest since the fall of the Taliban and a 44% increase over August 2007.<sup>3</sup>

NATO's greatest challenge in Afghanistan is obtaining commitments—mostly in the form of troops, but also logistics, equipment, and money—from its member states. While some members agreed to increase troop levels at Bucharest following an ultimatum by Canada to pull out all of its troops, this has mostly been done in a piecemeal manner.<sup>4</sup> This reluctance of member states to increase troop levels threatens the security of their troops currently in theatre and increases the likelihood of casualties due to inadequate forces. Commanders in Afghanistan have said they still need approximately three brigades—14,000 troops—with most of those coming from the United States.<sup>5</sup> But the increase of US forces does not relieve other NATO members from their troop obligations. Additionally, the expansion of the ANA to 134,000 is expected to cost at least \$17 billion. Keeping in mind that the future engagement of NATO Allies will depend on domestic developments in member countries, all NATO Allies agreed to the engagement in Afghanistan and all must carry their fair share of burdens and risks.

National caveats placed upon forces by member states continue to limit the effectiveness of ISAF. Even though members agreed in Bucharest to reduce the number of caveats, little has been achieved in this regard. The reluctance of some NATO nations to engage in the South of Afghanistan illustrates the gap among the Allies: there is a general agreement on the need to help Afghanistan to become a secure, stable country that is at peace with its neighbours, but there is no, or, at best, only limited, consensus on the best way to achieve this. The Bucharest Summit fell short of generating consensus among the Allies on how to solve the issue of sharing the risks and burdens fairly among NATO member states. This issue must be urgently addressed because it limits NATO's operational capabilities and undermines its unity of purpose. It risks sending a signal that would be, at least in the long run, very detrimental to NATO.

In Afghanistan and elsewhere, there is an increasing recognition that 'local ownership' is central to success. One of the goals of the 'comprehensive political-military plan' is to give the Government of Afghanistan (GOA) a more prominent role. At the International Conference on Support of Afghanistan in Paris in June, the states supporting Afghanistan decided to provide the GOA with the full authority for the reconstruction of their country. However, the GOA needs to step up its reform efforts. In particular, it needs to do more to tackle the drugs production and the related problems of corruption and mismanagement. A number of donor organisations have expressed increased frustration at the failure of the GOA to deliver on its reform commitments, thereby undermining financial support in foreign capitals. For example, a report by the International Monetary Fund (IMF) published earlier

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<sup>3</sup> "Security Situation in Afghanistan 'markedly' worse, reports UN Secretary General," *The Latest News*, UNAMA, 29 September 2008.

<sup>4</sup> The Canadian Prime Minister recently announced Canadian Armed Forces will not remain in Afghanistan beyond 2011.

<sup>5</sup> "U.S. Urges Allies to Fight in Afghanistan or Write Cheque," *Reuters*, 6 October 2008.

this year suggested that the country has only met its least challenging targets, including getting the national budget to parliament on time. Afghanistan's tax rate is even below the African average, and international aid pays for approximately 90% of public spending. The GOA needs to urgently address this problem, particularly as the Afghan economy is almost entirely reliant on foreign aid and profits from the opium production. Moreover, sluggish reform is also one of the main reasons for the weak progress of the private sector, which has further hampered economic growth.

While the Afghan authorities are taking over more responsibilities for the stabilisation and reconstruction of their country, domestic public support for the GoA is waning, primarily due to endemic corruption and the inability of the Kabul government to provide basic services. It is therefore crucial to help Afghanistan develop and expand the institutions that tackle corruption and mismanagement as well as to strengthen the capacities of the Afghan authorities. In addition to an accelerated build up of the Afghan armed forces and the police, co-ordination of civilian and military measures must be improved.

The stabilisation efforts in Afghanistan are hampered by delays in consolidating the institutions and the economy. Although it is an encouraging sign that leaders from NATO, the UN, the EU, the World Bank, and donor countries committed to a long-term 'comprehensive political-military plan' for Afghanistan at the Bucharest Summit, it remains to be seen if the agreement will significantly improve the situation. The worsening security situation and the number of Afghan civilians who died as a result of ISAF military action has resulted in the UN further separating itself *publicly* from the activities of NATO forces on the ground.

The international assistance given to Afghanistan is insufficient. According to one estimate, there is a \$10 billion shortfall in aid deliveries and only \$15 billion of the \$25 billion pledged since 2001 had been spent so far on rebuilding the war-torn country.<sup>6</sup> What is more, too much of the aid given is donor-driven and a significant amount of the assistance funds does not end up in Afghanistan. According to the Agency Coordinating Body for Afghanistan Relief (ACBAR), an estimated 40% of international aid went to foreign consultants, private security contractors, and other foreign organisations. Thus, too much aid is 'wasted, ineffective, or uncoordinated,' according to the ACBAR report.

As the central government in Afghanistan has been traditionally weak, improving conditions in the country requires a stronger focus on the local and regional level. However, as Rahul Chandran, Associate Director of New York University's Center on International Cooperation suggested to the Sub-Committee on Transatlantic Relations during a visit in June, that co-ordination on the local and provincial level has so far 'totally failed.' He said that Provincial Reconstruction Teams (PRTs) lack civilian officers, while there are not enough military officers serving with UN provincial offices. Moreover, even though Afghanistan suffers from an underdeveloped civil service no major nation has been willing to finance the training of the Afghan civil service. Therefore, if it wants to succeed in Afghani-

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<sup>6</sup> See: [http://www.oxfam.org/en/files/ACBAR\\_aid\\_effectiveness\\_paper\\_0803.pdf/download](http://www.oxfam.org/en/files/ACBAR_aid_effectiveness_paper_0803.pdf/download). ACBAR (Agency Coordinating Body for Afghan Relief), the umbrella organisation that represents approximately 100 Non-Governmental Organisations (NGOs) from the national and international humanitarian, reconstruction and development NGO community in Afghanistan.

stan, the international community needs to reconsider its security and development strategy.

When Special Representative of the UN Secretary-General for Afghanistan, Kai Eide, said in early October that, '[w]e all know that we cannot win [Afghanistan] militarily. It has to be won through political means. That means political engagement,' he underscored that NATO's mission in Afghanistan is just one element of a far greater effort. Eide also warned against 'doom and gloom' assessments which often do not take into account the complexity of the situation. Ultimately, only the Afghans can achieve peace. The ISAF forces can only assist by allowing the central government and the international aid community the stability needed to further developmental efforts across all sectors of Afghanistan. President Karzai has repeatedly appealed publicly to the Taliban to hold peace talks, which they categorically rejected as long as foreign forces occupied the country. However, while both parties deny such talks, it increasingly seems that any future vision of success in Afghanistan will not be achieved until the Taliban are included in the political process.

Ultimately, it should be the Afghans who decide when success has been achieved in Afghanistan. As General McKiernan, the ISAF Commander, said in June, 'Winning is not about the NATO Alliance, the future of NATO or any of that, but about the Afghan government, Afghanistan, and the Afghan people.'

### *Pakistan*

The problems facing NATO in Afghanistan are not confined to the country's borders. Afghanistan's fate is closely intertwined with that of Pakistan and the situation in the latter is crucial to that of Afghanistan. The Bucharest Communiqué has stressed the notion of establishing increased contacts and co-operation with Pakistan. Islamabad has a crucial role in the stabilisation of Afghanistan as well as in the fight against terrorist groups like Al-Qaeda. The cross border insurgency in Afghanistan negatively affects Pakistan's security and vice versa. One of the reasons is that Islamabad has only very little, if any, control over the tribal areas bordering Afghanistan. Thus far, Pakistan's efforts to counter Islamist radicals have not been very effective and the security situation has significantly deteriorated as the bombing of the Marriott Hotel in late September has demonstrated.

The country finds itself in a profound political transition phase and its internal situation remains highly volatile. Pakistani political elites have finally recognised that the situation in the western provinces threaten Islamabad as well as the West. This is a strategic shift from their earlier view that Pakistan is fighting 'the West's War' towards the recognition that it has been 'Pakistan's War' all along. President Zadari announced that he will rid his country of the Taliban. It is unclear if Pakistan's army can successfully fight the Taliban and Al-Qaeda forces in the Fatah region, but their support of local tribal militias in the fight against insurgents raises the question that they may not be capable.

The importance of reforming Pakistan's security apparatus is evident; President Zadari has reportedly replaced several senior Inter-Service Intelligence Service officials who are suspected to be sympathetic to the Taliban. However, this can only be a first step and more is needed. Pakistan should be provided with the careful military and economic sup-

port to adequately address this threat within its borders. Moreover, Pakistan, which has a vibrant civil society, urgently needs assistance in re-building democratic institutions.

The Allies have a shared interest of preventing Pakistan from becoming a base for terrorists. Pakistan is interested in regular and deeper contacts with NATO, but our response has been slow. NATO could assist in security sector reform while Allied member states as well as the EU could provide financial and other assistance. NATO and the EU should cooperate to help reform the security apparatus and make it more accountable. For example, the EU could assist the police, which, together with civilian intelligence agencies, are far more appropriate for counter insurgency and counter-terrorism operations than a military trained to combat external enemies. The police and the intelligence agencies under police control must be given the resources needed to tackle internal threats and crime. Helping the police and civilian intelligence agencies with training and technical assistance would significantly help stabilise Pakistan and would also assist NATO operations in Afghanistan. Moreover, in addition to providing assistance in equipment and training, NATO Allies, and NATO as an organisation, should engage in a regular political dialogue with Islamabad.

### **The Growing Importance of Partnerships**

Afghanistan is the prime example of NATO's expanded capabilities and missions but also its limitations. Many of today's security challenges cannot be successfully met by NATO alone. Meeting evolving security threats requires building broad partnerships with the wider international community, as part of a truly comprehensive approach based on a shared sense of openness and cooperation as well as determination on all sides. Therefore, the Summit confirmed NATO's outreach policy through partnerships, dialogue, and co-operation as an essential part of the Alliance's purpose and tasks. In this context, NATO leaders stressed the enduring value of the Euro-Atlantic Partnership Council (EAPC) and other existing Partnership arrangements, including the Mediterranean Dialogue (MD), the Istanbul Cooperation Initiative (ICI), and global partnerships with contact countries.

To deepen existing Partnerships further, NATO has announced that it will continue its efforts to promote greater interoperability between its forces and those of partner nations. Enhanced information sharing and improved consultations with nations contributing to NATO-led operations have been identified as two areas where additional progress can be made. Moreover, existing NATO programmes that offer partner countries advice and assistance with defence and security related aspects of reforms shall be expanded.

### **NATO Relations with International Organisations**

Since the end of the Cold War, prevention and containment of ethnic and political conflicts between and within states has become a main issue for NATO. Moreover, the threat posed by international terrorist groups, as well as the risks emanating from failing states, like Afghanistan under the Taliban, have become major concerns for the Allies. NATO's transformation has been remarkable for the fact that it had to tackle both urgent crisis response and long-term stabilisation and reconstruction tasks. Although the Alliance has been successful in meeting these demands, it is clear that it cannot continue to do so alone. Rather,

there is a broad agreement that co-operation between NATO and other international actors, particularly the UN and the EU, is increasingly important to tackle the security challenges of today and tomorrow. The increased emphasis on 'local ownership' is another important reason why international co-operation needs to be further developed.

### NATO-EU Relations

NATO's relationship with the EU is the most important partnership that the Alliance has developed with any international organisation. The Rapporteur commends NATO's plan to deepen the strategic partnership with the EU. This is particularly important as both organisations cover a wide range of issues relating to security, defence and crisis management, including the fight against terrorism, the development of coherent and mutually reinforcing military capabilities, and civil emergency planning. NATO-EU co-operation is primarily based on 'Berlin Plus.' This arrangement provides the EU with access to NATO's collective assets and capabilities for EU-led operations. It allows the Alliance to support EU-led operations in which NATO, as a whole, is not engaged, thus letting the Union co-ordinate a major operation through NATO, rather than duplicating its efforts. 'Berlin Plus' also allows for the sharing of classified information between the two organizations. This is based on special security agreements between NATO and those EU members that are not NATO members.

NATO-EU relations have evolved and there are now also regular meetings between NATO and EU officials at different levels, including routine staff-level contacts. This allows for the exchange of information on their activities in the field of protection of civilian populations against chemical, biological, radiological and nuclear attacks. NATO and the EU also consult on other issues of common interest, such as the situation in Moldova and Afghanistan. Meanwhile, the NATO-EU agenda also includes concerted planning of capabilities development.

But the 'Berlin Plus' arrangement limits the framework of NATO-EU military co-operation to EU countries that are also members of NATO's Partnership for Peace. The 'Berlin Plus' agreement does not create a mechanism for combining military and civilian capabilities in a specific operation. Most importantly, it does not provide a framework through which the process of deciding whether the EU and NATO should or could work together in response to a particular threat or crisis is determined. In fact, the agreement only applies after that decision is made, and only if the result is an EU-led operation.

There is a need for further improvements in the NATO-EU relationship. Five former Western military leaders have proposed to enhance this co-operation by establishing a US, EU, NATO 'Steering directorate' at the highest political level to co-ordinate the two bodies' response to any threats to global security, as a first step towards a new and wider transatlantic bargain.<sup>7</sup> However, the Rapporteur is sceptical as to whether the creation of an additional structure would advance co-operation between the two organisations. Rather, she

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<sup>7</sup> "Towards a Grand Strategy for an Uncertain World, Renewing Transatlantic Partnership" (Noaber Foundation, 2007).

sees it as important that the revisions of the EU's Security Strategy and of NATO's Strategic Concept that are currently underway will be carried out in a coordinated manner that will complement each other and facilitate more and better co-operation. In the meantime, tangible improvements in NATO-EU co-operation could be achieved, for example, in Afghanistan, where the European Commission has committed more than €1 billion between 2002 and 2008, on top of individual member states' contributions. The Commission also assists in justice reforms, primarily via the EUPOL mission and a special fund to improve Afghan judicial institutions. But the EUPOL mission in Afghanistan is too small and underfunded to help reform the Ministry of Interior. This is one area where the EU can and should take the lead, particularly as the United States do not have a national police and European NATO member countries are better positioned to assist with the development of the Afghan police. In addition to better co-ordination over Afghanistan, NATO and the EU should also engage in a dialogue over Pakistan, whose frontier regions have become a training ground for terrorists.

### **NATO-UN Relations**

After the end of the Cold War NATO and the UN have gradually developed their co-operation, particularly in the context of the Yugoslav wars. There has been close co-operation between the two organisations in Kosovo and Afghanistan, but also in disaster response, such as following the 2005 earthquake in Pakistan. NATO has become a key partner for the UN in peacekeeping, and NATO nations now provide 14% of the 80,000 plus uniformed personnel who are participating in UN-led peacekeeping operations. NATO contributes to the implementation by nations of the UNSCR 1373 and related UNSCRs in the fight against terrorism, and is lending its support to non-proliferation of WMD by contributing to the implementation of UNSCR 1540.

As it puts increasing emphasis on a comprehensive approach towards security, UN agencies and humanitarian organisations are becoming more important for the Alliance. Experiences in Afghanistan and the Balkans demonstrate that the international community needs to improve the existing co-ordination if it wants to successfully address the security challenges of today and tomorrow. Effective implementation of a comprehensive approach requires the co-operation of and contributions from all major actors, including NGOs and relevant local bodies. To this end, it is essential for all major international players to apply the spectrum of available civil and military instruments in a concerted effort that takes into account their respective strengths and mandates.

The relationship between the Alliance and the UN is likely to develop further, particularly as both organisations signed a joint UN/NATO Declaration in September 2008 which allows for the development of a more formalised and structured relationship between the two. The joint UN/NATO Declaration could allow for smoother, more continuous co-operation, which has thus far taken place on a case-by-case basis. This is particularly relevant for UN-led missions as it allows for a more profound, comprehensive, in-time co-operation between the two organisations. The formalised relationship could also further the NATO-UN co-operation in security sector reform. It involves the implementation of police and de-

fence reforms, areas in which the UN is involved of the former, while NATO has considerable expertise of the latter. In addition, NATO's knowledge and experience in other areas, such as destruction of small arms, de-mining funding mechanisms and the rotation of forces, could be made available to the UN. The UN could also benefit from increased access to NATO training facilities. There may be limits to a more structured and effective NATO-UN relationship as some Allies consider the formalisation and deepening of NATO's relations with the UN, the OSCE, and other organisations as inconsistent with its traditional focus on collective defence and military operations.

As to the further improvement of the relationship between the Alliance and other international actors, NATO's comprehensive approach is an important step in the right direction. Moreover, a number of additional measures could be envisaged. In this context, a number of suggestions have been made, for example:

- Holding regular meetings with the EU and the UN to discuss current operations, thereby allowing for pre-operational planning conferences and the development of improved, coordinated public information policies;
- Including EU and UN representatives on a regular basis in NATO training activities relevant for the two organisations;
- Establishing a permanent international office comprising NATO, UN, EU (and OSCE) staff;
- Formation of a 'contact group' of international organisations for operations on an ad-hoc basis, similar to the Joint Coordination and Monitoring Board (JCMB), which was set up to implement the Afghanistan Compact;
- Creation of a permanent group of international organisations, as well as NGOs, similar to the Inter-Agency Standing Committee (IASC), which pools key UN and non-UN organisations that are involved in humanitarian assistance.

### **New Threats and Challenges**

NATO leaders stated that the transformation of the Alliance would continue to ensure that the Allies are better prepared to counter evolving security threats. The main security challenges today include the proliferation of WMD and missile technology, threats to cyber security as well as to the integrity of energy supplies and transport links. Past NATO Summits have already recognised the need for close transatlantic co-operation to counter these evolving dangers. In Bucharest, NATO leaders undertook a number of steps that identify the role of the Alliance in these areas. In this context they endorsed an Alliance role in energy security and a commitment to work on cyber security issues. Moreover, they endorsed plans for the development and deployment of a US Ballistic Missile Defence system, which have since been signed by the US, Czech and Polish governments. The agreement put to rest an ongoing debate among Allies over concerns about the possible impact on relations with Russia.

In recognition of the increasing importance of information technology for security and following a series of internet attacks on Estonian government websites last year, the Bucharest Summit also adopted a policy on cyber defence. The policy emphasises the need for the protection of key information systems in accordance with the respective responsibilities of NATO member states; sharing best practices; and providing a capability to assist Allied nations, upon request, to counter a cyber attack.

The Alliance should consider its potential added value and role in securing energy supplies. In Bucharest, NATO leaders adopted a report on 'NATO's Role in Energy Security,' which outlined the options and recommendations for further NATO activities, including: information and intelligence fusion and sharing; projecting stability; advancing international and regional co-operation; supporting consequence management; and supporting the protection of critical energy infrastructure. Moreover, while Allies will continue to consult on the most immediate risks in the field of energy security, both energy security and cyber defence remain the domains of individual member states, and the role of the Alliance will be limited.

In addition to cyber defence and energy security, NATO's possible role in civil protection and homeland defence should be discussed as part of a general reflection on the future of the Alliance. That is because the increased emergence of the global threat of terrorism, and the possible results of climate change, or policies for the protection of civilian populations against disasters and other emergencies, have gained a new prominence.

## **The Need for Improved Public Diplomacy**

Even though NATO forces dispose of an overwhelming advantage in firepower over the insurgents in Afghanistan, the Allies have not yet been able to defeat the Taliban. The insurgents are adept at applying effective asymmetric strategies and their communication campaigns use a range of tools to influence opinion nationally and internationally. In contrast, ISAF's public diplomacy has not been effective and the Alliance must urgently address this problem. In asymmetric conflicts, like the one in Afghanistan, perceptions are vital to win the 'hearts and minds' of the population. The insurgents do not have to win militarily; they only need to avoid defeat long enough that Afghans lose confidence in the international community and in ISAF.

NATO's operations in Afghanistan, Kosovo and elsewhere require stable, long-term support both domestically as well as in the recipient countries. The decision for NATO to engage in Afghanistan was accompanied by overly optimistic expectations about possible progress in rebuilding Afghanistan. Mounting casualties, difficulties in securing parts of the country, particularly the South and the East, and a host of other problems, such as opium production, have generated a lot of negative media coverage. Because many Allied governments and parliaments did not sufficiently prepare their publics for the likelihood of combat operations, public support for NATO operations has suffered.

In Bucharest, NATO leaders recognised the importance of 'appropriate, timely, accurate and responsive communication with local and international audiences in relation to NATO's policies and engagement in international operations.' The communiqué rightly em-

phasised that credibility is a crucial element of effective public diplomacy. It is important that NATO devotes sufficient resources to follow up. In addition, public diplomacy efforts can be enhanced by enabling representatives of other international security organisations to participate in training activities. Also, observers have proposed the creation of a shared, central database to avoid duplication in areas where NATO and other international organisations are engaged, such as light arms disposal activities and border security management.

It is also a welcome, and indeed necessary, development that co-operation between NATO and the NATO Parliamentary Assembly has improved. Parliaments and parliamentary debates over NATO operations provide transparency, which is central to informing our publics about the challenges of intervention as well as non-intervention. The NATO PA adds a crucial international aspect to this discourse. Moreover, through its broad range of activities it makes an important, if often overlooked, contribution to NATO's public diplomacy efforts. The Rapporteur is convinced that there is an even greater potential for synergy and would therefore encourage further deepening of the co-operation between NATO and NATO PA.

### **The Military Conflict in Georgia and Its Possible Ramifications for NATO's Political Agenda**

The conflict in Georgia has important implications for NATO's political agenda. The most immediate implication of the conflict has been on the current NATO-Russia relationship. The response of NATO Allies and NATO as an organisation to the Russian military intervention has been measured but firm. As an immediate response, NATO decided that meetings of the NATO Russia Council (NRC) would be temporarily suspended until the Russian troops left Georgia proper. The important issue is how the NATO-Russia relationship will further develop and the Allies need to discuss what kind of relationship is desirable as well as feasible. In the view of the Rapporteur, close co-operation between Russia and NATO is both preferable and necessary, but NATO should not forfeit its values or take decisions at the expense of its partners. In the past, Russia also has acted as a partner, and the loan of four billion Euros to Iceland in the midst of the financial crisis is a recent example. However, in response to NATO's reaction, the Russian Federation is also conducting a review of its relations with NATO and has announced that it would suspend military co-operation with the Alliance.

**Partnerships:** The Georgia conflict also had an immediate impact on NATO Partnerships insofar as NATO Foreign Ministers decided to upgrade the NATO-Georgia relationship by creating a NATO-Georgia Commission. It is unclear if, or how, the war in Georgia will influence NATO's other partnerships. Some NATO partner countries, like Sweden and Finland, have indicated an interest in developing closer relations with the Alliance. Russia may opt for a more assertive policy towards NATO partner states, particularly the Commonwealth of Independent States (CIS) countries, and try to weaken their relations with NATO. Regardless, NATO Allies will have to consider an appropriate policy response

that must not be reactive to Russia, but should reflect the values and the strategic interests of the Alliance.

**Frozen Conflicts:** The Russian recognition of the Georgian provinces South Ossetia and Abkhazia is also likely to strengthen separatist ambitions in other unresolved conflicts, particularly in Transnistria and Nagorno Karabakh. In the past, Moscow has supported the separatists in Transnistria and critics suggest that it is using it as a lever in trying to strengthen its hold on Moldova and to bring it further into Russia's sphere of influence.

**Enlargement:** Another question stemming from the current situation in the NATO-Russia relationship is how NATO will continue its Open Door policy, particularly with regard to Georgia and Ukraine. In Bucharest, NATO leaders have declared that both countries will join the Alliance one day. Has the war in Georgia diminished Georgia's chances, and perhaps also those of Ukraine, to join NATO or have these events helped accelerate the process of accession? While NATO enlargement is not directed against Russia and MAP was not conceived to irritate Moscow, we must note that the latter perceives this differently. To date, the intervention in Georgia has enjoyed broad public support among the Russian population and reinforced nationalistic tendencies in Russia. The enlargement of the Alliance is intended to strengthen the security of NATO member states and to further stabilise the Euro-Atlantic area.

**Article 5** is central to NATO's contribution of an Open Door policy. The Russian military intervention in Georgia is a reminder that Article 5 of the Washington Treaty, the defence of NATO member countries against armed attack, remains the centrepiece of the Alliance. Will further enlargement make the Alliance stronger or will it bring it new challenges and risks to its security? Moreover, if the defence against armed attack no longer appears a remote risk, what level of resources and priority should NATO devote to 'out-of-area' operations? NATO's increased focus on operations remains valid, but NATO member states also need to discuss and agree upon a proper balance between operations and the ability to defend against outside attack. This is particularly relevant for those countries which maintain only limited armed forces of their own, like the Baltic states, and which are geographically more exposed to security threats. In this context, the Allies also need to revisit the issue of burden sharing and of defence spending.

**Energy Security:** The Alliance can assist NATO members on the issue of energy security by providing a broad array of tools and political solidarity, including mechanisms for threat assessment and sharing of intelligence information. Russia has repeatedly used oil and gas for strategic political gain. According to a report by the Swedish Defence Research Agency, out of 55 deliberate gas supply interruptions, explicit threats, or coercive price actions by Russia since 1991, only 11 were unrelated to politics. While European Allies want and need to continue co operation with Russia, they also are looking to diversify their supply. Both Caspian Basin oil and gas producers and European customers have wanted oil and gas export pipelines from that region to bypass Russia. However, the Russian military intervention in Georgia has also made the prospect of transporting oil through the Baku-Tbilisi-Ceyhan pipeline and other non-Russian routes seem less advantageous.

*New Threats:* The present tension between NATO and Russia over Georgia also raises the question of how effective NATO Allies will be in addressing new threats, such as the proliferation of WMD, Russian missile defence, terrorism and cyber attacks. Addressing these new threats requires close co-operation with as many partners as possible.

## A Realistic Approach

NATO's short- and medium term agenda will be dominated by the operations in Afghanistan and the Russian military intervention in Georgia. As to Afghanistan, the security situation in the country is continually worsening by almost any measure and there is no clear end in sight to the deterioration. To succeed in Afghanistan, we need a more effective and efficient Afghan government, a better co-ordination of international assistance, and regional stability, particularly in the Afghan-Pakistani relationship. Additional troop commitments, particularly by the United States, help to address shortcomings, but it is unclear if they will be sufficient. NATO Allies must also address the issue of a more equitable burden sharing lest they want to risk a rift amongst themselves. Some Allies contribute more than their due, while others could still do more. Therefore, existing mismatches must be rectified. Moreover, while NATO is on the right track with its comprehensive approach to security it remains to be seen if this can be implemented effectively. The signing of the joint UN/NATO Declaration is reason for optimism, but closer NATO-EU co-operation is pending as is more effective co-ordination with NGOs. A continuing major problem is the inefficiency as well as the lack of accountability of the Government of Afghanistan. The Allies, and the international community, must urgently address this problem and should not shy away from using their diplomatic as well as financial leverage clout, if necessary, to advance political reforms in Afghanistan.

The deterioration of the NATO-Russia relationship, following Moscow's military intervention into Georgia in early August, has important implications for the political agenda of the Alliance. As a result of its actions, Russia is now perceived more as of an imponderable rather than a key ally. The war in Georgia has highlighted the continued importance of Article 5 of the Washington Treaty. Some Allies have suggested that there is a need for putting greater emphasis on its core function, the territorial defence of its members, by earmarking more resources for contingency planning and exercises. In addition, NATO needs to have a more open and realistic debate about its ties with Russia. Improvements in the NATO-Russia relationship will depend on the degree to which both sides consider co-operation necessary and desirable. In the view of the Rapporteur, the Alliance should try to work as closely as possible with Russia. However, NATO cannot re-engage with Russia until the latter does not fully implement the agreements brokered by the French EU Presidency on 12 August and 8 September 2008.

Finally, NATO needs to define its priorities in the changing security environment. Although the Alliance has adapted and expanded its portfolio and may need to take on a few additional roles as outlined above, it cannot tackle all new security challenges. As an organisation the Alliance must address three main issues. First, it must improve its collective military-operational performance. Second, it needs to further develop the relations with

other international actors so that its military contributions to peace and security are seamlessly 'embedded' in a broader international framework. Third, NATO should identify and address new areas where it can provide added value to tackle future threats. A revision of the 1999 Strategic Concept is therefore needed. In the view of the Rapporteur, this would not require radical policy changes. Rather, it is necessary to update and streamline NATO's Strategic Concept of 1999 and the Comprehensive Political Guidance (CPG) agreed upon at the 2006 Riga Summit. We need a concise and comprehensive document that charts NATO's future roles and missions and explains this to our populations and partners. A new Strategic Concept should also reflect that NATO complements its ongoing military transformation with a profound political transformation that is geared towards improved policy co-ordination among the Allies, as well as with Partners and International Organisations.

15 November 2008

# Annex V

## NATO PA Policy Recommendations

Edinburgh, November 2009 (Resolutions 375-380)

### RESOLUTION 375 on A COMPREHENSIVE AND CO-ORDINATED RESPONSE TO PIRACY OFF THE COAST OF SOMALIA

Presented by the Committee on the Civil Dimension of Security and adopted by the  
Plenary Assembly on Tuesday, 17 November 2009, Edinburgh, UK

The Assembly,

1. *Concerned* by the ongoing high number of pirate attacks worldwide but particularly off the coast of Somalia and in the region;
2. *Recognising* that piracy poses a serious threat to the freedom of navigation, to international shipping and other commercial activities in international waters, to highly needed deliveries of humanitarian assistance, to the security of the Alliance's citizens, and contributes to instability and insecurity in the region;
3. *Acknowledging* that the prevention and repression of piracy is primarily the responsibility of coastal states, and that the main aim of international assistance is to support them in performing these tasks;
4. *Saluting* national and international naval deployments off the coast of Somalia operating with the authorisation of the Transitional Federal Government of Somalia and under the mandate given by the United Nations Security Council;
5. *Welcoming* the high level of tactical co-ordination among deployed navies, and in particular between CTF 151, EU NAVFOR and NATO deployments;
6. *Praising* also the shipping community's efforts to enhance the self-protection of vessels against pirate attacks and promote compliance with best management practices and international regulations;
7. *Convinced* that combating piracy off the coast of Somalia requires a comprehensive approach, combining diplomacy, naval deployments, development assistance and bringing together all relevant stakeholders;

8. *Emphasising* the need to address the root causes of piracy, as well as the factors that have allowed it to prosper in Somalia;

9. *Stressing* in this regard the importance of assisting Somali institutions to consolidate the rule of law and build up functioning and accountable security institutions, as well as an effective and independent judiciary;

10. *Emphasising* also the importance of developing a genuine regional partnership against piracy, and welcoming in this regard the adoption of the Djibouti Code of Conduct;

11. *Emphasising* the importance for NATO to create a common legal framework allowing for the transfer of suspected pirates to states willing to conduct the prosecution;

12. *URGES* member governments, parliaments of the North Atlantic Alliance and, if appropriate, NATO institutions:

a. to support fully the efforts by the Somali Transitional Federal Government and the United Nations to achieve political stability and sustainable economic development in Somalia;

b. to review national legislation relating to piracy with a view to the full incorporation in domestic law of the provisions of the United Nations Convention on the Law of the Sea and other relevant rules of international law, including those pertaining to the exercise of universal jurisdiction for the prosecution of suspected pirates;

c. to consider the conclusion of transfer agreements with regional states in support of NATO counter-piracy operations;

d. to pursue a thorough assessment of the costs and benefits of the establishment of an international tribunal to prosecute suspected pirates;

e. to further the establishment of judicial mechanisms to strengthen the possibilities to prosecute and try suspected pirates in the extended region;

f. to track better and interdict movements of funds and weapons in support of piracy;

g. to use all means available to become aware whether money acquired by pirates goes to finance terrorists and, if evidence shows that this is occurring, to take all steps necessary to prevent it;

h. to work with the shipping community to enhance compliance with best management practices and international requirements regarding the safety and security of international navigation;

i. to sustain current levels of naval deployments in the region;

j. to contribute additional aerial surveillance assets, and consider in particular the deployment of NATO AWACS aircraft and greater use of Unmanned Aerial Vehicles, as well as the use of material obtained by the European Space Agency and other satellite operators;

k. to intensify public diplomacy efforts to explain the rationale for the international naval presence off the coast of Somalia;

l. to continue efforts to achieve greater co-ordination of national and multinational na-

val deployments, and to seek to include all participant navies in co-ordination mechanisms such as the Shared Awareness and Deconfliction group and the co-ordination process for the Internationally Recommended Transit Corridor;

m. to consider ways to engage NATO partner nations, as well as contact countries, in counterpiracy operations in a more systematic and structured co-operation;

n. to avoid duplication of efforts and seek the highest possible degree of co-ordination between bilateral and multilateral initiatives to build up regional maritime law enforcement capacities;

o. to conduct a thorough review of Allied operations off the coast of Somalia, focusing on NATO's added value and assessing achievements against stated ambitions, with a view to informing current discussions on a new maritime strategy and on the Alliance's Strategic Concept;

p. to consider, as part of discussions on NATO's long-term role in maritime security, avenues for practical co-operation with the European Union, as well as with other multinational efforts, particularly the Combined Maritime Forces.

## RESOLUTION 376 on NATO'S ENDURING COMMITMENT TO AFGHANISTAN

Presented by the Defence and Security Committee and adopted by the Plenary Assembly on Tuesday, 17 November 2009, Edinburgh, UK.

The Assembly,

1. *Reaffirming* the crucial importance of the NATO mission in Afghanistan, and noting that its success is vital to the security of our nations and the future welfare of the Afghan people;
2. *Stressing* the strategic importance of preventing Afghanistan from becoming once again a haven for international terrorism, a narco-state, or a destabilising feature in a strategically vital region;
3. *Emphasising* the Comprehensive Strategic Political Military Plan, as revised by NATO Heads of State and Government at the Strasbourg/Kehl Summit, as a clear sense of direction and a road map for success in Afghanistan;
4. *Commending* the performance of our forces in most demanding conditions and honouring those who have lost their lives or have been injured in this mission;
5. *Commending* further the Afghan forces that are increasingly taking the lead in security operations and withstanding high casualty rates;
6. *Welcoming* the renewal of constructive dialogue and co-operation between Afghan and Pakistani officials at all levels, including the Ankara Process;

7. *Noting* with increasing concern the deteriorating security situation in Afghanistan;
8. *Taking* note of the stark initial assessment by ISAF Commander General Stanley McChrystal, and of the fluid political process currently underway in Kabul;
9. *Wholeheartedly* supporting the successful efforts of NATO forces to reduce civilian casualties, while regretting the accidental deaths of Afghan civilians caused by some NATO operations;
10. *Strongly* condemning the terrorist tactics used by insurgents of deliberately targeting non-combatants and routinely using them as a shield to cover their own activity;
11. *Stressing* that NATO's role in Afghanistan is ultimately limited to providing a safe and secure environment, including by combating terrorists and drug-related illegal activities, in which efforts by other actors in the political and economic sectors are required to achieve an acceptable, comprehensive and sustainable outcome;
12. *Recognising* that social and economic development for the Afghan people is key to obtaining a safe and stable Afghanistan;
13. *Underlining* the importance of the role that the United Nations Assistance Mission in Afghanistan must play in co-ordinating multilateral efforts;
14. *Emphasising* the need for a government accepted as legitimate, competent, efficient and effective by the Afghan people; also emphasising the need for the new government to enhance national unity;
15. *Encouraging* the Afghan government to enhance its efforts towards fair and free elections and furthermore to focus its efforts on good governance and fighting corruption;
16. *Recognising* the importance of capable, democratically-controlled, and well-equipped Afghan national security forces to the provision of a safe and secure environment throughout the country;
17. Further *recognising* the key nature of the role NATO must continue to play in training and equipping forces which ultimately will be responsible for ensuring Afghanistan's security for the long term;
18. *Welcoming* the recent additional military contributions of some Allied countries, but encouraging all Allies to share fully in the risks and costs of our collective decisions;
19. *URGES* member governments and parliaments of the North Atlantic Alliance:
  - a. to reaffirm their enduring and lasting commitment to assisting the government of Afghanistan to provide a secure and stable environment for its citizens, in order to prevent the re-emergence of threats emanating from Afghan territory against its own peoples and peoples elsewhere, and to further increase economic support for social and economic development;
  - b. to endorse and resource the approach advocated by the ISAF Commander, placing the Afghan peoples at the core of our collective efforts;

c. to supply, as a matter of absolute priority, the personnel, equipment, and funding necessary to speed the development of the Afghan National Security forces, in order to promote a transition to Afghan leadership in all areas at the appropriate time.

## RESOLUTION 377 on MOVING BEYOND THE GLOBAL ECONOMIC CRISIS

Presented by the Economics and Security Committee and adopted by the Plenary Assembly on Tuesday 17 November 2009, Edinburgh, UK

The Assembly,

1. *Recognising* that the recent global economic crisis has posed perhaps the greatest political and intellectual challenge Western societies have confronted since World War II;
2. *Admitting* that this crisis reflects serious gaps in Western financial market regulation such as deficient international co-ordination in rule making, under-regulated financial markets, inadequate ratings processes and harmful remuneration policies in leading financial institutions, which, at times, behaved more as mutual enrichment societies than as efficient allocators of capital;
3. *Noting* that this crisis also mirrors larger historical changes in the global order including the growing pluralism of the international system and the need to manage global matters in a more multilateral fashion;
4. *Recognising* that the crisis has eroded the fiscal foundations of many NATO member countries, especially but not only in Central and Eastern Europe, and that national defence establishments are likely to confront daunting resource constraints in the near and medium term;
5. *Acknowledging* that the monetary and fiscal policies of certain member states created the excess liquidity that financed perilous asset bubbles in the United States and elsewhere;
6. *Applauding* the rapid emergency responses Western governments undertook to stave off depression, including efforts to clean up banking balance sheets, to maintain liquidity in the global economy and to undertake monetary and fiscal measures to prop up demand;
7. *Acknowledging* persistent fragility in the international economic order such as: structural dependencies on the American consumer as the central global engine of growth, precipitously mounting fiscal deficits, and the presence of illiquid assets on banking balance sheets and regulatory lacunae;
8. *Recognising* that this crisis has hit the developing world particularly hard by lowering its access to credit, trade opportunities and aid, and recognising also that this crisis followed on the heels of a significant surge in energy and food prices that also had a disproportionately adverse impact on poor countries;
9. *Welcoming* the designation of the G20 rather than the G7 as the primary agent for co-ordina-

tion among the world's most important economies;

10. *Accepting* that the proper functioning of markets requires adequate government regulation and supervision;

11. *Opposing* any resort to protectionist measures which might complicate the recovery;

12. *Lamenting* the terrible toll that this crisis has taken on workers, who have lost their jobs and who face daunting challenges in finding new work because employment markets are invariably the last to recover in a severe financial crisis;

13. *Warning* that this recession imperils global security and that the risk is greatest in the poorer countries where millions live in poverty;

14. *Noting* that there are signs of a fragile economic recovery that now must be nourished;

15. *URGES* member governments and parliaments of the North Atlantic Alliance:

a. to maintain ample liquidity in the economic system at this fragile moment of transition between crisis and growth;

b. to develop exit strategies for winding down stimulus programmes once recovery has firmly taken root and to adopt medium-term measures to restore budgetary health;

c. to bolster savings in periods of growth in order to mitigate the risk of boom and bust cycles and to generate savings for future economic downturns;

d. to construct strategies for keeping workers gainfully employed, and, failing that, to ensure that they are trained for new jobs and maintained above the poverty line so as not to permanently undermine their employment prospects;

e. to redouble efforts to co-ordinate economic strategy internationally, to engage the developing world in this process and to ensure that recovery strategies are environmentally sustainable;

f. to resist the siren call of protectionism as free trade offers a tried and tested means of generating growth and prosperity;

g. to overcome those hurdles blocking a successful conclusion of the Doha Trade Round;

h. to co-ordinate banking reform initiatives thereby ensuring that 'beggar thy neighbour' approaches to regulation do not trigger a race to the bottom that will leave the international economy vulnerable to future crises;

i. to ensure that national security budgets are not overly compromised in this recession and to recognise that deeper procurement co-operation will generate savings without sacrificing capabilities;

j. to defend international aid budgets targeted at dealing with this crisis particularly for fragile states;

k. to recognise that the underlying conditions that caused the ongoing food crisis have not significantly changed and that policies are needed to ensure that food is available

to the hundreds of millions living on the edge of starvation;

16. *CALLS ON* the NATO Secretariat to present an annual report to the NATO Parliamentary Assembly's Economics and Security Committee that details:

- a. the current and projected future defence expenditure of each member state; and
- b. the financial and human resources committed to NATO operations by each member state.

## RESOLUTION 378 on ENGAGING PAKISTAN

Presented by the Political Committee and adopted by the Plenary Assembly on Tuesday, 17 November 2009, Edinburgh, United Kingdom

The Assembly,

1. *Aware* that the Afghan-Pakistan border serves as the main refuge and supply-route for the Taliban insurgents and al-Qaeda across both countries;
2. *Recognising* the importance of Pakistan and its contribution to the stabilisation of Afghanistan and the surrounding region;
3. *Concerned* about the fragile security situation in Pakistan and the increasing number of Internally Displaced Persons;
4. *Noting* that Pakistan continues to suffer from high inflation, large income inequality and a chronic lack of spending for infrastructure and education, especially in the border areas;
5. *Acknowledging* that consolidating democracy while fighting an increasingly violent insurgency will be a long and painful process;
6. *Supporting* Islamabad's increasing effort to eliminate Pakistan-based extremists who have operated in neighbouring Afghanistan and India;
7. *Noting* that the Pakistani government and military have reversed their policy by militarily engaging the Pakistani Taliban;
8. *Convinced* that the development by Pakistan of a co-operative, co-ordinated working relationship, particularly with Afghanistan, India and Iran, is essential for regional and global security and stability;
9. *Endorsing* the US and the NATO Allies' comprehensive military, political and economic approach towards Afghanistan and Pakistan, which will be necessary to defeat the extremists;
10. *Recognising* the significant increase in assistance provided to Pakistan particularly by the United States;
11. *URGES* the government and parliament of Pakistan:
  - a. to reinforce the fight against local and transnational insurgents and to implement a

more effective national and international approach to defeating all extremists within its borders;

b. to establish a stable and secure environment throughout Pakistan, followed by the strengthening of the rule of law and the improvement of accountability and transparency of government institutions;

12. *URGES* member governments and parliaments of the North Atlantic Alliance:

a. to enable Pakistan to combat the extremists effectively by further developing and expanding training and education courses for its officers;

b. to deliver and, if possible, to enhance the assistance promised;

c. to encourage and support Pakistan's efforts to address its long-term challenges of poverty, unemployment, and underdevelopment through continued economic assistance;

d. to reaffirm their willingness and long-term commitment to enable Pakistan to guarantee its own security;

e. to encourage India and Pakistan to open a dialogue on Kashmir, which would allow Pakistan the discretion to redeploy soldiers from its frontier regions with India to its frontier regions with Afghanistan.

## **RESOLUTION 379 on RE-AFFIRMING NATO'S OPEN DOOR POLICY**

Presented by the Political Committee and adopted by the Plenary Assembly on Tuesday, 17 November 2009, Edinburgh, UK

The Assembly,

1. *Re-affirming* that the Alliance is open to any democratic European country that is willing and able to further the principles of the Washington Treaty and contribute to peace and stability in the Euro-Atlantic area;

2. *Emphasising* that NATO's Open Door policy has been successful in projecting security and stability throughout the Euro-Atlantic area and beyond;

3. *Stressing* the right of any sovereign country to chart its foreign policy course and that no third party has a right to veto this process;

4. *Appreciating* the contributions of NATO aspirant countries to Alliance-led operations;

5. *Recalling* that an invitation to the former Yugoslav Republic of Macedonia\* to accede to NATO will be extended as soon as a mutually acceptable solution to the name issue has been reached;

6. *Recognising* the considerable progress in political, economic and security sector reforms achieved so far by the four aspirant countries: Bosnia and Herzegovina, Georgia, Montenegro and Ukraine;
7. *Emphasising* that accession to the Alliance is performance driven and noting that the aspirant countries must continue their reform processes;
8. *URGES* the governments and parliaments of Bosnia and Herzegovina, Georgia, Montenegro and Ukraine:
  - a. to continue reform efforts aimed at strengthening democratic institutions, civil society, rule of law and market economy;
  - b. to ensure the effective separation of state executive, legislative and judicial powers;
  - c. to ensure the protection of human rights and basic liberties;
  - d. to demonstrate the irreversibility of their reform processes;
9. *URGES* the government and parliament of the former Yugoslav Republic of Macedonia: to continue to make use of the MAP instruments to foster necessary reforms, while working on a mutually acceptable solution to the name issue on the way to full NATO membership;
10. *URGES* member governments and parliaments of the North Atlantic Alliance: to re-affirm the Open Door policy and continue assisting aspirant countries on their path to NATO membership.

\*\* Turkey recognises the Republic of Macedonia with its constitutional name.

## **RESOLUTION 380 on REINFORCING THE GLOBAL NUCLEAR NON-PROLIFERATION REGIME**

Presented by the Science and Technology Committee and adopted by the Plenary Assembly on Tuesday, 17 November 2009, Edinburgh, UK

The Assembly,

1. *Believing* that nuclear security is paramount to global security;
2. *Maintaining* that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) should remain the core of the global nuclear non-proliferation regime;
3. *Underlining* its support for other international instruments to curb nuclear proliferation, including the International Atomic Energy Agency (IAEA), the Proliferation Security Initiative (PSI), the Nuclear Suppliers Group (NSG), the UN Security Council Resolution 1540, the Global Initiative to Combat Nuclear Terrorism and the Nunn-Lugar Co-operative Threat Reduction Programmes;
4. *Regretting* that the existing non-proliferation regime contains loopholes, including the ambi-

guity regarding the right to acquire dual-use technology and the lack of robust mechanisms to deal with cases of non-compliance;

5. *Determined* that, at the 2010 NPT Review Conference, parties shall agree on concrete measures to strengthen the regime and that the failure of the previous Review Conference in 2005 must not be repeated;

6. *Recognising* that progress in the areas of gradual nuclear disarmament, nuclear non-proliferation and peaceful use of nuclear energy must go together;

7. *Applauding* the long-term vision of a world without nuclear weapons, as currently championed by the new US administration;

8. *Welcoming* the steps taken by the governments of the United States, Russia, the United Kingdom and France to reduce their nuclear weapon arsenals;

9. *Dismayed* by the continued defiance demonstrated by the Islamic Republic of Iran and the Democratic People's Republic of Korea (DPRK) in ignoring the calls by the international community to freeze the sensitive elements of their nuclear programmes and to co-operate fully with the IAEA;

10. *Acknowledging* that the NPT allows peaceful nuclear programmes, and that the expressed interest in nuclear energy by a number of countries can enhance their energy security and contribute to global environmental goals;

11. *Confirming*, nonetheless, that the revival of nuclear energy can proceed only if the rigorous security standards and instruments are in place, including the universalisation of the Additional Protocol, which provides for intrusive IAEA inspections and the establishment of multinational nuclear fuel centres;

12. *URGES* member governments and parliaments of the North Atlantic Alliance:

a. to redouble their efforts to ensure that the 2010 NPT Review Conference succeeds in strengthening the global nuclear non-proliferation regime by:

i) agreeing, under the auspices of the IAEA, upon objective, country-neutral sanctions and procedures that would be applied against NPT states found in non-compliance;

ii) ratifying the IAEA Additional Protocol – a mandatory pre-condition for any transfers of nuclear technology, materials and expertise;

iii) clarifying that the right to nuclear energy does not include automatic access to dual-use technology, such as uranium enrichment and plutonium separation;

iv) reiterating that a nation cannot withdraw from the NPT on short-notice without relinquishing all the benefits it gained as a member of the Treaty;

v) insisting that IAEA monitoring must continue after any withdrawal for a duration that is necessary to guarantee that NPT membership was not abused;

- vi) establishing incentives to develop multinational nuclear fuel production, spent fuel reprocessing and nuclear waste storage facilities under the aegis of the IAEA;
  - vii) guaranteeing adequate funding for the IAEA as the interest in nuclear energy increases globally;
  - viii) encouraging further progress in the field of nuclear disarmament, including the ratification of the Comprehensive Nuclear Test Ban Treaty, the negotiation of the Fissile Material Cut-Off Treaty and the planning of further reductions of nuclear weapon arsenals;
  - ix) offering incentives to persuade India, Israel and Pakistan to join the NPT;
- b. to continue direct dialogue with the Iranian leadership, working toward a solution that would not legitimise Iran's uranium programme, but reflect Iran's broader economic interests and to enhance diplomatic and economic efforts, including the potential use of strong sanctions against the government of Iran should current negotiations fail to secure an acceptable agreement, to prevent Iran from developing a nuclear weapons capability;
- c. to ensure the implementation of the UN Security Council Resolution 1874 that calls for the establishment of sanctions against the DPRK;
- d. to reaffirm their commitment to, and the adequate financing of, the Nunn-Lugar Cooperative Threat Reduction programmes and the G8 Partnership Against the Spread of Weapons and Materials of Mass Destruction;
- e. to increase the prominence of nuclear non-proliferation issues on the agenda of the North Atlantic Council and in the new NATO Strategic Concept.



# Annex VI

## NATO Parliamentary Assembly (NATO PA)

### The Role of the Assembly

Founded in 1955, the NATO Parliamentary Assembly (NATO PA) serves as the consultative inter-parliamentary organisation for the North Atlantic Alliance.

Bringing together members of parliaments throughout the Atlantic Alliance, the NATO PA provides an essential link between NATO and the parliaments of its member nations, helping to build parliamentary and public consensus in support of Alliance policies.

At the same time, it facilitates parliamentary awareness and understanding of key security issues and contributes to a greater transparency of NATO policies. Crucially, it helps maintain and strengthen the transatlantic relationship, which underpins the Atlantic Alliance.

Since the end of the Cold War the Assembly has assumed a new role by integrating into its work parliamentarians from those countries in Central and Eastern Europe and beyond who seek a closer association with NATO. This integration has provided both political and practical assistance and has contributed to the strengthening of parliamentary democracy throughout the Euro-Atlantic region, thereby complementing and reinforcing NATO's own programme of partnership and co-operation.

The headquarters of the Assembly's 30-strong International Secretariat staff members is located in central Brussels.

### How the Assembly Works

The NATO PA consists of 257 delegates from the 28 NATO member countries. Delegates from 14 associate countries; the European Parliament; 4 Regional partner and Mediterranean associate member countries; as well as parliamentary observers from 7 other countries and 3 inter-parliamentary assemblies also take part in its activities.

The Assembly's governing body is the Standing Committee, which is composed of the Head of each member delegation, the President, the Vice-Presidents, the Treasurer and the Secretary General.

The International Secretariat under its Secretary General, is responsible for all administration and the bulk of research and analysis that supports the Assembly's Committees, Sub-Committees and other groups.

The five Committees are: Civil Dimension of Security; Defence and Security; Economics and Security; Political; Science and Technology. They are charged with examining all major contemporary issues in their fields. Other Assembly bodies include the Mediterranean and Middle East Special Group to enhance parliamentary dialogue and understanding with countries of the Middle East and the North African region, the Ukraine-NATO Inter-parliamentary Council, the Georgia-NATO Inter-parliamentary Council, the NATO-Russia Parliamentary Committee where the leaders of the member delegations and those of the Russian Federal Assembly meet in an 'at 29' format.

The Committees and Sub-Committees produce reports, which are discussed in draft form at the Assembly's Spring Session. The reports are then revised and updated for discussion, amendment and adoption at the Assembly's Annual Session in the Autumn.

At the Annual Session, the Committees also produce policy recommendations – which are voted on by the full Assembly and forwarded to the North Atlantic Council. As well as meetings during Sessions, the Committees and Sub Committees meet several times a year in member and associate nations where they receive briefings from leading government and parliamentary representatives, as well as senior academics and experts.

## **Financing**

The Assembly is directly funded by member parliaments and governments, and is financially and administratively separate from NATO itself.

## **The Rose-Roth Programme**

A central part of the Assembly's work is the Rose-Roth Programme of partnership and co-operation – initially with Central and Eastern European countries but subsequently throughout the Euro-Atlantic region. This programme seeks to assist partner countries, mainly in the Balkans and the South Caucasus, through a challenging transition process, which involves the implementation of difficult political and economic reforms.

The Rose-Roth Programme involves a series of seminars focused on regional and topical security issues and training programmes for parliamentary staff and members of Parliament. The aim is to enhance parliamentary awareness, build contacts and provide experience and expertise. Particular attention is paid to promoting the principle of the democratic control of armed forces and to the development of effective parliamentary oversight of defence and the military.

## **The New Parliamentarians Programme**

The New Parliamentarians Programme is focused primarily on young or newly elected members of parliament from NATO and Euro-Atlantic Partnership Council (EAPC) nations, as well as those newly assigned to security or foreign affairs responsibilities. The programme aims at providing an in-depth overview of the functioning and policies of NATO and SHAPE as well as of the Alliance's evolving relationships with its many partners. The Programme was launched in 2000 and is held annually in Brussels.

## The Parliamentary Transatlantic Forum

In 2001, growing concern about the apparent drift in transatlantic attitudes, perceptions and policies, prompted the Assembly's Standing Committee to instigate a 'Parliamentary Transatlantic Forum' to help identify the precise nature of the divergence in transatlantic thinking and to explore ways in which these differences could be redressed. The programme includes discussions with senior US administration figures and academic experts.

The Forum is held annually in Washington DC in co-operation with the *National Defense University* and the *Atlantic Council of the United States*.

## The Mediterranean and Middle East Special Group \*

In the context of its outreach activities, the Assembly created in 1995 a Mediterranean Special Group with the aim of opening a political dialogue with legislators from countries of the Middle East and North Africa (MENA). The programme gradually expanded and the Assembly has now established relations at various levels with the Parliaments of nine countries of the southern and eastern Mediterranean: Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, Tunisia, Mauritania, as well as with the Palestinian Legislative Council. Preliminary contacts have recently been established with some countries of the Gulf.

The yearly activities of the Group include a visit to one of the Regional partner and Mediterranean associate member countries, and two seminars, one of which is held in Naples, in co-operation with the Italian Parliament. These meetings seek to enhance parliamentary awareness of the problems of the region, promote a political dialogue between parliamentarians, and ultimately provide experience and expertise to legislators from Maghreb and Middle East countries.

## Sessions

Two sessions are held each year—in the Spring and Autumn ('Annual')—in different countries.

### 2010

Spring Session	Riga, Latvia	28 May-1 June
Annual Session	Warsaw, Poland	12-16 November

### 2011

Spring Session	Varna, Bulgaria	27-31 May
Annual Session	Bucharest, Romania	7-11 October

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\* Formerly referred to as the Mediterranean Special Group.

## Membership of the Assembly

### Member Delegations

<i>Member States</i>	<i>Delegates</i>
United States	36
France	18
Germany	18
Italy	18
United Kingdom	18
Canada	12
Poland	12
Spain	12
Turkey	12
Romania	10
Belgium	7
Czech Republic	7
Greece	7
Hungary	7
Netherlands	7
Portugal	7
Bulgaria	6
Denmark	5
Norway	5
Slovakia	5
Croatia	5
Lithuania	4
Albania	4
Estonia	3
Iceland	3
Latvia	3
Luxembourg	3
Slovenia	3
<b>28</b>	<b>257</b>

### Associate Delegations

Russian Federation	10
Ukraine	8
Austria	5
Azerbaijan	5
Serbia	5
Sweden	5
Switzerland	5
Finland	4

Georgia	4
Armenia	3
Bosnia and Herzegovina	3
Moldova	3
Montenegro	3
the former Yugoslav Republic of Macedonia *	3
<b>14</b>	<b>66</b>

#### European Parliament Delegation

	<b>10</b>
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#### Regional Partner and Mediterranean Associate Member Delegations

Algeria	3
Morocco	3
Israel	3
Jordan	3
<b>4</b>	<b>12</b>

#### Parliamentary Observer Delegations

Australia	2
Egypt	2
Japan	2
Kazakhstan	2
Palestinian Legislative Council	2
Tunisia	2
South Korea	2
<b>7</b>	<b>14</b>

#### Inter-parliamentary Assembly Delegations

OSCE PA	2
PACE	2
ESDA-AWEU	2
<b>3</b>	<b>6</b>

\* Turkey recognises the Republic of Macedonia with its constitutional name.

## **Committees, Sub-Committees and Working Groups**

### **Committee on the Civil Dimension of Security (CDS)**

Sub-Committee on Democratic Governance (CSDSG)

### **Defence and Security Committee (DSC)**

Sub-Committee on Future Security and Defence Capabilities (DSCFC)

Sub-Committee on Transatlantic Defence and Security Co-operation (DSCTC)

### **Economics and Security Committee (ESC)**

Sub-Committee on East-West Economic Co-operation and Convergence (ESCEW)

Sub-Committee on Transatlantic Economic Relations (ESCTER)

### **Political Committee (PC)**

Sub-Committee on NATO Partnerships (PCNP)

Sub-Committee on Transatlantic Relations (PCTR)

### **Science and Technology Committee (STC)**

Sub-Committee on Energy and Environmental Security (STCEES)

### **Mediterranean and Middle East Special Group (GSM)**

### **NATO-Russia Parliamentary Committee (NRPC)**

### **Ukraine-NATO Inter-parliamentary Council (UNIC)**

### **Georgia-NATO Inter-parliamentary Council (GNIC)**

## **Members of the Bureau of the Assembly**

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# Annex VII

## Geneva Centre for the Democratic Control of Armed Forces (DCAF)

### Mission

The *Geneva Centre for the Democratic Control of Armed Forces* (DCAF) is one of the world's leading institutions in the areas of security sector reform (SSR) and security sector governance (SSG).

DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

DCAF's advantages are:

- neutrality and impartiality;
- the combination of strong operational capability with policy-oriented research;
- flexibility and intergovernmental support;
- expertise across the entire spectrum of SSR / SSG.

### Organisation

DCAF was established in 2000 by the Swiss government. DCAF is an *international foundation* with 53 Member States and the Canton of Geneva. DCAF's main divisions are *Operations Europe, Operations Middle East and Africa, Research and Special Programmes*. The staff numbers over 100 employees from more than 30 countries.

DCAF's head office is located in *Geneva, Switzerland*. DCAF also has permanent offices in *Beirut, Brussels, Ljubljana and Ramallah*.

For more information about DCAF visit [www.dcaf.ch](http://www.dcaf.ch).

### Thematic Programmes

#### 1. Security Governance Programme

assisting the international community in the development of SSG / SSR norms, concepts and policies

**2. Government Advisory Programme**

providing advice on the restructuring of security sector institutions

**3. Parliamentary Assistance Programme**

developing legal frameworks, advising parliaments and providing staff training to enhance parliamentary oversight of the security sector

**4. Defence Reform Programme**

developing programming and products to support defence reform in transition countries

**5. Border Security Programme**

providing assistance in organising professional border security structures

**6. Intelligence Reform Programme**

assisting the reform of intelligence services to embed accountability mechanisms

**7. Police Reform Programme**

assisting police reform in transition countries

**8. Civil Society Programme**

capacity-building on security sector oversight issues for civil society organisations and the media

**9. Gender, Children and Security Programme**

integrating the gender dimension into the SSR / SSG agenda

**Regional Programmes****1. South-Eastern Europe Programme**

comprehensive SSR programming in the Western Balkans with emphasis on fostering regional security cooperation, border security and police reform, parliamentary oversight and intelligence accountability

**2. New Independent States Programme**

defence, intelligence and law enforcement reform; programming and capacity-building for parliamentarians, ombuds institutions, civil society and security sector in the Caucasus, Central Asia, Ukraine and Moldova

### 3. Middle East and North Africa Programme

disseminating SSR / SSG standards and assisting the development of oversight capacity at executive, legislative and civil society level in the Arab region, in particular in Palestine and Lebanon

### 4. Africa Programme

setting norms and standards and building parliamentary and civil society oversight capacity in West and Southern Africa

DCAF also conducts SSR-related projects in *Asia* (Afghanistan, Nepal, Asia-Pacific, South-east Asia, in particular Indonesia) and in Latin America.

## International Security Sector Advisory Team (ISSAT)

DCAF's International Security Sector Advisory Team (ISSAT) helps the international community design, implement, assess and evaluate SSR programmes; ISSAT provides training and supports capacity-building in accordance with internationally recognised good practice.

For more information on ISSAT visit [www.dcaf.ch/issat](http://www.dcaf.ch/issat).

## DCAF Member States

Albania	Estonia	Macedonia	Sweden
Argentina	Finland	Malta	Switzerland
Armenia	France	Moldova	Turkey
Austria	Geneva (Canton)	Montenegro	Ukraine
Azerbaijan	Georgia	Netherlands	United Kingdom
Belarus	Germany	Nigeria	United States
Belgium	Greece	Norway	
Bosnia and Herzegovina	Hungary	Poland	
Bulgaria	Indonesia	Portugal	
Burkina Faso	Ireland	Romania	
Canada	Italy	Russia	
Côte d'Ivoire	Latvia	Serbia	
Croatia	Lebanon	Slovak Republic	
Cyprus	Liechtenstein	Slovenia	
Czech Republic	Lithuania	South Africa	
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