

GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)
NATO PARLIAMENTARY ASSEMBLY (NATO PA)

Oversight and Guidance: Parliaments and Security Sector Governance

Editors

Eden Cole, Philipp Fluri & Simon Lunn



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the rule of law



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PREFACE

David Hobbs

Secretary General, NATO Parliamentary Assembly

One of the many changes that can be attributed to the end of the Cold War is that national parliaments play a more central role in their nations' foreign and defence policies. If deterrence had failed during the Cold War, the prevailing wisdom was that NATO's forces would be fighting a defensive war for collective national survival. Thankfully, that wisdom was never put to the test. Since the end of the Cold War, however, NATO has evolved and its members have conducted active operations in regions as far afield as the Balkans, Central Asia, and the Horn of Africa. Each of these deployments has been the subject of public and parliamentary debate, not least as, for some Allies, the engagement of their armed forces in such operations is subject to parliamentary approval.

Another more subtle force also drew parliaments closer to centre stage. The removal of the existential Cold War threat led NATO back to first principles – literally. NATO had been founded to provide for the collective defence of its members, but that mutual pledge stemmed from the members' shared commitment to the principles and values of democracy, individual freedom, and the rule of law. These unifying principles highlighted the role of parliaments as both symbols and mechanisms of democratic societies.

Furthermore, the nations of the former Warsaw Pact sought to adopt those same principles, and the efforts to support their political and economic transitions included assistance in establishing and nurturing genuine parliamentary institutions and practices, efforts which naturally involved the parliaments of the NATO nations.

The NATO Parliamentary Assembly – as described in this volume – responded rapidly and constructively by *inter alia* working with Central and Eastern European legislatures on security sector reform.

In retrospect, this process appears far more orderly and inevitable than it appeared at the time. Many national and international organizations were active in the field, and each was developing their own programmes and approach. While ‘civil–military relations’ was an established academic discipline, security sector reform on such a scale was unprecedented, and the term itself was only poorly defined.

Against this background, in 2000, the Swiss government founded the Geneva Centre for the Democratic Control of Armed Forces (DCAF). This was intended to provide an intellectual underpinning to security sector reform and, at the same time, to be at the forefront of practical assistance in that field.

DCAF vigorously promoted academic research, and produced an enormous array of research papers, books and guidance material. In addition, DCAF has trained and mentored parliamentarians and parliamentary staffs in order to assist “fledgling” democracies develop the practices, mechanisms, and habits needed to exercise oversight of the security sector.

One of DCAF’s early contributions to the literature of security sector reform and security sector governance was the 2003 version of this handbook on parliamentary oversight of the security sector,¹ followed by an update in 2010². This third edition has been updated and revised to take account of the evolution of both the security landscape and the discipline of security sector reform which has taken place.

As with earlier versions, this handbook is also a manifestation of the excellent cooperation between DCAF and the NATO Parliamentary

¹ <http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector-and-its-Reform>

² <http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector>

Assembly. Both organizations wield a wealth of experience in the practices and institutions of democratic governance, and their complementary approach and capacities in providing assistance with security sector reform continue to bear fruit today.

This 2015 version of the *Vademecum* reflects both continuity and change. The enduring and overarching principles and practices of democratic oversight of the security sector are presented and analysed in articles by DCAF's outstanding experts. These are complemented by articles exploring the changing security landscape and the role of the NATO Parliamentary Assembly in working with its partners on both parliamentary engagement and capacity building.

The *Vademecum* underlines the essential role that parliaments must play in ensuring democratic oversight of the security sector, and it puts that role into the political and military context. Security sector reform cannot proceed in isolation but depends upon a pervasive societal framework of democratic institutions and practices which must also be put in place. There is no universally applicable model because parliamentary practices are shaped by specific national traditions and cultures. One size certainly doesn't fit all but there are enduring principles and values which provide guidelines and yardsticks.

This *Vademecum* provides an indispensable guide to the overarching principles of security reform and the key mechanisms and practices that can be brought to bear. It is essential reading for both scholars and practitioners of security sector reform.

INTRODUCTION

The Editors

The principle that armed forces and security services should be subordinate and accountable to democratically elected political leadership has long been seen as a basic condition for the effective functioning and well-being of our societies. Yet for many years in NATO member countries the principle was taken for granted; assumed but largely unspoken and seldom explored. NATO enlargement changed this situation. One of the conditions aspirants were asked to meet was to ensure that their armed forces and defence establishments conformed to the standards prevailing in alliance countries.

However, having set the condition NATO members then had to reach agreement on what these standards were and what reforms would be needed to reach them. In the flurry of activity that followed officials and academics hastened to define the basic parameters of acceptable civil-military relations against which the aspirants could be assessed. Three basic problems inherited from the former regimes stood out: the dominant, privileged and insular position of the military, the lack of civilian defence expertise and the absence of the habit and the mechanisms for democratic accountability

The need to address these problems saw the emergence of two initiatives relevant to this volume. The weakness of parliamentary institutions and expertise and the consequent democratic deficit provided the impetus for an initiative by the NATO PA designed to assist the new parliaments in developing the structures, processes and expertise needed for parliamentarians to play an effective role in the development and implementation of security policy.

In a parallel development, Switzerland, recognising the widespread significance and relevance of armed forces reform, security sector reform and the related role of parliaments, decided to create a Centre dedicated to the issue. The result was the Geneva Centre for the Democratic Control of Armed Forces intended to provide analytical and research capacity with a focus on the role of parliaments.

Two decades later much of the original scenery has changed. Most of the initial aspirants are full members of NATO and now provide their experience and support to other countries in their respective reform efforts. Partnerships involving a wide range of countries in different stages of development and seeking different ties with NATO remain at the core of NATO's approach to collective security.

The process of defence reform has evolved and adapted. Three developments in particular merit attention. Firstly, the practical experience gained from enlargement and NATO's several external interventions demonstrated that a focus on reforming the defence sector alone was too narrow as it excluded areas which were equally essential to a country's security. As a result the terms of reference expanded to other areas and security sector reform is now seen as having a global remit through its relevance to stabilisation and reconstruction.

Secondly, in defining the relations that should exist between political leadership and the military it became clear that in certain situations the term control is an ambitious, and sometimes unrealistic, goal. This is particularly true when defining the degree and limits of parliamentary involvement and highlights the balance to be struck between the competing demands of effectiveness and democracy. In this context oversight – and its inherent sense of accountability - with the role of parliaments at its core, assumes specific significance – and forms the focus of this study.

Thirdly, the post-Cold War focus on defence reform and civil-military relations has developed into an expanded focus on security sector governance to ensure the transparency and accountability of all security

sector institutions' policies and practices, be they armed forces, law enforcement, or intelligence services.

The all-important security environment has also been transformed. The Euro-Atlantic area has moved from the rigidity of the Cold War to a fluid and unpredictable situation of crises and conflicts. Old and new risks sit side by side and compete for attention and resources. Armed forces and security services have to adapt to the new threats to both external and internal security. The re-emergence of territorial defence as a priority, coupled with the rise of ISIS, has reinforced the need for flexible capabilities. Likewise, the increase in terrorist activities has necessitated a reassessment of internal security requirements while safeguarding basic freedoms. The need for "joined up" security connecting all dimensions – military, civil and parliamentary – has become urgent.

Any assessment of the environment in which security policies are developed must take account of the technological advances in surveillance, communications and information distribution. These advances have an enormous impact not only on the way armed forces operate but also on the way they are perceived. The same technology which contributes to the effectiveness of operations also contributes to their transparency.

Whatever the changes and challenges, in contemporary conditions the fundamental security requirement remains the provision of armed forces and security services capable of protecting their societies in a manner consistent with their values and their means. Democratic oversight, with parliaments in the frontline, is an essential part of this framework.

Over the years the natural convergence of interests between DCAF and the NATO PA has produced a productive and flourishing cooperative relationship using the wealth of experience the NATO PA brings to bear in the practises and institutions of democratic governance. This volume is a reflection of that cooperation and of the contribution, frequently neglected, to security and stability made by parliamentary diplomacy and inter-parliamentary cooperation.

CHAPTER ONE: DEMOCRATIC OVERSIGHT AND THE CHANGING SECURITY CONTEXT

Mr. Simon Lunn

Associate Senior Fellow, DCAF

Introduction

Democratic oversight of the armed forces and security services is now a well-established foundation for the development of stable, free and prosperous societies. The principle remains constant. However, its implementation is always evolving in response to internal and external pressures.

This chapter examines the impact of the contemporary security environment on the implementation of democratic oversight. What are the major changes to the security landscape in which the armed forces and security services operate? How has the employment of these forces changed since the end of the Cold War? How have they and relevant organisations adapted to the new security conditions? What are the implications for the role of parliaments?

This chapter recalls the centrality of democratic oversight to an effective security sector and highlights the traditional challenges it faces, particularly relations between armed forces and their political leadership. The chapter then examines the post-Cold War changes to the security environment: the move away from traditional deterrence and defence; the emergence of new risks; the transformed social context; and the eventual blending of old and new threats as Russian actions in Ukraine and the rise of ISIS make their impact. Finally, it examines the way these changes have

affected the nature of war and armed conflict and the consequences for the role of parliaments.

Several caveats are necessary: first, the focus is on the consequences of the contemporary security environment for the effective functioning of democratic oversight of armed forces and security services. It is not an assessment of the services themselves or of related institutions; nor of the range of practices embraced by security sector reform; and while the principles of democratic oversight have a global application this study is limited to the Euro-Atlantic area and the armed forces of NATO members.

Defence, Security and Stability

All societies have the right to live in peace without the fear of external or internal aggression. A secure environment requires a network of arrangements with armed forces and security services at the core, complemented by institutions and procedures to ensure the rule of law and the maintenance of law and order. Democratic oversight of the armed forces and security services to ensure transparency and accountability is an indispensable ingredient of these arrangements.

In many NATO countries for many years these elements were largely taken for granted. With the exception of occasional academic studies they received little attention. However, the decision by NATO to accept new members changed this situation. One of the “conditions” aspirants were asked meet was to ensure that they had proper civil-military relations – and that their armed forces and security services occupied an appropriate place in their respective societies. NATO members were then required to think through what this “condition” meant in terms of structures and processes. A series of workshops and conferences involving both officials and academics produced agreement on the basic elements.³

³ For a description of these elements see, Simon Lunn, ‘The Democratic Control of Armed Forces in Principle and Practice’, in Hans Born, Philipp Fluri and Simon Lunn (eds.), *Oversight and Guidance: the Relevance of Parliamentary Oversight for the Security Sector*, (Geneva: DCAF, 2010) available at:

The implementation of the necessary reforms by candidate countries provided first-hand experience on which to adapt and fine tune further work.

This practical experience during the enlargement process highlighted three aspects: first, changing attitudes was as important as installing mechanisms, which meant that progress often had to await changes in generations; second, a focus on the defence sector alone was too narrow, broader elements of the security framework had to be included; and third, “control” can be an ambitious, and in certain situations, unrealistic term to describe relations between political authorities and their armed forces. This reinforced the importance of democratic oversight and its implied element of accountability.

The Significance of Democratic Oversight for Defence and Security

Armed forces and security services enjoy a special place in their respective societies as the first line of protection and the centrepiece of national security. They are the principal owners of weapons, a substantial consumer of national resources and a key constituency in the national policy and decision making process.

In most countries armed forces function according to principles and practices which frequently distinguish them from the rest of society. The qualities on which the ethos of most militaries is based – discipline, loyalty, tradition and group cohesion - are well known. They are not unique, of course, to the military profession. However, collectively they underpin the teamwork that is critical to effective military operations.

These characteristics are accompanied by, and contribute to, a military “culture” that results from the combined effects of a distinctive education, training and life style. In many countries this contributes to the

<http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector>

location of the military as a socially conservative group⁴, often slightly apart from the societies they protect. It also results in a distinctive style and approach to problems that finds its way into the formulation of policy, as is discussed later.

In sum, as a corporate group the armed forces in any society represent a coherent, cohesive and influential force. There is always a risk, even in more developed countries that, because of their unique qualities and specialisms, the armed forces exercise an influence that is difficult for the non-specialist politician or citizen to question.

It is therefore essential that these forces should be part of a framework which ensures they are subordinate and accountable to democratically elected authorities; implement the political goals set by that leadership, and constitute an integral and respected part of the societies they serve and protect. Mechanisms that facilitate transparency and oversight are essential elements in this democratic framework.

New Challenges to Traditional Democratic Oversight and Defence Issues

The effective realisation of democratic oversight of the defence and security sector faces a number of obstacles which are inherent in the nature of defence and security. Defence is “different” from other areas of government as it involves certain characteristics that complicate the task of democratic oversight.

First, defence and security concerns the security of the nation and involves decisions to commit lives and expenditure for the nation’s defence. The term national security always has a special ring to it as it implies confidentiality and also a degree of exclusivity in terms of the expertise and professionalism that has to be brought to bear.

⁴ This general observation on the conservative orientation of the military was made by Samuel Huntington, see Samuel P. Huntington, ‘The Military Mind: Conservative Realism of the Professional Military Ethic’, Chapter 3, *The Soldier and the State: the Theory and Politics of Civil-Military Relations*, (New York: Belknap Press, 1957).

The military professionals have an understandable tendency to believe that military affairs are best left to them. This is understandable as the business of the armed forces is to prepare for conflict and the potential loss of life; inevitably the intrusion of outsiders or non-professionals can be a sensitive issue. However, the line that separates the military and political spheres of competence and responsibility is not easily drawn and is all too easily blurred. The potential for such blurring exists in many areas and at many levels ranging across the setting of policy, the education, training and equipping of the armed forces and their deployment and employment.

The conduct of military operations is an obvious example where political and military considerations can easily collide and where areas of competence and priority are easily disputed. Armed forces are now involved in a broad range of missions which extend from intervention in armed conflict to stabilisation, nation building and humanitarian missions. The political - military relationship is tested in a variety of situations each of which poses different problems.

A recent collection of essays by a group of British generals drawing on their experiences in Iraq and Afghanistan provides multiple examples of the changed environment in which commanders now find themselves.⁵ The responsibility of the military commander in a war fighting environment may be relatively clear and operational success unconstrained by external considerations. However, peace keeping or stabilisation missions are inevitably more complex as they involve a range of non-military considerations which a commander is obliged to take account of.⁶

⁵ Jonathan Bailey, Richard Iron, Hew Strachan, (eds.) *British Generals in Blair's Wars*, (Farnham: Ashgate, 2013). See also Christopher Elliot, *High Command: British Military Leadership in the Iraq and Afghanistan Wars*, (Oxford: OUP, 2015).

⁶ In the words of General John McColl: "Tell the military commander what you want to achieve then leave it to him to decide how'..... that approach....might work in a war fighting situation where the military line of operation is more discreet and less reliant upon politics and economics for tactical and operational success – it is not the answer in peace support operations where the interrelationship between lines of operation is less sequential and completely integrated" in John McColl,

In contrast to the relative clarity of the Cold War contemporary conflict situations are marked by complexity and uncertainty - of “hazy parameters”, in which “success is hard to define” and:

... the role of commanders has moved from mission execution to mission interpretation to often mission definition. This is particularly so at the political-military level, where the commander will be subject to national and multinational direction, one sometimes conflicting with the other.⁷

As indicated above much of this uncertainty and complexity derives from the requirement for multinational operations and the inevitable intrusion of coalition politics. Different national interests are at stake; different agendas and national perspectives come into play and need to be reconciled.⁸ The setting of rules of engagement for operations and the attachment of caveats to the deployment of national force contributions both reflect political considerations. These may not be consistent with requirements on the ground and provide great scope for frustration on the part of the military commander.

Multinational operations are accepted as a political necessity and a fact of military life. However, they carry consequences for military effectiveness which resonate through most of the contributions in “British Generals in Blair’s Wars”. The difficulties that evolve from the duality of NATO and national command are not always well understood by those not immediately involved. In the words of General John Kiszely, command at

‘Modern Campaigning: From a Practitioner’s Perspective’, Chapter 9, *British Generals in Blair’s Wars*.

⁷ Ibid., Chapter 9, *British Generals in Blair’s Wars*.

⁸ See Ed Butler, ‘Setting ourselves up for a fall in Afghanistan’, *RUSI Journal*, Vol. 160, No. 1 Feb/March 2015. See also General David Richards, *Taking Command: The Autobiography*, (London: Headline Publishing Group, 2014). For a non-military view see James Fergusson, *A Million Bullets: The Real Story of the War in Afghanistan*, (Bantam Press, 2008).

the multinational level “is more often about diplomacy and gentle persuasion than giving orders.”⁹ The command and control of coalition missions can also pose problems at the political level with consequences for national parliaments, as is discussed later in this chapter.

The current security environment and the blurring of roles and competences call for the closest possible integration of the two sides of the political-military relationship. Both need to understand the other’s world; easier said, however, than achieved.

There is a further dimension to this discussion. The characteristics which define the military as a distinctive group also have implications for policy making and implementation. They produce an approach to situation assessment and problem solving best summarised as direct, uncomplicated and results oriented. This inevitably filters through into the realm of policy. In some situations this direct “no nonsense” approach is an asset and brings a welcome degree of clarity. In others, however, it may not sit easily with the complexity of the situation, where a degree of flexibility in the form of compromise, concession, and a degree of opaqueness may be needed.

The changing character of contemporary operations has meant that the military in many countries have had to adapt. Most military officers are today required to develop an understanding of the strategic and political context of contemporary situations. The contributors to “British Generals in Blair’s Wars” all demonstrate a thorough understanding not only of the command issues – which is to be expected - but also of the broader picture and the local issues that influence and constrain military implementation; albeit the way these views are expressed reflects a distinctive military style.

Discussion of a distinctive military style and approach skims the surface of a deeper question that runs through relations between the military and the political or civil side. It is sufficient here to emphasise that the answer lies in developing a system that harnesses and blends the competences of both sides. In many countries the integration of civilians

⁹ John Kiszely, ‘The British Army and Thinking About the Operational Level’, Chapter 10, *British Generals in Blair’s Wars*.

and military in planning staffs is designed to further this blending – the latent tensions, however, remain.

In areas of potential friction the challenge is to get the balance right between the demands of military effectiveness and the principles of democratic subordination and accountability. Final responsibility and accountability must always rest with political leadership. However, common sense suggests that the military professionals should have their say in certain areas of defence policy with minimum interference by the political side.

The role of the military commander in the conduct and tactics of operations is an obvious example.¹⁰ However, this places an enormous responsibility on the commander on the ground particularly in operations other than war where so many non-military factors come into play.

While the primacy of politics is the accepted foundation of civil-military relations certain questions permeate all levels of the relationship: when and under what conditions do the military present their views? Do they offer advice or advocacy? Is their contribution the unvarnished military view “telling it like it is”?¹¹ Or is the military view already tailored for what the political market can bear? If the military view is critical of official policy, how forcefully should it be expressed and with what consequences?

These are perennial problems that lie at the heart of civil-military relations and are beyond further discussion here.¹² However, they are particularly relevant to the issue of oversight and accountability and to the

¹⁰ As General McColl puts it “ But the rule must be that the man on the ground gets the freedom and resources to the job as he defines it, unless there is a very good reason why not” *ibid.*, McColl, ‘Modern Campaigning’, in *British Generals in Blair’s Wars*.

¹¹ In the words of one senior commander having “the moral courage to stand up to politicians and give them sound military advice as opposed to what they want to hear” in David Richards, ‘Sierra Leone 2000: Pregnant with Lessons’, Chapter 4, *British Generals in Blair’s Wars*.

¹² There is a wealth of literature on this issue see Eliot Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Warfare*, (Simon and Schuster, 2002).

role of parliaments in offering, at least in theory, an additional check that political goals are matched by military means.¹³

Within the NATO consultation process military advice is provided to the political body the NATO Council (NAC) – comprising the ambassadors of the twenty eight members – by the Chairman of the Military Committee (MC) representing the collective views of NATO’s twenty eight senior military authorities; the operational dimension is represented by the presence of Supreme Allied Commander Europe (SACEUR). The collective agreement reached through the NAC is always on the basis of consensus; it is for each government to ensure the support and approval of their respective parliaments through their respective constitutional and decision making processes.

Once the NAC agrees to launch a mission the NATO military chain of command, through SACEUR, is responsible for its execution. However each national government and chain of command retains tight control of the actions of its own contingent within the NATO force. As General McColl has indicated, this can cause tensions and dilemmas for commanders on the ground in balancing sometimes conflicting imperatives. Nevertheless, ‘multinationality’ will continue to be at the heart of NATO missions, including and especially those under the Readiness Action Plan (RAP.)

The question of civilian involvement in, and influence over, the development and implementation of defence and security policy is relevant for both the executive and parliament. In the executive the military and political civilian sides must work together despite the inevitable degree of tension due to their respective roles. Both levels depend on the key parties developing the required understanding and expertise which allows them to cooperate and work together and build mutual confidence. In the words of one former official:

¹³ For example, it is possible that a timely consultation by the UK with Parliament on the decision to deploy a substantial force to Afghanistan at the same time as the substantial commitment to Iraq could have drawn attention to the risk of overstretch. The UK, of course, is not strong on this form of consultation.

... There is merit in the clear separation between the expert military adviser and the professional politician who takes the decision. There must be empathy but there must also be challenge and scrutiny, not mere assumption of mutual interest.¹⁴

Most countries have civilians inside and outside of government with familiarity and understanding of defence issues and experience of operations. Often complemented by a network of research institutes and think tanks whose influence and input will vary from country to country but who add to the expertise available.

The involvement of parliaments adds a further dimension to the political military mix in the development and implementation of security policy. Governments are rarely enthusiastic about parliamentary scrutiny. This reticence is even greater for defence and security which in many countries is seen as lying primarily within the prerogative of the executive.

All parliaments are responsible for voting for necessary funds. However, it is for each parliament to decide the scope and limits of their involvement in defence policy. At what stage should they be informed and consulted on the development and implementation of defence policy and operations? In answering these questions each country will establish its own balance in the relationship between the executive and legislature.¹⁵

The deployment of missions overseas has given a new salience to the issue of parliamentary authorisation.¹⁶ The changing nature of these

¹⁴ Desmond Bowen, 'The Political-Military Relationship in Operations', Chapter 23, *British Generals in Blair's Wars*.

¹⁵ For a full discussion of the range of parliamentary powers see Hans Born, *Parliamentary Oversight of the Security Sector*, (DCAF and OPPD. 2013) available at <http://www.dcaf.ch/Publications/Parliamentary-Oversight-of-the-Security-Sector7> (03.06.15).

¹⁶ The US constitution gives the Congress specific responsibilities in this area. President Obama has recently submitted a proposed authorisation for the use of military force (AUMF) against ISIS. See: "Letter from the President- Authorization

operations and the attention they attract means they offer both scope and motivation for close parliamentary involvement. Parliamentary procedures vary widely depending on constitutional arrangements. Some parliaments are required to authorise deployments, others are consulted on the decision to deploy forces and kept informed on the status of operations, and in some consultation is minimal. Some parliaments require a legitimising authority and some make NATO operations a special case.¹⁷

Irrespective of the formal requirements for parliamentary involvement all governments will want to ensure that deployments of their armed forces overseas enjoy parliamentary and therefore public support.

As already discussed, multinational operations inevitably involve command and control problems for the military. They can also have political ramifications particularly for smaller nations who have contributed forces and who need to ensure that the conduct of the operation is consistent with the political mandate to which they have agreed to.¹⁸ Ensuring that the military means used in an operation match the political goals is an issue of direct concern to parliaments.

While operational decisions are for the most part left to the military in the field. Parliaments will seek involvement through monitoring and frequent consultation with the executive. Moreover they exert a degree of

for the Use of United States Armed Forces in connection with the Islamic State of Iraq and the Levant". February 11, 2015. <https://www.whitehouse.gov/the-press-office/2015/02/11/letter-president-authorization-use-united-states-armed-forces-connection> (03.06.15).

¹⁷ For a useful overview of the involvement of selected parliaments in deploying armed forces see Wolfgang Wagner, Dirk Peters and Cosima Glahn, *Parliamentary War Powers Around the World 1989-2004*, DCAF Occasional Paper,, No 22, Available at <http://www.dcaf.ch/Publications/Parliamentary-War-Powers-Around-the-World> (03.06.15).

¹⁸ See for example the concerns expressed by Norway's government and parliament that the Libyan operation was not consistent with the mandate which led to the withdrawal of Norwegian forces before the completion of the operation. Tormod Heier, 'Is 'Out Of Area' also 'Out Of Control'? Small States in Large Operations', *RUSI Journal*. Feb/March 2015.

final accountability through enquiries, reports and debates albeit these appear after the event.¹⁹

NATO's plans to develop a very high readiness force as part of its RAP have direct implications for parliaments and their respective authorisation procedures. NATO's military authorities will argue for freedom to deploy the force or key elements of it, on their own initiative, in response to clear indicators and warnings of an impending threat or challenge. However, the need for an early and rapid response for the purposes of credible deterrence has to be balanced by the requirement for democratic accountability, as is discussed later.

Friction is inherent in the relationship between government and parliament. Yet it is in the mutual interests of both to work together. Governments need parliamentary support and effective democratic oversight benefits from a cooperative rather than an adversarial relationship.

Oversight can also be complicated by the need for confidentiality and the need to protect "operational security". This is frequently used by the executive to deny information to the legislative branch. The requirements of national or even operational security are frequently cited as overriding those of democratic accountability. However, it should be clear that in the long run effective oversight will ensure that all actions are eventually accountable.

In Western countries these traditional challenges to the effective functioning of democratic oversight have become an integral part of the decision making and implementing process. This has taken time. For countries undergoing transition time is a luxury they do not have, which makes tackling the challenges all the more difficult. Moreover, in all countries, irrespective of the state of development, democratic oversight of the armed forces and security services is subject to the constant pressure of

¹⁹ Parliamentary visits to an area of operation have become an important means for gaining insight and understanding of realities on the ground.

new influences. The principles remain the same, but implementation has to adapt constantly to the contemporary security environment.

The Defence and Security Environment since the End of the Cold War

1. The Move Away from Traditional Deterrence and Defence

The fall of the Berlin Wall and the end of the East-West divide transformed the environment in which countries in the Euro-Atlantic region consider the security of their respective societies. For most countries the removal of a sense of immediate threat meant that the defence of territory took on a lower priority. NATO's collectively agreed guidance called for the development of 'out of area' capabilities to enable crisis support interventions. The extensive preparations and arrangements for classical territorial defence of NATO's borders were wound down. Armed forces shrank correspondingly with smaller professional armies replacing those based on conscription. Equipment levels were reduced substantially.

Although the importance attached to territorial defence declined, the range of tasks for the armed forces broadened. Expeditionary forces were developed for those crises and conflicts assessed to be of relevance, within reach, and where intervention was deemed "doable" such as Bosnia and Afghanistan. In turn these forces became involved in operations variously termed reconstruction, stabilisation or "nation building" missions. These operations have required an adaptation of traditional military approaches, a merging of military and political competences and responsibilities and a willingness on the part of the military to work with civilian agencies.

This new era of interventions led to the realisation that the security of any society required an approach that drew together all elements involved in the process of stabilisation, including particularly the provision

of good governance. Experiences in Bosnia and Afghanistan – and, for some nations, Iraq – reinforced the point.²⁰

NATO subsequently recognised the need for a “comprehensive approach” in which all international institutions and actors in a crisis should cooperate in the interest of sustainable stabilisation of a country in crisis. However, the situation in Libya that followed NATO’s intervention would appear to support the criticism that the lessons concerning the need for post conflict planning have not yet been learned adequately.²¹

Much of this stabilisation work built on NATO’s early efforts to assist aspiring members in reforming their defence sectors; an initial focus which reflected the needs of the moment. As enlargement continued the scope of reforms broadened to embrace all elements of the security sector, assuming the generic title - Security Sector Reform (SSR) - covering the gamut of institutions and agencies relevant to a nation’s security. This work includes a major emphasis on countering corruption in recognition of its pervasive and corrosive effects in many countries. These efforts to counter corruption are embedded in what are termed “Building Integrity” initiatives.

SSR continues to adjust and evolve in response to new situations and challenges. Questions are inevitably raised concerning the universal relevance of western experiences and ways of doing things. This in turn requires a degree of understanding of local cultures and habits and the need, where necessary, to adapt existing models of assistance.

The need to understand and adjust to local conditions is a self-evident conditioning principle for interventions with a corresponding need for flexibility in identifying solutions. Whatever the local needs, however,

²⁰“If you accept that security is about law as much as order then you need to consider police, judges, gaols, and legal process as much as soldiers. I am not sure we have taken this aspect of stabilisation seriously enough,” in Bill Rollo, ‘Campaigning and Generalship: Iraq 2008’, Chapter 15, *Blair’s Wars*.

²¹ “We underestimated the incoherence, even anarchy, of the tribal and militia patchwork that filled the vacuum left by the Gaddafi regime,” in David Richards, *Taking Command: The Autobiography*, p.139.

the fact remains that in situations of internal instability and conflict the basic requirement is for well trained and disciplined domestic defence and security forces subordinate and accountable to a legitimate political authority. The problem is that in many conflict situations these basic elements are rarely in place and their development is inevitably constrained by the very conditions they are meant to cure.

The post-Cold War period saw a general loosening of attitudes towards defence and security and the consequent requirements. Basic assumptions concerning the roles and functioning of armed forces changed. Defence was no longer seen through the narrow lens of the Cold War with the inevitable focus on hardware and absolute numbers but increasingly in terms of the needs of contemporary crises and conflicts.

The role of armed forces was not simply to help deter or defeat the enemy. They were now also replacing regimes, installing the basic requirements of democratic societies and relevant institutions, and neutralising future threats. The involvement of the armed forces as “a force for good” in operations has represented a substantial challenge for the military.²² It has required changing long held attitudes and habits, rethinking command relationships and responsibilities, accepting the need to work with other agencies and organisations and achieving greater gender equality throughout the armed forces.

Regular armed forces have also had to contend with the rise of private security companies, private militias, and other forms of para military forces often with access to the latest weaponry. These forces are often used to supplement regular forces involved in intervention missions but equally can be part of opposition forces. One way or another, they complicate and further blur an already complex security scene.

The roles of non-state armed groups in conflict situations and stabilisation efforts vary enormously. A recent study by IISS described their

²² For discussions of the need for the military to rethink and adapt their roles of the implications see several contributions in *British Generals In Blair's Wars*, *ibid*.

impact as “spoilers”.²³ The easy access to weapons and high tech enjoyed by these groups means they are a persistent problem for any armed forces attempting an intervention.

The armed forces have also come to rely increasingly on contractors for the provision of logistics, the specialist training of indigenous armed forces and force protection. This development has also considerably complicated the issue of democratic control of the military: who is accountable for the misbehaviour of contractors who provide essential services to armed forces during conflict?

For most Euro-Atlantic countries defence and security during this initial post-Cold War period can be summarised as dealing with threats that emerged “elsewhere” and at a distance, implementing much needed defence reforms, and providing assistance to others through the transfer of experience and expertise. There was also a growing concern over the potential threat of proliferation of weapons of mass destruction. However, the central Cold War preoccupation with the dangers of nuclear weapons and the related question of arms control and disarmament rarely took central stage; concerns were raised intermittently, but kept at a relatively low profile. The lower profile for traditional defence was accompanied by a decline in the levels of expenditure countries were willing to devote to defence.

NATO itself adapted to the post-Cold War period through its two principal assets: the magnet of membership and the ability to organise and deploy multinational armed forces. New members were admitted having successfully completed individual partnership programs. These were then extended to new aspirants but also to countries interested in the mutual benefits of a closer association. These partnerships have increasingly

²³ “Non-state armed groups are the main protagonists and antagonists in modern conflict” see Chapter 1 “Armed groups in modern warfare”, in Peter Nadin, Patrick Cammaert, Vesselin Popovski, “Spoiler Groups and UN Peace Keeping”, *IISS Adelphi Series*, February 2015.

assumed greater utility and relevance as they are seen as offering important regional cooperation in tackling new challenges.

The Alliance also deployed its armed forces out of area in the Balkans, Afghanistan and has used air assets in Libya and maritime assets in counter-piracy operations in the Indian Ocean. Each of these operations demonstrated the complications involved in harmonising collective action and reconciling coalition politics. Thus far the cohesion and solidarity of the Alliance has held, and in Afghanistan has endured over a prolonged period of conflict.

2. New Risks, Challenges, Means

It is a truism to state that security environments are always changing as new threats and risks continuously emerge to challenge established assumptions. As the traditional defence concerns of the Cold War faded, so the relevance of other risks and threats – new and not so new - gained a correspondingly higher profile.

The security agenda broadened through the addition of an array of challenges perceived as relevant to a nation's security and including: the threat of terrorism – catalysed by the 9/11 attacks - extremism of various brands including a virulent form of "Jihadism", the proliferation of weapons of mass destruction, cyber-attacks, piracy, the vulnerability of energy supplies, climate change, pandemics, and mass migration.

The generic threat of failed or failing states is uniformly identified as the source of many problems accompanied by the rise of religious extremism. Conflicts involving non-state actors have become the norm, not the exception; the recognition of which places a premium on the need for early detection and measures of prevention and containment.

Many of the risks that are now considered relevant to this broader concept of security are categorised as non-military in nature or, at least, are deemed not susceptible to a military response. Most, however, are relevant to defence in the sense that they represent a distraction from traditional defence needs and a competing pressure in terms of priorities and resources. All impinge on, and contribute to, the sense of security or

insecurity of a society and constitute part of the context in which security policy is made.

Most of these contemporary risks or threats are transnational in nature. They acknowledge no borders; which means that an effective response depends on cooperation with others. The realisation that no single country can provide for its security alone has led to an emphasis on multilateral cooperation.

For countries in the Euro-Atlantic regions these new challenges have been superimposed on the traditional security agenda producing a blend of old risks and relatively new challenges. In looking at the implications of the contemporary security environment for security policies it is important to remember that politics and budgets continue to be major influences in defining what is desirable and what is achievable. Politics, as always, will determine the goals of the armed forces. Reaching agreement on the nature and scale of threats and risks to security and the corresponding military requirement is difficult enough at the national level. It is even more difficult when coalitions are involved as is evident in current NATO operations.

Similarly, budgets and the availability of defence resources will determine whether the means and capabilities provided are adequate to meet the political goals. The level of expenditure allocated to defence is within the direct competence of most parliaments although influence on the capabilities bought varies from parliament to parliament.

In the contemporary environment Russian actions in Ukraine and the threat posed by ISIS have galvanised a debate among NATO members on the levels of defence expenditure and the general decline in defence spending by European countries. However, it remains to be seen whether the threats to security posed by Russia and ISIS will result in changes to current levels of expenditure.²⁴

²⁴ Discussion centres on the formally endorsed target of 2% of GDP. This is essentially a political goal useful for indicating intent but is not based on any serious analysis of the collective capabilities required.

For some countries ISIS represents both a foreign based threat requiring overseas involvement, but also increasingly a domestic challenge due to the return of people often trained in military skills and therefore a threat to internal security. In this sense the threat posed by ISIS represents a competition for resources between traditional defence and internal security, as well as a potential blurring of roles and capabilities between the respective services involved.

The inexorable advance of technology continues to provide new means for the application of military force. Particularly notable are the advances in surveillance and in the use of airborne platforms and unmanned vehicles or drones for long range intelligence collection and precision strikes. It is not necessary to stress here that communications, situational awareness and the ability to integrate this technology to mission requirements are crucial to the conduct of operations. Drones have become omnipresent instruments not just against small groups in isolated conflicts but in set pieces between conventional forces as in Eastern Ukraine with extensive use by all parties of drones and counter-measures.²⁵

These technologies provide enormous potential for attacks at distance or “over the horizon” and by remote control. They are changing the way kinetic force is applied during armed conflict. However, they bring a variety of ethical and legal problems particularly over the question of national sovereignty but also the definition of war and a combatant.

The potential introduction of robots on or close to the battlefield also raises fundamental questions concerning the conduct of armed conflict and the eventual scope for autonomous action by weapon systems; in effect, missing out the human in the loop from capability to target. The general availability of new technological means through the commercial

²⁵ See Patrick Tucker, ‘In Ukraine, Tomorrow’s Drone War Is Alive Today’, *Defence One* 9 March 2015. http://www.defenseone.com/technology/2015/03/ukraine-tomorrows-drone-war-alive-today/107085/?oref=search_Tomorrow%E2%80%99s%20Drone%20War (03.06.15) Reports suggest that 85 countries have some form of miniaturised drones; three have used them in combat.

sector means an eventual proliferation of these systems and access for good and bad alike. “Technology can be our best friend –but it’s also our worst enemy, because the terrorists are taking advantage of it.”²⁶

The most serious development lies in cyber warfare and the pervasive vulnerabilities to cyber-attacks that exist at all levels of military operations and in society at large. Cyber operations will be an integral part of any future operation and for most countries cyber security has become a top priority. However, where cyber-attacks sit in the conflict spectrum and in terms of a proportionate response remains unclear. The NATO Summit in Newport affirmed that “cyber defence is part of NATO’s core task of collective defence.” This could be interpreted as recognising it as constituting an armed attack. However, the Declaration also clarified that a response by the Alliance would be decided on a case by case basis.²⁷ In other words, and providing a predictable answer to a perennial question, an armed attack is what the NAC decides it is.

It is always tempting to identify decisive developments and new eras in the evolution of warfare and armed conflict. However, the cumulative effect of the changes in conflict situations and the means being deployed would suggest that in the words of one observer “we are at the dawn of a new era in the conduct of conflict.”²⁸

Whether one agrees or not with this assessment, it is clear that developments in the conduct of armed conflicts and war are challenging existing assumptions. Armed conflicts today are rarely, if ever, between states as such but increasingly within them or in regions where the identity

²⁶ John Brennan Director of the CIA quoted in David Rothkopf, *National Insecurity: American Leadership in an Age of Fear* (New York: Public Affairs, 2014) p. 327.

²⁷“A decision as to when a cyber-attack would lead to the invocation of Article 5 would be taken by the NAC on a case by case basis.” *The NATO Newport Declaration*, 5th of September 2014, NATO Wales Summit 2014 see: http://www.nato.int/cps/en/natohq/official_texts_112964.htm?mode=pressrelease (03.06.15)

²⁸ David Rothkopf, *American Insecurity: Making US Foreign Policy in an Age of Fear*, (New York: Public Affairs, 2014)

and allegiance of protagonists is difficult to identify. As a consequence, the line that separates many armed conflicts from war in its traditional sense is increasingly blurred. Technological advances further blur the lines.

This has implications for the way armed force is used and for the norms and the legal frameworks currently in place that govern this use. These changes are stretching international law both in terms of the laws of armed conflict and those of human rights; they create grey areas in terms of the difference between wars and armed conflicts which have legal, political and moral consequences.²⁹

There is no space here to engage in the debate on the changing character or nature of war.³⁰ It is sufficient to note that these consequences are of direct interest to both executives and legislatures. When does aggression constitute an armed attack? When does armed conflict constitute a war? These and other issues need further reflection and clarification.

Current trends suggest that technology will continue to make transformational changes at an accelerating pace. “We move at a pace measured in decades in an environment that changes every year”.³¹ Staying ahead of the game, spotting the unexpected, and the “unknown unknowns” represents a permanent challenge for all parties to the security equation, military, civil, and parliamentary alike.

3. The Changing Social Context

The advances on the battlefield and in operations in general have to be seen in the context of the changes – some would say revolution - in

²⁹ See Anne-Marie Slaughter, “War and law in the 21st century: adapting to the changing face of conflict.” *Europe’s World*. Autumn 2011.

³⁰ For in depth examination of this issue see the joint project on “The Future of War” organised by the New America Foundation and Arizona State University and related discussions, at <http://www.newamerica.org/future-of-war/> (03.06.15)

³¹ Director of Defence Advanced Research Projects Agency (DARPA), Arati Prablaka, quoted in *Defence One*: Patrick Tucker, “Four DARPA Projects That Could Be Bigger Than the Internet”, May 20, 2014.

communications and information technology in society at large and which has evident spill-over effect on the world of defence and security.

One of the most dramatic changes during the last two decades lies in the rapid advances in communications and the growing role of the social media. Taken together these have created an entirely new context in which defence and security policy is developed, implemented and accounted for.

In an era of near instant communication, time and distance are compressed. The availability of real time information through the proliferation of mobile phones and digital cameras provides access to an abundance of information on a global basis. Blogs, Twitter, YouTube and “Hash Tag Diplomacy” have transformed the speed at which information is transmitted; frequently circumscribing the established media and reaching directly the public at large.

The implications of these changes are profound and raise many questions. The first is the capacity to handle the information. Everything is more transparent, yet the capacity to absorb and evaluate the information is severely tested. The ability to collect and transmit information threatens to outstrip the ability to analyse and interpret it - even with the help of the new technology itself. This increases the pressure on decision makers.

Second, this technology is available to all - responsible and irresponsible, democrats and dictators alike, which has obvious implications for the “narrative” or story of the situation that is being described.³² Reports suggest that part of ISIS’s success is directly attributed to the sophistication of its social media output.”³³

³² The significance of competing narratives was well demonstrated by the sharply contrasting images of the conflict in Ukraine that appeared on television screens in Kiev and Moscow, and there are countless other examples.

³³ According to Obama administration officials, they faced major challenges “in countering the Islamic State’s propaganda machine which pumps out as many as 90,000 Twitter messages and other social media communications every day and is attracting 1000 foreign fighters a month”. *The New York Times*: “Battered but Unbowed, ISIS is Still on Offensive” March 13, 2015. Here: http://www.nytimes.com/2015/03/14/world/middleeast/isis-still-on-the-attack-despite-internal-strife-and-heavy-losses.html?_r=0 (03.06.15)

As the armed forces and security services operate in the same social environment they are obviously affected by these developments. However, they are also able to exploit them. In stabilisation missions, the armed forces have made use of the social media as a resource to help them understand the local environment in which they are operating and help the unity of effort.³⁴

However, military commanders frequently point out that in their use of the social media they are obliged to play by different rules and standards. The blatant misreporting of events in Ukraine by Russian media outlets has also been the source of concern and has led to demands for counter strategies.

There is no need here to emphasise the centrality of communications to war and conflicts both in the conduct and also in the reporting of military operations. In the context of this chapter it is sufficient to note the importance of the media in contributing to the process of oversight and accountability.

These changes constitute a new dimension for those who plan and implement defence and security policy; one that contains new pressures and challenges but also new possibilities. Its full significance has yet to be seen but certainly carries implications for the world of democratic oversight.

Old and New Combine

The contemporary security environment is a blend of old and new threats and risks. The old has returned with a vengeance in the form of Russian actions in Ukraine albeit with new features. For most European countries Russian actions represented a shattering of the basic principles that have underpinned security in Europe and a return to the tensions and suspicions of the Cold War.

³⁴ See Thomas D Mayfield III, "A Commanders Strategy for Social Media", *JFQ Issue 60*, 1st quarter 2011; also several of the contributions in *Blair's Generals* (ibid).

For several NATO members, Russian actions in Ukraine have revived and reinforced old fears. References by President Putin to the responsibility to protect the welfare of Russian speakers outside Russia had an alarming resonance for those NATO members who live in close proximity.

The priority that countries accord to territorial defence is a function of their geo-strategic location. For some members the threat to territory remains a remote prospect but for others Russia's actions in Crimea and Eastern Ukraine have made it a new and worrying reality.

The nature of Russian actions through the use of proxies, local militias, special operatives, mass disinformation and black propaganda has provoked considerable concern. What has been termed "hybrid" warfare harnesses all potential instruments of power, military and unconventional, influence and coercion. While the term has captured popular imagination the notion of using all available conventional and unconventional assets in war is hardly new.³⁵

Preparing to counter aggressive activities in different fields and at different levels will require connecting all aspects of security, including those that lie in the realm of civil society such as disinformation activities that undermine social cohesion. Where such counter policies begin and end while respecting basic freedom of expression will be for individual countries to decide.

Perceptions differ concerning the imminence or degree of threat to potentially exposed NATO members as posed by Russian actions in Ukraine. Nevertheless, the Alliance response has been to reassure nervous Allies through a renewed emphasis on Article 5 and practical measures reflecting this collective commitment. These involve decisions on improving readiness through dedicated forces - including a very high readiness Brigade-size

³⁵ For an insightful contemporary discussion see Merle Maigre, "Nothing new in hybrid warfare: the Estonian experience and recommendations for NATO", *Policy Brief*, The German Marshall Fund of the United States (GMF). February 2015. <http://www.gmfus.org/publications/nothing-new-hybrid-warfare-estonian-experience-and-recommendations-nato> (03.06.15)

“spearhead” – ensuring continuous NATO activity, including possibly a rotational presence of Alliance forces in the region, developing host nation facilities, and prepositioning key assets. These will take time fully to implement and will represent a considerable increase in Alliance capabilities in the region.³⁶ NATO’s visibility in the region has already increased noticeably through a variety of exercises.

A rapid military deployment by NATO’s reaction forces into the region will depend on rapid decision-making by member governments via the NAC. The collective agreement by twenty-eight members on whatever warning indicators are available is already a substantial challenge. Further involvement of parliaments, if this is needed, could represent a further brake.

Doubts over the political decision-making process have led to suggestions that SACEUR could be delegated authority to begin the preparation or movement of forces short of actual deployment. However, any preparation or movement of forces will be seen by some countries as potentially escalatory and too sensitive without political assent. Satisfying the need for a rapid response capability is an Alliance priority and one of direct relevance to its parliaments, as discussed in Chapter Three of this book.

Concerns over the risk of non-conventional aggression, as determined by the increasing number of terrorist activities, will require a reassessment of internal security requirements and the capabilities of the domestic forces designed to counter these threats. Home-grown terrorism has become a major internal security issue and, as already discussed, will compete with defence for scarce financial resources.

Together with the renewed focus on collective defence, NATO will continue to assess external threats and particularly those emanating from the arc of crisis in the Middle East, and those associated with ISIS. There is as yet no consensus among NATO members that confronting ISIS is a task

³⁶ Details in the NATO Declaration from the Summit in Newport Sept 4 and 5, 2014, available at http://www.nato.int/cps/en/natohq/official_texts_112964.htm.

for NATO as a collective entity; rather it is left for individual members to take action. Whether this will change as a result of the atrocious attacks perpetrated in Paris in November 2015 remains to be seen. Many allies are contributing to the US-led coalition assisting Iraq to counter the advance of ISIS in that country. The debate over Alliance involvement against this and other threats emanating outside the Alliance will continue and will enhance the relevance of NATO partnerships.

The greatest element of uncertainty facing European countries is the sudden influx of substantial numbers of refugees fleeing the conflict in Syria and other conflict zones. At the time of writing the magnitude and scale of this influx is unknown. However, it is already clear that it will have far-reaching consequences for the unity of the European Union itself, its security and the social cohesion of its member states.

The Euro-Atlantic landscape will continue to be marked by several unresolved conflicts and the consequent instabilities, of which Ukraine is likely to be of most immediate concern to NATO members. Whatever settlement is eventually negotiated over the status of Ukraine, the country will remain a fragile entity, its future influenced by the competing visions of the EU and of Russia and the Eurasian Union.

Russian ambitions and potential will continue to overshadow developments in the OSCE region. Recognition by some NATO allies of the need for a cooperative relationship with Russia is matched by the scepticism of others who believe that Russian ambitions and regressive domestic policies mean this is just not possible. Few, however, are willing to contemplate the alternative of long-term confrontation. Russian involvement in Syria has added a further complication to an already fraught situation and, for some, has raised the possibility of a more cooperative relationship.

Over time some form of engagement is likely to emerge based on dialogue and cooperation in areas of mutual interest and benefit. Arms control is a prime candidate for renewed engagement because of the recognition that nuclear weapons remain a permanent and troubling

shadow, one against which developments in Ukraine and elsewhere take place. Likewise, events in Ukraine will prompt efforts to revive some form of regulatory regime for conventional forces including an updating of the Vienna Document on confidence and stability-building measures.

Whatever settlement is achieved in Ukraine, the contemporary security situation in the Euro-Atlantic region has been affected by recent Russian actions in a way that has profound and enduring implications. The Euro-Atlantic map may also begin to shift under the pressure of regional actors seeking greater autonomy, or powers seeking to re-establish old glories, or the emergence of political parties with extremist agendas.

Implications for Democratic Oversight and the Role of Parliaments

The preceding text has described a fluid, volatile and unpredictable security environment in which new risks compete with traditional military threats for attention and resources, new means offer new approaches to the application of military force, and the distinctions between armed conflicts and traditional war have largely disappeared.

Defence of territory is again a primary concern for some countries, replacing or supplementing the post-Cold War focus on interventions and aggravated by the appearance of unconventional forms of warfare. The need to counter the spread of terrorism abroad - and increasingly at home - now commands attention and resources.

The effective use of armed forces continues to depend on the basic qualities that permeate most militaries and on the quality of the men and women in uniform. Flexibility, adaptability, and an ability to respond rapidly in multinational operations will be the order of the day.

The social environment in which these operations take place has been transformed by advances in communications and information technology with enormous consequences for the conduct and perception of armed conflicts and the use of force.

In this turbulent environment, democratic oversight becomes more essential and more challenging. Ensuring national security means preparing to confront the use of armed force or aggressive activities in many guises

and at different levels. This calls for connecting the different dimensions of external and internal security while safeguarding the basic rights and freedoms that are the basis of all democratic states.

The blurring of the divisions between peace and war has meant a similar blurring of the roles and competences of the political and military sides that underpin traditional civil-military relations. These need to be better understood, not least as they have profound consequences for the role of parliaments:

- The pace of change will mean constant re-evaluation of the threats and security risks facing nations, the capabilities needed to address them and the resulting implications for national financial and human resources. Parliaments, as the ultimate litmus test of both the will and interests of the voters concerning priorities and the support for foreign engagements, must be actively engaged in such reviews.
- The need to counter terrorism both abroad and at home represents a debate over priorities and means which is of direct relevance to parliaments. As internal security requirements assume greater prominence parliaments are the key arbiters in balancing the competing demands of state security and the need to protect fundamental freedoms.
- Parliamentarians should be active in probing and clarifying areas where military and political views conflict and ensuring that political goals can be met with the military means available.
- Parliamentary involvement in the decision to deploy forces abroad, whether formal or informal, is both helped and hindered by the information revolution. The availability and speed of information gives greater opportunity and incentive for deeper parliamentary

involvement. However, more information does not necessarily mean more agreement; political divisions can hamper the effectiveness of operations.

- The credibility of NATO's emphasis on reassurance through rapid reaction will depend on rapid political decision making. Where the involvement of parliaments is required, those parliaments concerned will have to decide whether their arrangements are consistent with the demand for greater rapidity.
- The blurring of the separation between armed conflict and war has consequences for the legality of operations. Parliamentary oversight takes on a special dimension in terms of ensuring that armed forces are performing the missions they are designed for and that the use of force in a conflict situation is consistent with international and humanitarian law.
- New technology places a premium on the development of appropriate analytical capabilities. Parliamentarians must ensure that their own support structures are keeping pace with developments in order to ensure an effective parliamentary input to discussions of defence and security.
- In several countries, parliamentarians have been prominent in promoting disarmament, arms control and non-proliferation as a means of seeking security at lower levels of forces.

Despite the wide differences in influence and involvement in defence and security among the parliaments of NATO countries, the issues discussed here are common to all and beyond the capacities of most single states. Capabilities remain firmly national. However, the threats they confront are increasingly international and cross-border. Their use will be in

cooperation with others. Operations of the future will be coalition-driven and multinational. This means that parliamentary involvement is itself “internationalised”. There is much to be gained, therefore, from collective discussions within a multinational forum in order to pool and share international and national experiences. The NATO PA provides just such a forum.

CHAPTER TWO: DEMOCRATIC OVERSIGHT AND GOVERNANCE OF DEFENCE AND SECURITY INSTITUTIONS ¹

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Introduction

Democratic governance of the security sector is now an established global principle.² Moreover, in European democracies the policy and practice of national security - from community to strategic levels - is also determined by the European Convention on Human Rights which remains binding upon all signatories.³ The Venice Commission of the Council of Europe also regularly supplies opinions on the legislative requirements for aligning legal and institutional structures with democracy, human rights and the rule of law: the Commission has also specifically reflected on the norms and

¹ This chapter is based on a variety of guidance materials used in and generated for DCAF capacity development trainings and related DCAF knowledge products.

² For the evolution of the United Nations approach see Box 1 in the following section (p. 46); for the most recent resolution see: UN Resolution 2151 (2014), 'The Maintenance of Peace and Security: Security Sector Reform - challenges and opportunities', Resolution 2151 (2014) 28 April 2014, S/RES/2151 (2014) available at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014));

³ For background material on the impact of ECHR on national security issues, see, for example, Iain Cameron, *National Security and the European Convention on Human Rights*, (Uppsala: Uppsala University, 2000); and Iain Cameron, 'National Security and the European Convention on Human Rights – Trends and Patterns', in *Stockholm International Symposium on National Security and the European Convention on Human Rights*, (Stockholm: Commission on Security and Integrity Protection, 2008).

standards relevant to democratic governance of the security sector.⁴ These developments have served to emphasise the critical need for transparent and accountable security policies and practices, and, at the same time, to ensure such policies and practices are determined and managed in the interest of public security provision.

In the 1990s, NATO partnership discussions tended to focus on democratic defence and civil-military issues with national democratic institutions, the defence sector, civil society and media. Since then, effective oversight of law enforcement and intelligence services have come to be recognized as equally important for long-term democratic development as well as for anchoring the rule of law worldwide, whether in developing states, transition- or established democracies. Security governance programming increasingly incorporates a greater emphasis on linking justice reform with law enforcement components. Some NATO partnership programming has exceptionally incorporated complementary intelligence oversight aspects, or has focused on defence whilst other regional or international partners have complementarily addressed intelligence and law enforcement oversight issues in parallel to NATO partnership programming.

The five key attributes of good governance as identified by the UN Commission on Human Rights are equally relevant to the security sector and its governance: (1) transparency; (2) responsibility; (3) accountability; (4) participation; and (5) responsiveness (to the needs of the people), (UNCHR Resolution 2000/64).⁵ Hence, this chapter argues that the objective

⁴ See, for example, Venice Commission Study no. 388/2006 'Report on the Democratic Oversight of Security Services', adopted at the 71st Session, June 2007, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2007\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2007)016-e), and Study no. 389/2006 'Report on the Democratic Control of the Armed Forces' adopted at the 74th Session, March 2008, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)004-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)004-e)

⁵ 'The role of good governance in the promotion of human rights', UNCHR Res. 2000/64, UN Doc. E/CN.4/RES/2000/64. See: <http://www.un.org/en/terrorism/pdfs/2/G0014048.pdf> p. 277.

of security governance activities by each oversight actor, both individually and collectively, is to ensure transparency and accountability of the security sector as a whole, and the responsiveness of the security sector's policies and practices to citizens' needs.

Democratic Governance of the Security Sector – Key Principles

Credible oversight and management of the security sector remains vital in order to ensure democratic and economic development. The overall rationale for ensuring substantive democratic governance of the security sector is to:

- Enhance citizens' safety and public security;
- Strengthen security provision;
- Enable democratic institutions to monitor and amend security sector policies and practices and ensure compliance with international standards;
- Embed transparency and accountability mechanisms across the security sector;
- Encourage the development and maintenance of a democratic culture rooted in respect for the rule of law and human rights within security institutions;
- Provide effective checks and balances to ensure that security sector actors cannot commit abuses or human rights violations;
- Manage the security sector cost-effectively in order to avoid a financially resource-heavy security sector; and reduce the possibilities for corruption;
- Manage human and financial resources effectively, including effective disciplinary measures and career management structures, encourage professionalism and respect for authority among security sector officials;

- Promote the security sector as representative institutions of the society at large, ensuring equitable participation of women, and minorities.

Democratic governance of the security sector must ensure that security agencies and their staff meet expected standards of performance and behaviour as defined through laws, policies, practices and relevant social and cultural norms. These principles apply not only at management level, but also that of the individual staff member. In particular, security institutions should:

- Prevent abuses of power and authority (by security actors themselves or by other interest groups);
- Use resources appropriately and effectively through appropriate budgetary management;
- Be as transparent as possible, making appropriate information available to other government agencies, oversight bodies and the general public;
- Uphold human rights both by preventing abuses within the security sector itself and by preventing and investigating abuses in society as a whole;
- Address the security needs of all people for whom they are responsible, regardless of sex, ethnicity, religion, age, or income.

Effective governance of the security sector is based on sustaining security institutions that are:

- Governed internally and externally by a legal and institutional framework;
- Accountable to the authorities and to the population;
- Transparently managed according to codified standards and practices;

- Based on, and responsive to, people's needs;
- Based on fair and equitable representation.

Box 1: United Nations Approach to Security Sector Governance

UNDP set the agenda linking transparent and accountable security provision to human development in the 2002 *Human Development Report*, available at http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

Thereafter, greater UN engagement on security governance issues led to two reports: 1) Report of the Secretary General, 'Securing peace and development: the role of the United Nations in Supporting Security Sector Reform', 23 January 2008, A/62/659-S/2008/39 available at:

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2008/39.

2) Report of the Secretary-General, 'Securing States and Societies: strengthening the United Nations comprehensive support to security sector reform', 13 August 2013, A/67/970-S/2013/480 available at:

http://www.un.org/ga/search/view_doc.asp?symbol=A/67/970;

The 2013 report was soon followed by UN Resolution 2151 (2014), 'The Maintenance of Peace and Security: Security Sector Reform - challenges and opportunities', Resolution 2151 (2014) 28 April 2014, S/RES/2151 (2014) available at

[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014));

The United Nations also supplies guidance for facilitating security sector reform worldwide: see, for example, UN Inter-Agency SSR Task Force (IASSRTF), *UN Integrated Technical Guidance Notes on Security Sector Reform*, (UN: New York, 2012) available at

<http://unssr.unlb.org/Resources/UNandSSRGuidance/PolicyandGuidance/tabid/201/SMID/498/ItemId/96/Default.aspx>

For the UN Compilation of Good Practices on Intelligence Services and their Oversight see: Martin Scheinin: 'Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight', 17 May 2010, A/HRC/14/46, available at <http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight>

Democratic Governance of the Security Sector – Challenges & National Ownership

Reforms of security providers create specific oversight and management challenges: law enforcement, defence and intelligence services each require specific, but complementary, governance frameworks. Each requires a dedicated legislative framework covering authorisations, roles and responsibilities, rules and regulations, but the legislation must always respect fundamental freedoms and human rights.

Reform and oversight of the security sector is often politically sensitive. In many societies, good governance initiatives and related reform programming will inevitably limit or even threaten the entrenched vested political, economic and, inevitably, criminal interests. Consequently, any activities supporting the increased technical capacities of security institutions must always be complemented by actions enhancing the governance capacities of other societal stakeholders to strengthen the oversight framework, not least to prevent the instrumentalisation of security providers in domestic politics.

These factors reinforce the critical need for inclusive national ownership of security sector reform oversight processes, a format in which the performance of security sector oversight includes a wide range of institutions and civil society actors. A multiplicity of such actors helps not only to ensure the transparency and accountability of security policy and practices, but to sustain momentum on reform and accountability issues.

Moreover, these challenges emphasise that pro-democratic, pro-transparency and pro-reform clusters across democratic institutions, civil society and security sector agencies may need to generate the momentum for reform in the face of indifference or active resistance of anti-reform and anti-transparency interest groups. It is rare for a whole-of-society consensus on reform to spontaneously emerge and immediately operationalise substantively reform programmes. Even if such a consensus emerges, security providers with opaque roles and functions may still find means to entrench and protect their own interests.

Democratic Governance of the Security Sector – Sectoral Reforms

All of the above oversight considerations are of equal importance to the oversight and reform of each security provider. But, just as each security provider has specifically segmented roles to prevent duplication of tasks - and specific training and oversight mechanisms may be associated with each of those roles - it follows that each provider's reform plans will have different components. Similarly, security sector personnel and managers will have different training needs. However, common skills are needed, particularly at the managerial level, to ensure policy and practice are transparent and accountable at local and national levels.

Twenty years on from the end of the Cold War, it is a given that the political direction of the armed forces is the function of a democratically elected government. In tandem, the management and personnel of ministries responsible for security sector agencies are civilian professionals. Requisite skills must be acquired to ensure effective administration of relevant ministries, particularly in terms of the specific requirements of civil-military challenges.⁶

In terms of the defence sector, the often considerable financial resources dedicated to all types of procurement and broader financial management in the context of the national budget are a key concern, not only to ensure the effective use of public funds, but also to prevent corruption associated with often high-value contracts.⁷

⁶ See, for example, Valeri Ratchev, *Civilianisation of the Defence Ministry: A Functional Approach to a Modern Defence Institution*, (Procon, 2011) available at <http://www.dcaf.ch/Publications/Civilianisation-of-the-Defence-Ministry-A-Functional-Approach-to-a-Modern-Defence-Institution>. See also, IASSRTF, *Defence Sector Reform Policy* (DPKO for, UN IASSRTF, 2011) available at: <http://unssr.unlb.org/Resources/UNandSSRGuidance/PolicyandGuidance/tabid/201/SMID/498/ItemId/97/Default.aspx>

⁷ See Wim van Eekelen, *The Parliamentary Dimension of Defence Procurement*, DCAF 2005, available at <http://www.dcaf.ch/Publications/The-Parliamentary-Dimension-of-Defence-Procurement>

In the sphere of NATO partnerships, a number of initiatives have sought to develop the capacity of civilian professionals in these spheres. Partnership Action Plan on Defence Institution Building (PAP-DIB)⁸ has provided an umbrella for a number of financial, human resource and policy best practices.⁹ More recently, substantial initiatives on Building Integrity and anti-corruption issues have sought to develop greater capacity to prevent corruption through guidance, self-assessment and training.¹⁰ At the intersection of military, ministry and government decision-making a plethora of anti-corruption challenges coalesce, including due diligence, corruption risk and offsets.¹¹

In terms of law enforcement (including border services) significant financial commitments are also required from the state, as are special skills

⁸ Philipp Fluri & Wim Van Eekelen (eds.), *Defence Institution Building: A Sourcebook in Support of the Partnership Action Plan on Defence Institution Building (PAP DIB)*, (LaVAK, Vienna, 2006), available at <http://www.dcaf.ch/Publications/Defence-Institution-Building2>

⁹ Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.), *Defence Management: An Introduction*, (Procon, Sofia, 2009) available at <http://www.dcaf.ch/Publications/Defence-Management>. See also Hari Bucur-Marcu, *Defence Institution Building Self-Assessment Kit: A Diagnostic Tool for Nations Building Defence Institutions*, (Sofia: Procon, 2010), available at <http://www.dcaf.ch/Publications/Defence-Institution-Building-Self-Assessment-Kit>

¹⁰ Todor Tagarev (ed.), *Building Integrity and Reducing Corruption in Defence*, (Sofia: Procon, 2010), available at <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence> ; see also: Trust Fund for Integrity building, Integrity Self-Assessment Process – A Diagnostic Tool for National Defence Establishments, DCAF NATO 2009 available at <http://www.dcaf.ch/Publications/Integrity-Self-Assessment-Process-A-Diagnostic-Tool-for-National-Defence-Establishments>.

¹¹ See Tiffany Clarke (ed.), *Due diligence and corruption risk in defence industry offset programmes*, (TI UK, 2012) available at <http://www.ti-defence.org/publications/20-category-publications/publications-dsp/76-dsp-pubs-due-diligence-offsets.html>, also Mark Pyman, Anne-Christine Wegener, *Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms*, (Transparency International DSP: 2011), <http://archive.ti-defence.org/publications/88-building-integrity-and-reducing-corruption-in-defence-and-security--20-practical-reforms>

within the services to facilitate everyday interaction with citizens. An increasing number of anti-corruption products are available to ensure the public-facing element of the police services are trained in integrity principles.¹² A general trend has also emerged in which some European nations have dispensed with paramilitary-style policing and moved towards fundamentally democratic community policing models.¹³ Despite this, there has also been a recent trend towards the militarization of police units leading – in a neglected parallel to well-worn homilies familiar to debates about civil-military relations – to some police units in democratic states openly asserting their unaccountability to democratically elected authorities.

Intelligence reform is, in general, one of the most overlooked, yet critical, components of security sector reform. Intelligence services, like any other government agency, are obligated to respect and uphold the rule of law. Moreover, public confidence and trust in the services and their government managers is crucial in order for them to perform their role effectively. Ensuring the division of responsibilities domestic and foreign agencies and intelligence gathering is of fundamental importance. Similarly,

¹² See, for example, Pierre Aepli (ed.), *Toolkit on Police Integrity*, (DCAF, 2012), available at <http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity> See also, UNODC Handbook on Police Accountability, Oversight, and Integrity, UN, New York, 2011 available at http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf Also UNODC, Training Manual on Policing Urban Spaces, 2012 <http://www.crime-prevention-intl.org/en/publications/publication/article/training-manual-on-policing-urban-spaces-unodc-2.html>

¹³ Senior Police Adviser to the OSCE Secretary General, *Guidebook on Democratic Policing*, (OSCE: 2008), available at <http://www.osce.org/secretariat/23804>; Anneke Osse, *Understanding Policing*, (Amnesty International: 2006) https://www.amnesty.nl/sites/default/files/book_1_0.pdf , Handbook on Human Rights and Policing. OHCHR. Human Rights and Law Enforcement, A Manual on Human Rights Training for the Police, (UN New York and Geneva 1997) available at <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducationthree.aspx> <http://www.ohchr.org/Documents/Publications/training5en.pdf>

it is vital to ensure any military intelligence component within a Ministry of Defence is limited to an analytical role.¹⁴

In terms of law enforcement and intelligence reform, a recent tendency towards developed nations' mono-focus on perceived terrorist threats – a phenomenon which Western European and other nations addressed from the 1960s through to the 1990s in parallel with other conventional threats – has, in some cases, led to profound tension over interception of communications, duplication of roles, fundamentals freedoms and human rights. In such circumstances, a variety of international and regional organisations have issued guidance to ensure the protection of civil liberties in democratic nations.¹⁵

Additionally, a common feature of all contemporary security governance programming is the incorporation of a gender perspective into

¹⁴ For oversight of intelligence services see Hans Born and Aidan Wills (eds.), *Overseeing Intelligence Services: A Toolkit*, (Geneva: Agincourt Press, 2012), available at: <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit> also Aidan Wills, 'Democratic and Effective Oversight of National Security Services', *Issue Paper*, Council of Europe, May 2015, available at [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper\(2015\)2&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper(2015)2&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383) as well as Hans Born and Ian Leigh, *Making Intelligence Accountable*, (DCAF-University of Durham, Parliament of Norway, 2005) available at: <http://www.dcaf.ch/Publications/Making-Intelligence-Accountable>. Also see: 'Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight', 17 May 2010, A/HRC/14/46, available at <http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight> For comparative data at the European level see *Parliamentary Oversight of Security and Intelligence Agencies in the European Union*, (European Parliament: 2011), available at <http://www.europarl.europa.eu/document/activities/cont/201109/20110927ATT27674/20110927ATT27674EN.pdf>

¹⁵ See, for example, OSCE-ODIHR, *Countering Terrorism, Protecting Human Rights: A Manual*, (ODIHR: Warsaw, 2007) available at <http://www.osce.org/odihr/29103>

the policy and practice of security providers, ensuring that both are fundamentally shaped to accommodate the security needs of the all citizens. Mainstreaming gender within the security sector ensures security providers interact inclusively and comprehensively with civilians, guaranteeing the increased effectiveness of service delivery to recipients. Each security provider has specific gender issues to address, sometimes requiring specific training and capacity development activities.¹⁶

Democratic Security Sector Governance – Components

Democratic governance of the security sector can be broadly divided into two components. Firstly, oversight, governance and management of security sector agencies by the executive, democratic institutions, civil society and the media; secondly, governance and management structures within the security sector itself.

¹⁶ For an overview of all aspects of gender and security governance, as well as introductory training tools, see Megan Bastick & Kristin Valasek (eds.), *Gender and Security Sector Reform Toolkit*, (DCAF, OSCE/ODIHR, UN-INSTRAW, 2008), available at: <http://www.dcaf.ch/Publications/Gender-Security-Sector-Reform-Toolkit>; see also: Megan Bastick (ed.), *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector*, (DCAF, 2011) available at: <http://www.dcaf.ch/Publications/Gender-Self-Assessment-Guide-for-the-Police-Armed-Forces-and-Justice-Sector>; for key oversight issues see Megan Bastick, *Integrating Gender into Internal Police Oversight*, (DCAF & OSCE ODIHR 2014), available at <http://www.dcaf.ch/Publications/Integrating-Gender-into-Internal-Police-Oversight>; Megan Bastick, *Integrating a Gender Perspective into Internal Oversight within Armed Forces*, (DCAF & OSCE ODIHR, 2014), available at <http://www.dcaf.ch/Publications/Integrating-a-Gender-Perspective-into-Internal-Oversight-within-Armed-Forces>, and Megan Bastick, *Integrating Gender into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions*, (DCAF & OSCE ODIHR, 2014), <http://www.dcaf.ch/Publications/Integrating-Gender-into-Oversight-of-the-Security-Sector-by-Ombuds-Institutions-National-Human-Rights-Institutions>

1. External governance of security institutions

External governance of security sector institutions is determined by a variety of stakeholders whose active cooperation ensures that data on the impact of security policy and practice is openly discussed and relevant amendments subsequently made. Each set of oversight actors perform specific, but complementary, governance functions.

1.1. Executive

The Executive sets the strategic direction for management of the security sector and the establishment of a broader governance and oversight framework by a democratically elected government. The executive is able to initiate and lead significant changes in the delivery of effective and responsive security by setting the policy direction for the security sector as a whole. The executive also plays a role in managing security institutions and in performing cross-ministry management and oversight functions. Ultimately the executive is legally and politically responsible for the performance of security sector agencies.

The Executive's role also comprises financial oversight through setting budgets and monitoring expenditures (including security sector components); ensuring a transparent framework for financial management; direct oversight of security forces' policies and practices (including the need to ensure internal oversight components by line ministries are maintained); and promoting efforts to engage overlooked or marginalised societal groups by setting, for example, priorities to address the rights of women and children and ethnic minorities, or identifying the need to address specific insecurity issues in specific urban or rural areas. Such procedures should be transparent and also promote citizens' participation in security governance

1.2. Parliamentary Oversight & Legislative Governance

Parliamentary oversight of the security sector refers to the role the democratically elected branch of the legislature (e.g. assembly or parliament) plays in oversight and monitoring of security sector policies and practices. More broadly, parliamentary oversight is a critical component of legislative governance of the security sector.¹⁷

The role of parliamentarians and parliamentary committees is multi-faceted: determining the legal framework for security policy and practice; monitoring, debating and shaping policy and practice in plenary sessions and in specialised committees, including not only those dealing with defence, law enforcement and intelligence oversight, but also human rights, audit, budget or finance committees; approving, developing or rejecting policy, laws and budgets; and involvement in the appointment

¹⁷ Hans Born, Philipp Fluri, Anders Johnsson, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians No. 5, (Geneva, 2003), available at: <http://www.dcaf.ch/Publications/Parliamentary-Oversight-of-the-Security-Sector>. For NATO and NATO partner nations also see Hans Born, Philipp H. Fluri, Simon Lunn (eds.), *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector*, (Geneva, 2003) available at: <http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector-and-its-Reform>, and the second edition (Geneva 2010) available at <http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector>. For oversight of intelligence services see Hans Born and Aidan Wills (eds.), *Overseeing Intelligence Services: A Toolkit*, (Geneva: DCAF, 2012), available at: <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit> as well as Hans Born and Ian Leigh, *Making Intelligence Accountable*, (DCAF-University of Durham, Parliament of Norway, 2005) available at: <http://www.dcaf.ch/Publications/Making-Intelligence-Accountable>. For detailed guidance on committee work and other issues, see Teodora Fuior, *Parliamentary Powers in Security Governance*, (Geneva, 2011), available at: <http://www.dcaf.ch/Publications/Parliamentary-Powers-in-Security-Sector-Governance>. For general guidance, also see: Office for Promotion of Parliamentary Democracy, European Parliament, *Parliamentary Oversight of the Security Sector*, (European Parliament: OPPD, 2013), http://www.europarl.europa.eu/pdf/oppd/Page_1/Oversight-web.pdf

processes for senior posts within the security institutions to minimize any political interference. Such activities presume a degree of motivation and focused activity by interested parliamentarians.

Conducting any or all of these oversight activities can also serve as a catalyst for change in the security sector: once parliamentarians publicly or privately highlight a particular oversight challenge, it is usually assigned a higher priority by government, institutions and the security sector itself.

Finally, ensuring the existence of a thorough legislative framework for oversight and management of security institutions is of critical importance. Moreover, such frameworks must be compatible with international obligations and universal human rights. Scrutiny of draft legislation, amendments to and the adoption or rejection of such laws are parliament's fundamental responsibility. Without such consistent law-making activity the level of national oversight will become less effective overall.

1.3. Judiciary

Security sector institutions and their employees must be accountable to an independent judiciary for their actions. Depending on the precise traditions of legal systems, relevant judicial activities can include: prospective or retrospective review and authorisation of specific security operations; judicial investigations into offenses committed by security institutions' personnel; prosecuting security sector personnel for infringements of national civil and criminal law and applicable international laws; and maintaining jurisprudence through the interpretation of laws affecting national security.

Whilst most militaries have internal military courts to maintain internal discipline related to misdemeanours and breaches of internal rules and regulations, the authority of such courts is determined entirely by national legislation. By ensuring that military courts are subordinate to the civil justice system, national legal systems can prosecute felonies committed by the personnel of security institutions according to national

law. Failure to maintain this delimitation can potentially lead to conflicts over the boundary between civilian and military jurisdictions.¹⁸

1.4. Independent Oversight Agencies

Independent agencies with specialised monitoring mandates can perform a vital role in the governance of the security sector. Such agencies include national human rights institutions, human rights ombudsperson institutions, national ethics committees, anti-corruption agencies, auditor generals, independent complaint mechanisms, and other specialised expert oversight bodies (e.g. for intelligence oversight).

Ombudsman, also referred to as Ombuds Institutions, can also perform highly segmented monitoring, oversight, arbitration, and investigation roles in military institutions, law enforcement institutions and in the intelligence sector.¹⁹ In some nations, an Inspector General within a security sector agency can perform a similar function.²⁰ Overall, any nation with an ombuds institution focused on human rights issues will face the challenge of monitoring the security sector and its agencies.

¹⁸ See, for example, Ian Leigh, 'Executive, Legislative and Judicial Oversight and Guidance over the Security Sector', in Eden Cole, Kerstin Eppert and Katrin Kinzelbach (eds.), *Public Oversight of the Security Sector*, (Bratislava: Valeur for UNDP, 2008), available at <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>. See also UNODC, *Resource Guide on Strengthening Judicial Integrity and Capacity*, (New York: UN, 2011) available at http://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicialIntegrityandCapacity/11-85709_ebook.pdf

¹⁹ Eden Cole and Katrin Kinzelbach (eds.), *Monitoring and Investigating the Security Sector*, (Bratislava: Renesans for UNDP, 2007) available at: <http://www.dcaf.ch/Publications/Monitoring-and-Investigating-the-Security-Sector>

²⁰ Hans Born and Ian Leigh, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, (ODIHR & DCAF, 2008) available at: <http://www.dcaf.ch/Publications/Handbook-on-Human-Rights-and-Fundamental-Freedoms-of-Armed-Forces-Personnel>; also Benjamin Buckland and William McDermott, *Ombuds Institutions for the Armed Forces: A Handbook*, (DCAF 2012), available at <http://www.dcaf.ch/Publications/Ombuds-Institutions-for-the-Armed-Forces-A-Handbook>

The roles of such independent agencies can include monitoring security policy and practice, independently undertaking investigations, issuing binding and/or non-binding recommendations on accountability issues, policies and practices, aggregating data on complaints and malpractices, and publicly reporting on oversight and compliance issues. Such independent monitoring oversight is essential to strengthen stakeholder confidence and to ensure substantive dialogue and cooperation between democratic institutions, the security sector and civil society on security governance issues. Structured and systematic reports and documentation about security institutions can provide an empirical basis for reform at national and local levels.

Similarly, independent oversight institutions are well placed – depending on their precise terms of reference – to issue recommendations on improving security provision and human rights observance by security sector agencies.

1.5 Civil Society

The engagement of civil society organisations (referred to here as CSOs and comprising associations, non-governmental organisations (NGOs), and community groups) on security issues enables the perspective of the general population to be factored into security policymaking and governance processes.²¹

CSOs can perform an active function by monitoring security policies and practices affecting their constituents and advocating appropriate solutions. CSO cooperation with the parliament is also critical to enable and sustain democratic governance of the security sector by providing information on the current security climate, human rights abuses, or expertise on budgetary oversight to committee hearings.

²¹ For more information on this issue see Eden Cole, Kerstin Eppert and Katrin Kinzelbach (eds.), *Public Oversight of the Security Sector*, (Bratislava: Valeur for UNDP, 2008), available at <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>

CSOs can also facilitate a cross-societal consensus on security policy priorities by improving public awareness of security issues. In addition, specialized CSO, i.e. women's organizations, will have distinct insight and analysis regarding threats to and abuses against their target groups, as well as broader intelligence on communities' perception of the security sector, and reports of irregularities. Overall, CSOs can perform a crucial dialogue and cooperation function by bringing together citizens, democratic institutions and security sector agencies to address security provision challenges.

1.6. Media

The media can facilitate the governance of security institutions through investigative journalism and by providing platforms for information sharing and discussion on security issues that all stakeholders can access. By investigating and reporting on abuses within the security and justice institutions, media organisations can help expose failures in transparency and accountability mechanisms, management and governance systems. Print and electronic media can also reflect the monitoring activities of civil society organisations on security institutions and the level of public security provision, and play a role in supporting the integrity of the judiciary by acting as a guardian against corruption through investigative journalism, publicising cases of corruption and abuse of power.

2) Civilian Management and Internal Governance of Security Institutions

For democratic governance of the security sector to be effective it is crucial to ensure that the management and internal governance mechanisms of all security sector agencies:

- are consistent with the values and laws of the society to whom they provide public security
- uphold international human rights principles and standards
- are sufficient to guarantee the delivery of public security.

- Are staffed by civilian professionals

Effective internal governance involves the use of complementary horizontal and vertical governance structures. The level of transparency of such internal management arrangements will also affect the legitimacy of security institutions across the general population. Security institutions that are responsive to public needs tend to be transparent; those which are indifferent to public needs tend to be opaque. This section outlines key institutional governance issues.

2. 1. The Framework for Security Institution Management

2.1.1. Strategic Direction & Management at Sectoral Levels

As mentioned in section one, the Executive must provide clear leadership and strategic direction to the management of security institutions, guidance which emphasizes the clearly segmented responsibilities of each security provider. The provision of public security must be a clear goal and the overarching objectives for each security institution to achieve that end must be outlined. The management of each security sector institution and associated ministries must reflect these objectives in their policies and long-term planning.

2.1.2. Strategic Security Policy

Strategic security policy should be established at the national level by those elected representatives constituting the national government. Usually the lynchpin document is a national security policy against which sectoral policies for law enforcement, the military and intelligence can be defined. The setting of strategic security policy will ultimately affect the attribution of finite human and financial resources in relation to other socio-economic, anti-poverty and development initiatives. This strategic policy then enables relevant security institutions to develop their sectoral priorities, reform, engagement and implementation strategies.

2.1.3. Legal Frameworks

The legal framework for ministries, directorates and security institutions needs to be developed in line with international good practice and ensure consistency with the rule of law. Legislation needs to clearly define the role and responsibilities of each security institution, specify the authorisation procedures for administrative and operational activities, identify the applicability of internal rules and procedures, ensure instruments exist for other stakeholders to engage and monitor security institutions, identify the constitutional basis for each components' activities, and ensure security institutions' employees are accountable for their actions in law. Additionally, the frameworks need to incorporate and facilitate access to information for the general public and democratic institutions.

2. 2. Internal Management of Security Sector Institutions

Security sector institutions require robust internal management systems to ensure the effective delivery of services, prevent corruption and to prevent the waste of limited financial and human resources.

2.2.1. Human Resource Management

Transparent and effective human resource management provides a robust means for enhancing professionalism among security sector personnel, civilian management and civilian staff. Encouraging effective human resource management by relevant ministries and directorates includes the development of transparent salary, promotion and professional development policies; the creation of comprehensive databases for personnel management; the establishment of merit-based recruitment and performance evaluation systems; and the development of an effective salary payment system.²² Efforts should be made to increase the

²² Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev, *Defence Management: An Introduction*, (Sofia: Procon, 2009) available at <http://www.dcaf.ch/Publications/Defence-Management>

participation of women in the security sector, as well as facilitate their retention and promotion.

2.2.2. Financial Resource Management

Financial resource management is based on the premise that the security sector is subject to the same principles of public sector management as other sectors. Budget policies need to be transparent in order to ensure they are affordable, and to ensure they complement other government priorities and strategies. Financial resource management should be supported through the development of transparent and accountable procurement systems; the development of efficient auditing systems; and enhancing financial planning and management not only within ministries but the management units of security sector institutions themselves.²³

2.2.3. Anti-Corruption and Building Integrity

A key issue uniting approaches to human and financial resource management is the need for a strong anti-corruption framework. Transparency and corruption challenges in the defence sphere often affect not only transition states but also established democracies. Building Integrity programming provides a variety of best practices and anti-corruption measures.²⁴

²³ See, for example, UNDP and World Bank, *Security Sector Expenditure Review Sourcebook*, (forthcoming 2016).

²⁴ See Todor Tagarev (ed.), *Building Integrity and Reducing Corruption in Defence*, (Sofia: Procon, 2010) <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence> and Mark Pyman, Anne-Christine Wegener, *Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms*, (Transparency International DSP: 2011), <http://archive.ti-defence.org/publications/88-building-integrity-and-reducing-corruption-in-defence-and-security--20-practical-reforms>

2.2.4. Institutional and Programme Management

Administrative and programme management can enhance accountability and encourage adherence to professional rules and regulations. Effective institutional management at the level of management units, directorates and ministries should be encouraged through policy and planning cycles that reflect national priorities and available resources; developing mechanisms for dealing with abuse of power; and setting up anti-corruption mechanisms and disciplinary measures. Internal accountability mechanisms should be established and enforced.

2.2.5. Rules and Procedures

Each security institution requires a clear set of enforceable rules and procedures to govern its personnel's behaviour. Whilst all security personnel remain subject to the jurisdiction of criminal and civil courts, internal regulations provide a way for the management to enforce discipline internally for misdemeanours or failure to adhere to (as per military law) internal regulations.

2.2.6. Codes of Conduct

Security sector institutions should adhere to codes of conduct formulated at national and international levels. A variety of codes of conduct have an impact on the work of security sector institutions, covering issues such as integrity and anti-corruption; codes of ethics for law enforcement and intelligence personnel. Whilst codes of conduct are not a substitute for the enforcement of rules, procedures, or civil and criminal law, they can engender greater transparency and accountability, as well as a highly developed understanding of and sensitivity to the obligations and duties of a professional working in the security field. In this way they must also be clear and understandable for the general public as well.

Conclusion

Effective oversight of the security sector depends on the authority and ability of democratic institutions and key stakeholders to address oversight issues. Parliamentarians are uniquely placed to catalyse debates on oversight issues, promote necessary reforms and monitor the quality of security provision in order to positively affect both policy and practice. Each group has both individual and cooperative roles to play be they democratic institutions (parliaments/legislatures, judiciaries), government, security sector agencies, independent oversight agencies (ombuds institutions), civil society and the media.

By ensuring the complementarity of internal and external governance structures the provision of security access to security can be significantly improved, while, at the same time, the transparency and accountability of security sector policies and practices can be guaranteed.

CHAPTER THREE: THE ROLE OF PARLIAMENTS

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Introduction

The separation of powers between the legislature, executive and judiciary, is at the core of modern democratic systems. Parliaments act as mediators between the government² and the people. Parliaments represent the voice of the public and have a crucial role in safeguarding the rights and security of the public. This includes the role of parliamentary in the governance of the security sector. No area or institution of the government can be exempted from parliamentary oversight and this includes all of the security sector's elements. The clear separation of powers and responsibilities determines parliament's ability to function effectively. With nation states as providers of public goods, the provision of security is a key determinant of citizen's ability to live their lives without fear. The three main functions of parliament are:

1. Legislative function: The review, amendment, drafting and adoption of laws
2. Budgetary function: The approval, rejection or amendment of the budget, including security-sector related budgetary items
3. Oversight function: The monitoring of the security sector.

¹ The author would like to thank Lydia Amberg and Eden Cole for their assistance with the chapter.

² 'Government' has a different meaning in different countries. In this article, it refers to the top political level, that is, the president, prime minister and ministers as well as all of their corresponding departments.

This chapter explains the role of parliament in the good governance of the security sector which includes all security providing agencies: defence, law enforcement, police, armed forces, border guards, paramilitary units, intelligence services and private security organisations. Hence, the term 'security sector' is used, rather than 'defence sector' as the military is only one of the state's security providers.

Within the framework of good governance, three generic parliamentary functions apply to the security sector. They are: adopting a comprehensive legal framework for the security sector, approving, rejecting or amending the budgets of the security sector, as well as, overseeing and scrutinizing the security sector. The role of parliament in the good governance of the security sector is not a goal in itself. In essence, the main principle of parliamentary oversight is to ensure the government's accountability and to assure a balance between security and liberty by aligning goals, policies and procedures of the security sector with those of the political leadership. In many countries, it is not the fear of military intervention, but the alignment of security and political goals, that remains one of parliaments' greatest concerns.

Relevance of Democratic Control

Many parliaments - especially those in recently transitioned democracies or those assumed to be consolidated democracies - often face difficulties in understanding the vast and complex security sector, in getting relevant information and in assessing military data. Additionally, parliaments in consolidated democracies face new challenges, such as the oversight of new types of military missions, or security and defence policy at supranational levels. Such problems can be aggravated by a lack of skilled parliamentary staff and lack of knowledge on defence and security topics.

In Europe, the issue of democratic and parliamentary control of the armed forces underwent something of a renaissance following the end of the Cold War and the subsequent conflicts in the Western Balkans. Firstly,

the abolition of military conscription in several European countries after the end of the Cold War (e.g. Netherlands, Belgium, France, Italy, Spain, and Portugal) prompted a critical debate on the democratic control of the armed forces. In this process, many commentators were concerned that an all-volunteer force would be more difficult to control democratically than a conscript army.

Secondly, during the last decade, European countries have downsized armed forces while, at the same time, amplifying tasks geographically and adding peacekeeping missions. Such restructuring processes resulted in lower budgets for more tasks for the military, which increased pressure on the politico-military relations.

Thirdly, as military activity has increasingly taken place at the international level, the democratic and parliamentary control of international military cooperation and institutions has acquired much more relevance. This is especially true for smaller member states of the EU and NATO.

Fourthly, at the demand of regional organisations such as NATO and the OSCE, post-communist countries in Central and Eastern Europe had to reform their political-military relations according to democratic principles. Without this fundamental democratisation of the political-military relations, NATO and EU (as per the Copenhagen criteria) membership would be unattainable for them. Moreover, in most transition societies, political democratic reforms preceded security sector reform. Before reforming the security sector, transition societies adopted new constitutions, gave powers to legislatures and installed civilian and then democratically elected civilian ministerial control over the military. This sequence served to emphasise that security sector reform should be carried out in a democratic manner. Such reforms should meet not only functional security demands, requirements and capabilities, but also respond to the demands of the society.

Fifthly, while well-established democracies, faced with new security threats over the past decade, have adapted and expanded certain

parliamentary powers, transition democracies and/or post-authoritarian states in the middle of a process of fundamental transformation, face an even greater challenge: the complete redefinition and reestablishment of their institutions, including fundamental reforms to their security sector. For instance, in this process, the demilitarization of the police remained a challenge for more than a decade. Another difficulty was the reform of intelligence services who continued, in some instances, to interfere in domestic politics even in states that were already NATO members. Some democracies have faced the challenge of preventing the incremental (re-) militarization of police by developing community policing capacities.

Finally, with recent violation of territorial sovereignty and self-asserted re-alignment of borders in some parts of Europe, parliaments face a fundamental challenge in terms of re-establishing their societies' defensive capabilities and oversight of relevant security policies. At the same time, this challenge has to factor in the stated intent in some NATO and NATO partner nations to disestablish democracy and use neo-authoritarian political management structures (referred to in some instances by governments as 'illiberal democracy') to police society instead. These developments underscore the critical need for ongoing, well-informed parliamentary oversight capacity of the security sector issues, not least so that the security sector loses its capability to protect democracies against outside threats or that the security sector is instrumentalised by neo-authoritarian leaders.

Importance of Parliament's Security Sector Governance role

Parliament's main role is to represent the public's views and propose national security policies, identify priorities, recommend amendments to existing laws and to make suggestions for new legislation. In democracies, parliaments also play an important role in ensuring the security services carry out their duty in accordance with national and international laws. Security sector institutions that function in a transparent and accountable manner are vital in order to ensure respect for democratic principles and to

prevent human rights abuses. Safeguarding national security while, at the same time, making sure security sector institutions act in conformity with the democratic standards. These are all essential components of a well-functioning democracy. Additionally, parliaments are in charge of overseeing and authorizing security sector expenditures, and participating in major decisions, such as, declaring a state of emergency or war.

It is still important to distinguish between democratic and civilian oversight. Civilian oversight is a pre-requisite for democratic oversight. Nevertheless, it is insufficient on its own; a principle authoritarian regimes of the twentieth century taught us. For example, Hitler and Stalin had perfect civilian control over their military, but such forms of oversight are far from desirable in a democratic society. In this respect, parliament plays a crucial role in safeguarding the democratic element of security sector oversight. Therefore, in sum, the relevance of the parliament's role lies in ensuring:

1. a transparent and accountable security sector;
2. the efficient use of public funds by the security sector;
3. democratic oversight – and therefore democratic legitimacy
- of the security sector

Challenges in Emerging Democracies

The transition to democracy in former authoritarian states is often a protracted process involving a large number of actors and requiring a broad range of expertise. Parliaments of new democracies typically face various challenges including a lack of relevant capacities, insufficient staff, and limited access to information. Each transitional democratic process has its own set of challenges and must be looked at on a case-by-case basis. However, three broad types of challenges can be identified³:

³ See Hans Born, *Parliamentary oversight of the security sector*, (European Parliament: Office for Promotion of Parliamentary Democracy, European Parliament, 2013), pp 50-61 available at:

The main challenge for parliaments in post-authoritarian states is the institutional transformation and redefinition of the relations between state and society. In authoritarian systems, parliament typically had no role in the governance of the security sector. The concepts of human rights, inclusiveness, accountability and transparency, which are the pillars of democratic systems, need to be integrated into oversight and reform process by parliamentarians to ensure that they can carry out their duty effectively. The absence of internal and external accountability and oversight in authoritarian regimes requires re-defining the entire political system in order to attain democratic standards thereafter. Democratic consolidation includes training parliamentarians on how they can actively participate in the decision-making process and legal reform; how they can oversee state expenditures, guarantee equality before the law, strengthen capacity within the security sector and how to make the best use of existing knowledge, monitoring and advocacy work of the civil society.

Secondly, another challenge is for parliamentarians to understand their role in the governance of the security sector, what it entails and how it can positively impact the democratisation process. While members of the opposition in authoritarian and neo-authoritarian states are often subject to human rights violations by the state, it is crucial for parliamentarians in transitional states to understand not only their newly established role and powers, but also the means to eradicate endemic neo-authoritarian practices. This can be a long-term process as it involves a change in mindset, skills, and active oversight.

Thirdly, for parliamentarians in emerging democracies to be able to make full use of their powers, it is important that they benefit from relevant capacity development in the field of security sector governance, and also that they have sufficient (and well-trained) staff and access to information. Professional development opportunities should be offered to officials to guarantee that they fully understand their duties and can carry out their function effectively.

http://www.europarl.europa.eu/pdf/oppd/Page_1/Oversight-web.pdf

Hence, an effective reform process usually begins with the amendment of an existing constitution or the adoption of a wholly new constitution. Secondly, laws defining the provisions and structure of security sector institutions are reviewed, amended or drafted from scratch. These important tasks are carried out by the parliament. Another important function of parliament is the participation in the definition of the defence budget. Specialised parliamentary committees (Defence Committee; Budget and Finance Committee; Public Account Committee) collect relevant information and assess priorities in terms of expenditure, oversee security expenditures and can carry out investigations to check whether the budget is allocated correctly and whether there has been unnecessary spending or misuse of funds.

Learning from Best Practices

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

- **Context**

Best practices related to parliamentary oversight can be simplified to several core principles in spite of variations worldwide. Parliamentary oversight of the security sector is a 'sine qua non' condition for democracy as no area of government policy or security sector activities can be opaque or hidden in a democratic society.

- **Political Willingness of Parliamentarians**

Parliamentary oversight is held back in many countries by a lack of parliamentary organisation, staff and expertise. Best practices, as listed in the next section, show how parliaments deal with such barriers to effective oversight. However, the willingness of parliamentarians to address what are often controversial issues is another important factor affecting effective oversight.

Unless elected representatives have a commitment or the political will to hold the government to account, no amount of constitutional

authority, resources or best practices will make up for a lack of will. If parliamentarians do not want to use their powers to scrutinize government policy and practices, then constitutional or other legal powers will be of little use.

Parliamentarians may lack interest in scrutinising the security sector for various reasons. The most important reason is party politics. More often than not, parliamentary political parties, when represented in a government, may be less keen 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 can be that some parliamentarians believe that the security sector is not of interest to the electorate. As parliamentarians strive for (re-) election, it may be the case that parliamentarians turn their attention to other governmental sectors, such as employment, welfare, pension system or simply the price of bread and petrol.

The need to overcome such tendencies, not least on a preventative basis to lessen the likelihood of political scandals engendered by a lack of oversight, is a critical element of parliamentary oversight.

- **The Meaning of ‘Oversight’**

Many different words refer to parliamentary involvement in the security sector. A first concept is ‘oversight,’ referring to the practice of overseeing the government’s policies and practices and setting broad guidelines for the government and its agencies. A second concept is ‘good governance,’ referring to a system of democratic management of the security sector, in which the parliament should play a significant role. Thirdly, ‘control’ is commonly used as, in the English language, where it has a broader meaning. In English, control means to rule, to instruct or even to manage, as opposed to concept of ‘checking.’ Each concept has its own advantages as to describing the role of parliaments: oversight stands for a broad approach, good governance refers to a systemic approach, and control means a power approach by the parliament as such processes relate to the

management of the security sector. The concept of 'oversight' has become commonly used to conglomerate all these different concepts together, as 'governance' can have too broad a meaning (referring to the entire political system), and 'control' can have a narrow connotation of mere 'verification'.

Each concept also represents the legacy of the specificities and particularities of political systems and cultures. 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 the government? Whilst it is clear that parliamentarians do not command the army, 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 describing the relationship between political and military leaders. Both parties should not be regarded as adversaries with antagonistic goals. On the contrary, political and security sector managers need each other in order to achieve an effective security policy that meets both the security sector and society's requirements. Therefore, the concept of democratic oversight not only refers to commands and orders, but also incorporates the need for 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.

Hence, parliamentary oversight is ultimately a vital part of the broader process democratic oversight of the security sector.

Parliamentary Oversight – Best Practices

The primary functions of parliamentary oversight are:

- To protect the rights and liberties of citizens by detecting and preventing abuses within the government
- To ensure that the government acts in a transparent manner

- To guarantee that the government is held accountable for the spending of tax revenue by identifying waste or excess expenditure in the course of government activities

Parliamentary oversight mechanisms include specialised oversight bodies, access to information, and the reporting to parliament of independent oversight organisations (including ombudsman and supreme audit offices).

Additionally, inter-parliamentary cooperation allows for exchange of best practices and lessons learned among parliamentary assemblies (most notably within NATO Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, OSCE Parliamentary Assembly) that can greatly contribute to improving oversight mechanisms among member states. The directly elected European Parliament also contributes to political debate and decision making at the EU level.

All best practices should address parliament's primary task: to keep the government accountable before the people. Best practices can be derived from various countries across the Euro-Atlantic area, from both 'old' and 'new' democracies. However, 'old' democracies do not necessarily have stronger parliaments than 'new' democracies. Indeed, democracies in particular are – or, at least, were once - afraid of re-instituting prior forms of authoritarian rule and took care to attribute substantive powers to their parliaments. The practices mentioned below constitute a catalogue of possible procedures, legal arrangements and organisational frameworks that can facilitate effective oversight.

Based on the notions of transparency, accountability, responsiveness and checks and balances between the institutions of the government, best practices in terms of oversight of the security sector encompass:

- Internal control within security sector institutions
- Executive control
- Parliamentary oversight

- Judicial review
- Independent oversight
- Civil society and media oversight⁴

Parliamentary Committees on Defence and Security

Parliamentary committees are perhaps the most powerful platform for parliamentary work. Through committees, parliamentarians have the opportunity to organise their work and to focus their expertise and powers. 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: internal affairs; foreign affairs; constitutional affairs; justice; human rights; security; defence and the budget, state audits and finances in general. Apart from these broad categories of committees, parliament usually also has a number of committees specialised in security sector: committees on the military, law enforcement or intelligence issues.

The effectiveness of parliamentary committees depends on three factors: firstly, the statutory bases and competencies necessary to affirm the authority of the committees and to enable them to carry out their functions; secondly, the development of an appropriate capacity to accomplish their tasks; and thirdly, a positive attitude among committee members towards the task of holding the government accountable.

Committees are vital as they are able to scrutinise the government in detail and because they allow for direct communication – and cooperation – between parliamentarians belonging to different political parties. The degree of democratic oversight and accountability in a country will wholly depend on the powers and effectiveness of its parliamentary committees.

An effective committee will have the following features:

⁴ For further information see Chapter 2, ‘Democratic Oversight and Governance of Defence and Security Institutions’.

- Their function and powers will be based on rules of procedure (RoP);
- They will 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 will be a senior member of the parliament in the field of defence and security policy.

Moreover, committee powers must encompass:

- Developing legislation for the defence and security sector;
- Reviewing government defence policy and security strategy;
- Advising parliament on the use of force and the deployment of troops abroad;
- Monitoring defence procurement;
- Conducting hearings and investigations on any topic it deems necessary and inspecting installations
- The right to demand ministers, civilian and military officials or any other individuals to testify at hearings
- The use of experts from academia, NGOs and from outside the government to support relevant activities
- Adequate facilities including (secure) meeting rooms, staff, expert support, research capacity, budget and documentation.

The extent of the powers of parliamentary defence/security committees varies from country to country. For more details on current parliamentary

powers of defence committees, see Annex I, 'The Powers, Procedures and Practices of Parliamentary Oversight of Defence in NATO Member States'.

Making Full Use of Other Oversight Agencies 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. To maximize the use of their time, politicians also employ resources or expertise to keep a close watch over a complex and large security sector.

Effective parliaments thus:

- Make full use of the reports and the work of other state institutions responsible for overseeing the security sector, such as the judiciary and 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;
- Encourage the existence and work of NGOs, by lowering the bureaucratic barriers for legal recognition of NGOs or giving financial support.

Cooperation with Civil Society & the Media

A strong democratic process involves cooperation between civil society and parliament. Civil society includes think tanks and NGOs, universities, research institutes, and community groups. The media comprises the press, television, radio and electronic news sources.

CSO expertise can greatly contribute to parliament's work in overseeing the security sector and can help promote changes that will

improve security policies and practices. There are different ways in which civil society can contribute to the legislative process. Some examples include carrying out research and gathering information, lobbying, elaborating petitions, fact-finding, drafting legislation/ legislative amendments and offering recommendations. Whistle-blowers are another example. They often take risks to uncover abuses that have slipped through the net of normal democratic scrutiny.

In order to effectively perform their role, CSOs must have access to information about relevant security sector policies and practices. A culture of secrecy within the security sector can be an important obstacle to CSOs work, as access to information lies at the base of their activities. In most cases, classified information is accessible to parliamentarians only when absolutely necessary for the exercise of their duties. However, classification is not universal. It does not apply to large amounts of data collected by security sector agencies during the performance of their daily work, or to their key policies: much of which can therefore be used by CSOs to inform their advocacy, research and awareness raising activities.

At the same time, this very obstacle can, in some cases, help highlight problems of opacity. If recorded in a report, it can put pressure on state officials, especially when they are confronted with transparency classifications, such as the Corruption Perceptions Index published by Transparency International⁵.

Independent Oversight Bodies

External oversight bodies are an important part of any democracy and greatly contribute to parliamentary oversight of the security sector. The expert knowledge of their staff, non-partisanship and transparency of their work can assist parliament by providing independent and impartial oversight. Independent external oversight bodies normally include an Auditor-General, and inspector-general and/or an ombudsman, and

⁵ Transparency International, *Corruption Perceptions Index*, available at <http://www.transparency.org/research/cpi/overview>

ombuds institutions with a human rights focus or a broader monitoring focus. The existence of such organizations can ensure that the security sector operates with integrity while being accountable and transparent to the public in line with the principles of good governance. By virtue of their monitoring function, ombuds institutions ensure that rights are respected and malpractice deterred. Furthermore, oversight bodies make sure that civil-military relations are kept under proper civilian control.

While in some countries ombudsman receive individual complaints, in others, specific ombuds institutions are in charge of handling complaints against a specific security sector institution such as the police or the armed forces.

Parliaments and Budgetary Oversight

Government usually proposes a budget which is then submitted to parliament for approval. This process constitutes a key aspect of parliamentary oversight of the security sector. Most countries have developed or are developing a systemic approach for evaluation and approval of budget proposals. The key to proper budgeting is transparency and accountability. Parliamentary oversight over the budget largely depends on access to information (for example: hearings and interviews with relevant persons) and the availability of relevant expertise to amend or reject the budget.

Effective parliaments:

- Enact laws and procedures to install and sustain transparency and accountability across government institutions and agencies;
- Ensure that all budget documents are available to parliament and to the general public;
- Possess detailed information on all budget items (not only grand totals);

- Classified 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.

Box 2: Independent Oversight Bodies: The example of the German Parliamentary Commissioner for the Armed Forces

In Germany, the national ombudsman can receive general complaints, including against security sector institutions. The ombudsman is elected by the members of the Bundestag (national Parliament of the Federal Republic of Germany). The ombudsman is neither a member of the Bundestag nor a civil servant. The main role of the ombudsman is to safeguard basic rights of service personnel.

The Ombudsman's mandate and powers are described in the Act on the Parliamentary Commissioner for the Armed Forces¹ as follows:

- Upon instruction from the Bundestag, or the Defence Committee, the Commissioner investigates specific matters
- On his/her own initiative, carry out investigations when circumstances come to his attention which suggest a violation of basic human rights of a member of the armed forces
- Right to information
- Right to make proposals and recommendations

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 to parliament for a limited term, whereas the majority of civil servants spend their entire career in the Ministry of Defence, just as some security providers spend their career in a specific security sector agency. This means that sometimes even if parliamentarians are in the process of acquiring new skills related to security sector reform and governance, they will only be able to make limited use of their newly acquired skills up until their term ends.

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 further aggravated by the nature of the security sector which is typically closed or opaque, the nature of security sector work, and a pervasive culture of secrecy.

Effective parliaments have developed strategies to cope with this disadvantageous situation:

- They make use of the expertise of NGOs in their work (see above, e.g., requesting 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 to support 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, allowing extensive research and analytical work.

Parliamentary Diplomacy and Development Cooperation

International decision-making processes involve close cooperation not only between governments (representing states), but also between parliaments (representing citizens). In a rapidly changing security environment, it is ever more vital for members of parliaments across the world to discuss security threats and challenges. As aforementioned, a large number of international and regional organisations have their own parliamentary assembly.

Sharing experiences and best practices among parliaments has become an important complement to traditional diplomacy. The Council of Europe draft resolution on promoting parliamentary diplomacy states that:

The Parliamentary Assembly considers parliamentary diplomacy as a complementary tool to traditional diplomacy. Participation of parliamentarians in external affairs is today a crucial aspect of international co-operation and of the development of democracy, both in Europe and worldwide.⁶

The oldest parliamentary institution is the Inter-parliamentary Union (IPU), established in 1889 and acting as a platform for dialogue and parliamentary diplomacy among legislators from across the entire political spectrum.

⁶ See: Parliamentary Assembly, Committee on Political Affairs and Democracy, “Promoting parliamentary diplomacy” *Report Doc 12428*, 26 October 2010. Original: reference to committee Doc 11593. Reference 3455, 23 June 2010. Available at: <http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=12574&lang=en>

Parliamentary Assemblies: the European Dimension

Following the end of the Second World War, cooperation among European states became a precondition for peace and security across the continent. Various cooperative approaches were developed, including the assembly platforms.

The assemblies' aims are to develop cooperative defence and crisis management systems (NATO PA), to promote peaceful relations between states, mainly between the East and the West, good governance, and conflict prevention (OSCE PA), to advance the principles of the rule of law, protection of human rights and democracy (Council of Europe PA also known as PACE) and lastly to encourage the development of European defence and common foreign and security policy (EU parliament). All the assemblies participate in election monitoring activities in Europe, often cooperatively.

Resolutions of the NATO PA, OSCE PA and PACE are not binding on their members and the degree of their power depends on their mandate. But, in principle, their structure resembles that of a national parliament in terms of cooperative activities, and they consist of individual representatives from member states and a president.

Conclusion

Establishing democracy – and, by extension, democratic oversight – involves continuous diligence and, on occasion, struggle against reactionary forces. History teaches us that most countries have had to fight to become a democracy and to remove their authoritarian rulers, be it a dictator at home or abroad. Current events in Europe show that even in the act of protecting, maintaining, or deepening democratic culture there is a risk of invasion from without or subversion from within. The same is the case with parliamentary oversight. In both new and old democracies, neither governments nor the security sector organisations are automatically prepared to surrender elements 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 one of resolve and profound conviction.

In this respect, the political ability and motivation of individual parliamentarians is crucial. They must be willing to engage with often mundane or complicated issues. An assessment must be made of parliamentarians' commitment to fundamental oversight activities. 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 undertake these activities, however, cannot be taught.

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

1. The political willingness of parliamentarians to promote change and advocate best practices 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 overview 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.

CHAPTER FOUR: THE ROLE OF THE NATO PARLIAMENTARY ASSEMBLY

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Introduction

NATO's founding document, the Washington Treaty of 1949, is a remarkable document. In only 1200 words, it laid the foundation for an Alliance which has endured for over 60 years. The Treaty commits its members to collective defence, and it defines itself as a community founded on the principles of democracy, individual liberty and the rule of law.

The Treaty mandated the creation of a Council and any subsidiary bodies necessary to implement the Treaty's provisions, but nowhere did it specify a role for parliamentarians from Alliance countries.

Yet, today through the NATO Parliamentary Assembly, parliamentarians from all NATO nations are deeply engaged in what could be described as the Alliance's "framework". Although independent from NATO, the NATO Parliamentary Assembly nevertheless plays a crucial role in enhancing the broad political solidarity which underpins the transatlantic Alliance, and promoting its aims and values both within and beyond the Atlantic community. At the same time, it provides an indispensable link between NATO authorities and the parliaments of its member countries. This not only enhances the transparency of NATO's policies and missions, but also helps the Assembly's members who are engaged in national parliamentary oversight in the fields of defence and security.

As previous chapters highlight, the evolution of the strategic environment over the past twenty five years has led to a profound

transformation of national defence policies and of NATO. The same is true for the NATO Parliamentary Assembly, which has also had to adapt. Today, as it concludes a year of commemoration for its sixtieth anniversary, the Assembly – as NATO itself – is faced with the difficult task of assessing the long-term impact of the challenges that Allies and partners face in NATO's Eastern and Southern neighbourhoods.

This chapter explains the role of the NATO Parliamentary Assembly and how it has become established as the Alliance's parliamentary dimension; further, how it has integrated new members and opened up to a broad range of partners; how it assists member, aspirant and non-member parliaments to strengthen parliamentary oversight over defence and security; and lastly how the current complex security environment might affect the Assembly's missions and priorities in the future.

Composition and Activities

In terms of composition, the Assembly's members are all members of their own national parliaments. Each member and partner parliament appoints a delegation whose size is loosely based on population and who must represent the political balance within the national parliament. Thus, the full membership consists of 257 delegates from twenty eight NATO member countries, and close to 100 from various categories of partner delegations.¹

Twice each year, the Assembly holds sessions for its full members and partners, at which the Assembly's five committees consider reports and Policy Recommendations and meet with government officials and policy experts.

Once adopted by the respective Committee and by the Assembly's plenary, the Policy Recommendations represent the formal position of the Assembly. These texts are not binding, but are widely distributed to governments and parliaments of member and partner nations. NATO's

¹ The composition of the Assembly is shown in detail in Annex 2.

Secretary General provides a written reaction to each of the Policy Recommendations.

NATO's Secretary General also usually addresses all plenary sittings, along with other senior national and international leaders.

The five Committees are: Civil Dimension of Security; Defence and Security; Economics and Security; Political; Science and Technology. These Committees examine all the major contemporary issues in their fields, and each Committee has either one or two Sub-Committees each of which meets twice during the year in member and partner nations where they receive briefings from leading government and parliamentary representatives, as well as senior academics and experts.

Besides Committees and Sub-Committees meetings and sessions, the Assembly implements a range of other activities – as is described in more detail below – many of which are aimed at partner countries.

The overall result is that the Assembly arranges about thirty five meetings each year, ranging from those which might involve only a few parliamentarians, up to two sessions which can involve about 300.

Before looking at the purpose for and achievements of all these activities, it is helpful to look at the origins of the organization and how it has developed over its sixty year history.

From Origins to the End of the Cold War: Laying the Assembly's Foundations and Defining Relations with NATO

The idea of engaging Alliance parliamentarians in collective deliberations on the problems confronting the transatlantic partnership first emerged in the early 1950s. Perhaps spurred by the creation of the Council of Europe – also in 1949 – which included a Committee of Ministers and a Parliamentary Assembly, parliamentarians in several Alliance nations and in the Parliamentary Assembly of the Council of Europe itself proposed that NATO governments should consider creating a North Atlantic Assembly whose objective would be the implementation of Article 2 of the North Atlantic

Treaty², i.e. a parliamentary forum which would reflect the fact that the Alliance was first and foremost a “values-based” community of nations. A key rationale for the Assembly’s creation was also naturally to strengthen the transatlantic relationship by providing a link between North American and European legislators.

Calls for the creation of a North Atlantic Assembly came from parliamentarians on both sides of the Atlantic and resulted in the first “Conference of Members of Parliament from the NATO Countries” which took place at NATO Headquarters – then in Paris – in July 1955.

That first conference brought together 158 parliamentarians from 14 NATO nations, and its success convinced the participants as well as NATO governments that there was value to the Alliance in having regular meetings of parliamentarians as a means of increasing public support for NATO and developing a sense of solidarity among NATO members.

However, the first conference left many questions to be resolved, notably what form of relationship the new conference would have with NATO governments and with NATO itself. There was no support among NATO’s governments for creating an Assembly with a formal role in shaping, making or overseeing Alliance policy, beyond that which its members enjoyed through their own national legislatures³, nor was there

² Article 2 of the Treaty stresses the importance of NATO’s underlying values; it states that “The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.”

³As an intergovernmental organization NATO’s policies are formulated and driven by national governments. NATO’s central structure serves as the forum where national representatives can achieve the necessary consensus, but that central structure remains unambiguously at the service of the nations. In other words, NATO headquarters and all its associated bodies are directly accountable to the national governments which are themselves accountable to their own national parliaments. Thus, granting an international assembly formal influence or oversight responsibilities over NATO’s central structure would be effectively the same as

any appetite for any institutional changes which would have required modifying the NATO treaty.

Nevertheless, NATO not only recognized the value of the NATO Parliamentarians Conference, it actively sought its views. For instance, in May 1956, the North Atlantic Council asked the Foreign Ministers of Canada, Italy and Norway to prepare a report on how to extend cooperation in non-military fields and strengthen unity within the Atlantic Community. This “Committee of Three”⁴ asked for the views of the NATO Parliamentarians Conference, and in its report – approved by the Council in December 1956 – underlined that some of the Alliance’s best supporters were parliamentarians who had had the chance to see some of the Alliance’s activities at first hand, learn of its problems, and exchange views with their colleagues from other parliaments. The report also noted that the Conference of members of Parliament from NATO Countries had contributed to the development of public support for NATO and solidarity among its members.⁵ Consequently, the Report recommended that NATO should maintain a close relationship with NATO parliamentarians and continue to support the Conference of NATO Parliamentarians.

The Committee of Three’s Report also proposed that, as well as serving as a vehicle for political co-operation, the Alliance should co-operate in fields such as economics, science and technology, and culture. This view was shared by the NATO Parliamentarians Conference who believed that they themselves should address not only the military dimensions and concerns of the Alliance, but also – in line with Article 2 of the NATO treaty - the full spectrum of issues of importance to their community of nations based on shared values and common principles.

granting that assembly influence or oversight over national authorities – effectively undermining national sovereignty.

⁴ The three Foreign Ministers were Lester Pearson (Canada), Dr Gaetano Martino (Italy) and Halvard Lange (Norway).

⁵ Report of the Committee of Three on Non-Military Cooperation in NATO, paragraphs 58 and 59. Available at:
http://www.nato.int/cps/en/natohq/official_texts_17481.htm

The NATO Parliamentarians Conference rapidly developed its own structures, procedures, and working practices, and it devoted a great deal of time and energy to establishing the parameters for its relationship with NATO. A milestone in that process was achieved in December 1967, when NATO Foreign Ministers authorized NATO's Secretary General, Mr Manlio Brosio, to study ways and means to develop closer co-operation between the Council and the North Atlantic Assembly.⁶ This resulted in an agreement that the Secretary General of NATO should make regular statements on the Alliance to the Assembly; that the NATO Secretariat would give active support to the Assembly's Committees in their work; that relations between the Assembly and NATO would be channelled through NATO's Political Directorate, and that the North Atlantic Council would make comments via the Secretary General of NATO on the resolutions adopted by the Assembly.

In the 1980s, the practice was also established whereby the Permanent Representatives to the North Atlantic Council and the Assembly's Standing Committee – its governing body - hold an annual meeting at NATO headquarters.

Lastly, since 1997, the Assembly's Presidents have addressed Summit meetings of NATO Heads of State and Government to present the Assembly's view on the key issues on the Alliance's agenda.

Thus, as its founders had intended and hoped, the Assembly provided a unique link between NATO authorities and member parliaments. Through this link, Assembly members gained direct access to NATO's highest-level officials, while for NATO, the Assembly provided an excellent political bellwether of parliamentary opinion. Indeed, the Assembly's members come from all Alliance nations, and reflect the political composition of their national parliaments so that the Assembly's ideas and views were not only useful but merited close attention as the product of a representative cross-section of political opinion with the Alliance.

⁶ In 1966, the 12th Conference of NATO Parliamentarians unanimously agreed to adopt the name the North Atlantic Assembly.

Furthermore, they were produced by members of parliament – often very senior ones - who were influential in their own right as members of their own national legislatures.

From Cold War to Partnerships and New Members

East-West relations took on a new dimension in 1985 with the accession to power of Soviet President Mikhail Gorbachev. The full consequences of his leadership were not to materialize for several years, but it rapidly became clear that the changes under President Gorbachev were more than cosmetic and that new opportunities were emerging for more constructive East-West relations.

The Assembly's members started to consider whether and how the Assembly itself should engage in direct dialogue with representatives from the nations of what was still then the Warsaw Pact. In fact, the Assembly decided at a very early stage to be as open as possible to contacts, and as a result of those contacts at the end of the 1980s the Assembly realized that it could offer more than dialogue. The Assembly thus set itself a new mission: to engage, encourage, and assist the emerging democratic forces in Central and Eastern Europe.

1. New Partners and Members – Central and Eastern Europe

As early as 1990, the Assembly's then 16 member delegations decided to open the Assembly to many of the parliaments of Central and Eastern Europe by granting them associate membership of the Assembly. This new form of status allowed participation in almost all of the Assembly's meetings and in the first instance was offered to the Soviet Union, and then progressively to all of the members of the former Warsaw Pact.

When the Soviet Union broke up in 1991, Associate membership was granted to Belarus⁷, Estonia, Latvia, Lithuania, Russia and Ukraine. This was gradually expanded to include Armenia, Azerbaijan, Georgia and

⁷ Belarus' status was withdrawn in 1996 due to its failure to adhere to democratic standards.

Moldova. In addition, associate membership was granted to several traditionally neutral nations in Europe and eventually all the successor states of the former Yugoslavia.

The rights granted to associate members were as extensive as possible, with full speaking rights in committee and plenary discussion, the ability to present texts and amendments, and the possibility of serving as associate rapporteurs. The key differences are that associate members cannot vote and do not contribute to the Assembly's budget.

This extensive opening of the Assembly brought with it enormous benefits to members and partners alike. In the early 1990s, the nations of Central and Eastern Europe had no recent experience of genuinely democratic institutions and practices, so the experience provided by participation in the Assembly's deliberations was invaluable. At the same time, contacts within the Assembly played a crucial confidence-building role for all parties, helping – in most cases - to lay to rest the legacy of the Cold War, dispel outmoded stereotypes, and lay the foundations for relationships based on cooperation.

2. The Rose-Roth Initiative

One result of broader contacts with legislators from Central and Eastern Europe was a growing conviction among the Assembly's members that the Assembly should also strive to assist the parliaments in Central and Eastern Europe to establish democratically controlled institutions and practices in the security sector. To that end, a programme was initiated in 1991 by then President of the Assembly Congressman Charlie Rose and Senator Bill Roth who not only developed what became known as the "Rose-Roth Initiative" but also – and crucially - obtained funding from the United States Agency for International Development (USAID) that underpinned the initiative for the first ten years.

Since 2001, the Swiss government through the Geneva Centre for Democratic Control of the Armed Forces (DCAF) stepped in to support the Rose Roth initiative as a part of the Swiss contribution to NATO's Partnership for Peace programme. The Swiss government's generous

financial support and access to DCAF's expertise have been key to the continued success of the Rose Roth initiative.

The first element of the Rose-Roth concept is a seminar programme for parliamentarians from partner countries that brings them together with parliamentarians from NATO nations, civil servants, diplomats, military personnel, and academic experts who are engaged in their own nations' security sectors.

In practice, Rose-Roth Seminars take place mainly in partner countries, and involve between 100 and 120 participants, with about half of these being members of parliament from NATO and partner countries, and half being representatives of governments, the host country, NATO, international organizations, universities and think tanks.

These Rose-Roth Seminars have proved to be enormously successful vehicles for sharing experience in the parliamentary practices and procedures needed to help parliamentarians become more effective in influencing the development and implementation of national defence policies and in ensuring that the control of their armed forces is fully democratic.

Furthermore, the Seminars provide many other benefits in familiarizing legislators with key security and defence issues, and facilitating regional contacts among parliamentarians, for instance in the South Caucasus and the Western Balkans.

In addition, Rose-Roth seminars represent tangible evidence of Alliance involvement and interest, and there is no doubt that this was particularly valued by those countries which actively sought NATO membership.

The other aspect of the Rose-Roth initiative involves parliamentary training programmes. One part of this is to assist partner parliaments to develop their parliamentary staff structure to provide the expertise and administrative abilities needed to support parliamentary work relating to the security sector. Another element is to familiarize partner parliamentarians themselves with NATO-related issues and the role of

parliamentarians in developing and overseeing national foreign and security policy.

The Assembly is well placed to organize briefings on the functioning of NATO, but also to draw on the expertise available in national parliaments concerning the practices and procedures needed for effective democratic oversight.

It therefore developed parliamentary training programmes which take place in Brussels and involve briefings at the Assembly's headquarters, NATO, SHAPE, and various European Union institutions. They explore security, political and economic issues and also the mechanisms democratic parliaments employ to exercise broad oversight responsibility over national foreign and economic policy formation and implementation.

The Assembly typically runs three or four programmes each year, often at the request of parliaments and the specific programmes are tailored to meet the participants' requirements and interests.

Parliamentary staff also participate in the Assembly's Research Assistant programme which provides them with practical experience in the work of the Assembly and its Committees as well as an opportunity to familiarise themselves with the Brussels-based policy community.

To support parliamentary capacity-building further, the Assembly and DCAF regularly produce publications focusing on best practices of parliamentary control of the defence and security sector – such as this one, which are made available in a large range of languages.

3. New Partners – the Mediterranean and the Middle East

One key aspect of NATO's adaptation to the post-Cold War strategic environment was the opening of dialogue to nations on the southern shores of the Mediterranean. This was formalized in 1994 with the creation of NATO's "Mediterranean Dialogue". For its part, in the early 1990s, the Assembly too had had contacts with certain southern Mediterranean countries, notably Israel, Egypt and Morocco, and it held several seminars which focussed on security issues in the Mediterranean region.

In 1996, the Assembly decided to institutionalize its engagement and interest in the region, and established the Mediterranean Special Group (GSM)⁸ to serve as a forum for parliamentarians from NATO member countries and their counterparts in countries of the Middle East and North Africa region to discuss common security and political issues and further mutual understanding. This Group's scope was extended to include the Gulf region reflecting NATO's Istanbul Cooperation Initiative which was launched in 2004.

Also in 2004, the Assembly created a new category of non-member status, that of Mediterranean Associate Member⁹, to enable legislators from the southern Mediterranean and the Middle East to participate as fully as possible in the Assembly's large, "fixed site" events such as Sessions and seminars as well as training programmes. Thus, Mediterranean Associate Members were accorded the same participation rights as Associate Members regarding Assembly Sessions and seminars, but not regarding Committee and Sub-Committee meetings outside Sessions.

With the "Arab Awakening", the Assembly placed even greater emphasis on its Mediterranean and Middle East activities. The rise of "Daesh" in Iraq and Syria, and its subsequent expansion to other parts of the region and beyond, further highlighted the importance of the region for Euro-Atlantic and global security.

The GSM remains the principal vehicle for engagement with the region with some three activities and one report each year, but other Committees too have stepped up the frequency of their visits to the region and the number of reports focussing on events there.

In addition, the Assembly has held several combined Rose-Roth and GSM Seminars in order not only to address regional security issues, but also

⁸ The acronym comes from the group's French title: Groupe Spécial Méditerranée.

⁹ This category of status is formally labelled "Mediterranean Associate Member and Regional Partner" status so that the Assembly could grant similar participation rights to a parliament outside the Mediterranean region.

to explore the relevance of Central and Eastern European experiences with security sector reform for the situations in the Middle East and North Africa.

4. New Partners and Global Security

Before the end of the Cold War the Assembly's systematic relations with non-member countries were limited to Japan and Australia, and the contacts with these parliaments were very limited. During the 1990s, however, the Assembly found that the status of "Parliamentary Observer" was of interest to a variety of other countries. This entails fewer opportunities for engagement – mainly the large annual sessions and some seminars – which suits certain nations that are at the other side of the globe, and the criteria for being granted this status are far less onerous than for – say – associate membership, which suits some other nations.

In addition, the Assembly is able to invite countries to participate at this level on an *ad hoc* basis which can be useful under certain circumstances.

This has certainly been the case following the events of September 2001 and NATO's subsequent leadership of the International Security Assistance Force (ISAF) in Afghanistan. South Korea has joined Australia and Japan as a regular parliamentary observer, and parliamentarians from Afghanistan and Pakistan and several other countries can be frequently found at Assembly sessions and seminars.

5. The European Parliament

Mention must also be made of the relationship between the Assembly and the European Parliament. As NATO and the European Union developed closer ties and the European Union assumed a more substantial role in foreign and security policy, the Assembly and the European Parliament agreed to reflect this at the parliamentary level. The Assembly therefore granted the European Parliament a special status allowing it to nominate a 10-member delegation to participate in Assembly sessions. Members of this delegation have the same rights as Associate members except that they

cannot present amendments to Assembly texts. For its part, the European Parliament invites Assembly members to participate in certain of its hearings on international relations and defence.

6. Inter-Parliamentary Assemblies

In addition, the NATO Parliamentary Assembly cooperates with other Assemblies, notably the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe. Under reciprocal arrangements, these inter-parliamentary assemblies participate in Assembly sessions and seminars, and the Assemblies cooperate closely on those occasions when the NATO Parliamentary Assembly is involved in international election observation missions.

7. Special Cases: Russia, Ukraine, and Georgia

The Assembly forged strong working relationships with the Russian Duma and Federation Council and the Ukrainian Verkhovna Rada in the aftermath of the fall of the Berlin Wall. NATO governments themselves recognised the value of these ties when, first in the Founding Act on Mutual Relations, Co-operation and Security between the Russian Federation and the North Atlantic Treaty Organisation, signed on May 1997, and then in the NATO-Ukraine Charter signed in July 1997, they explicitly called upon the Assembly to expand even further its dialogue and co-operation with both the Federal Assembly of the Russian Federation and the Ukrainian Rada.

Accordingly, in May 1998 the NATO PA and the delegation from the Russian Federal Assembly agreed to establish a joint parliamentary group to monitor the implementation of the NATO-Russia Founding Act as well as the workings of the Permanent Joint Council (PJC) and its subordinate groups.

Following the creation of the NATO-Russia Council in May 2002, the Assembly and the Russian delegation agreed that this new structure should be reflected at the parliamentary level. They therefore created the 'NATO-Russia Parliamentary Committee' (NRPC) which brought together the leaders of the 28 NATO member delegations and the leaders of the Russian

Federal Assembly delegation in a format "at 29". Chaired by the Assembly's President, this body oversaw the relationship between the Assembly and the Russian Federal Assembly and held substantive discussions on relevant issues of common interest.

The relationship between the NATO PA and the Russian Federal Assembly was not confined to the NATO-Russia Parliamentary Committee, however. The Russian Federal Assembly was an Associate Member of the NATO PA and with a ten person delegation, had a substantial presence in the Assembly's two Sessions each year, as well as in many Assembly Committee and Sub-Committee meetings, and seminars.

Russia's military intervention in Georgia in August 2008 and its subsequent recognition of Georgia's provinces of Abkhazia and South Ossetia as independent states severely strained the Assembly's relations with the Russian Parliament, and led the Assembly to restrict the Russian delegation's participation in NATO PA activities. Most of these restrictions had been lifted by 2014 but Russia's actions in Ukraine and its illegal annexation of Crimea in March 2014 led the Assembly to withdraw Russia's Associate Membership altogether, thus severing regular institutional relations with the Russian Parliament.

This decision does not represent the end of dialogue – indeed, the Assembly's leadership was authorized to determine how to proceed with that – but Russia's actions were seen as violations of so many agreements and standards of behaviour, that it was deemed no longer to qualify for associate membership.

Members of the Ukrainian delegation to the Assembly participate in a wide range of Assembly activities. The 'Ukraine-NATO Inter-parliamentary Council' (UNIC), the parliamentary counterpart to the NATO-Ukraine Commission, provides a dedicated forum for relations between the Assembly and Ukrainian Parliament. The Council, composed of representatives from each of the Assembly's committees and leading members of the Verkhovna Rada, meets each year in both Brussels and Kyiv to examine the implementation of the NATO-Ukraine Charter and to discuss

all aspects of the NATO-Ukraine relationship. In addition, there is usually one Committee or Sub-Committee visit to Kyiv each year. All this is in addition to the cooperation which takes place through Ukraine's associate membership and its eight member delegation to the Assembly.

Remarkably, since the contested presidential elections of 2004 which triggered Ukraine's "Orange Revolution", the Assembly has been invited to monitor all presidential and parliamentary elections in the country, and in view of Ukraine's special relationship with the Assembly and the Assembly's commitment to supporting democratic reform in Ukraine, these invitations have all been accepted.

In response to the crisis in Crimea in March 2014, the Assembly affirmed its unanimous support for Ukraine's territorial integrity and political independence, and intensified co-operation with the Ukrainian Parliament.

Georgia became an Associate Member of the Assembly in May 1999. Since then, members of the Georgian delegation have participated in the many types of activities open to the Assembly's partners. Following the August 2008 Georgia-Russia conflict, the Assembly decided to strengthen its institutional relationship with the Georgian Parliament by creating the Georgia-NATO Inter-parliamentary Council (GNIC), a parliamentary counterpart to the NATO-Georgia Commission which oversees NATO's relationship with Georgia.

The GNIC is composed of members of the Georgian Delegation and of the Assembly Bureau. The members of this Council bring consistency and continuity to the various activities which relate to Georgia throughout the year. The Council meets twice a year to discuss and assess NATO-Georgia relations and issues of common concern.

The Assembly's Role and Achievements in Support of Security Sector Oversight

As the sections above attempted to illustrate, the Assembly serves several important functions:

- It fosters dialogue among parliamentarians on major security issues;
- It facilitates parliamentary awareness and understanding of key security issues and Alliance policies;
- It provides NATO and its member governments with an indication of collective parliamentary opinion;
- It helps foster the consensus among member countries that must underpin Alliance policies;
- It helps make the workings and policies of the Alliance more transparent and comprehensible to parliaments and their publics;
- It helps strengthen the transatlantic relationship at the parliamentary level;
- It demonstrates visibly that NATO is a community of values, united in their commitment to parliamentary democracy, individual freedom, human rights and the rule of law, thereby helping to dispel the widespread misperceptions about what the Alliance actually represents;
- It provides a forum for issues beyond narrow definitions of security which affect the cohesion and interests of the Atlantic community;
- It assists in the development of parliamentary democracy throughout the Euro-Atlantic area by integrating parliamentarians from non-member nations into the Assembly's work;
- It promotes the development of parliamentary mechanisms, practices and 'know how' essential for the effective democratic control of armed forces.

The following sections look in more detail at the Assembly's role and achievements in supporting security sector oversight in NATO member and partner countries, and highlight the added value of the collective framework provided by the NATO PA in the performance of that vital function.

1. A unique information resource for parliamentarians

Parliamentarians play critical roles in the formulation and implementation of national, foreign and security policies, and national parliaments ensure transparent and accountable decision-making in all fields of policy. In addition, while constitutional arrangements vary from country to country, parliaments traditionally provide oversight of defence budgets and of the armed forces, and authorize expenditure and deployments abroad. As representatives of the people, parliamentarians also play key roles in building consensus, and generating and sustaining public support for decisions affecting national defence.

Through its work and activities, the NATO Parliamentary Assembly better equips legislators for national debates on issues relevant to NATO, thereby helping strengthen the capacity of parliaments to play this vital role of oversight. The Assembly enables Alliance parliamentarians to share perspectives with their colleagues from other countries and provides them with a unique level of access to leading national and NATO civilian and military authorities.

Through the Assembly's various reports, briefings, and meetings, its members are kept abreast of plans, ideas and developments in many fields. In this sense, the Assembly acts as a sort of parliamentary "think tank". Its reports are well-researched and informative pieces, often benefiting from information provided to Assembly members during high-level briefings.

As such, the Assembly makes a crucial contribution in helping national parliamentarians to fulfil their responsibilities. It also acts as a permanent reminder that intergovernmental decisions reached within NATO are ultimately dependent on political endorsement in accordance with the due constitutional process of democratically elected parliaments.

2. Complementing NATO's Partnerships through Parliamentary Engagement and Capacity Building

The Assembly's partnership activities strengthen and complement at the parliamentary level NATO's own partnerships. Indeed, cooperation with

partners is the most visible expression of the synergy between NATO and the Assembly's work.

NATO increasingly engages with partners in addressing common security challenges. It has developed a broad network of partners from Eastern and South-Eastern Europe, to the Caucasus, Central Asia, the Mediterranean, the Middle East and the Pacific. The NATO Parliamentary Assembly serves as an important channel for dialogue and engagement with the parliaments of these nations.

As mentioned earlier, the Assembly helped build bridges with the new political forces in countries of the former Warsaw Pact at the end of the Cold War by integrating parliamentarians from non-member nations into its work and by actively helping to entrench democratic practices and institutions in Central and Eastern Europe. These activities reinforced and, in many areas, became an integral part of NATO's own efforts, through its Partnership for Peace Programme, to assist former adversaries as they made the difficult and painful transition to democracy and market economies.

The Assembly's programme of specialised seminars and training programs for parliamentary staff continues to provide practical assistance in the development of parliamentary mechanisms, practices and 'know how' essential for the effective democratic control of armed forces. The Rose-Roth Initiative remains today the Assembly's primary tool for engagement with delegations from non-NATO member countries.

This programme also continues to provide a forum for discussion of regional security issues, and in recent years it has included elements intended to reinforce NATO's Building Integrity Programme, which seeks to strengthen good governance in the security sector.

Lastly, the Assembly's occasional participation in election observation in NATO partner countries is a visible demonstration of the fact that NATO's partnerships are based on a commitment to common values.

3. Supporting Candidates to NATO Membership

The Assembly has consistently supported broad and rapid NATO enlargement, and its views are significant because the accession of new members requires a treaty amendment, which in most Alliance nations must be ratified by parliament.

In practice, Assembly members have championed NATO enlargement within the Assembly and in their own national parliaments when ratification decisions have been considered. For instance, the Assembly was directly concerned with assisting in the process of ratification of the Protocols of Accession signed at the end of 1997, which culminated in the accession of the Czech Republic, Hungary, and Poland to the Alliance in March 1999.

Beyond this political support, the Assembly also directly assists those parliaments actively seeking Alliance membership by helping them develop parliamentary mechanisms, practices and 'know how' essential for the effective democratic control of armed forces. Indeed, NATO membership is not just about military standards of preparedness and interoperability. The strengthening of democratic institutions, respect for the rule of law and fundamental principles, are essential elements in Allies' decision to accept new members into the Alliance, and therefore constitute a key focus of the Assembly's own engagement with those countries aspiring to membership.

The Way Ahead: the NATO PA'S Enduring and New Roles in an Evolving Security Environment

As elaborated in Simon Lunn and Eden Cole's contributions, the evolving security environment in which Allies operate also affects the role of parliaments in defence and security and the mechanisms of parliamentary oversight. The NATO Parliamentary Assembly is responsive to these developments and indeed has already taken steps to adapt to new challenges while preserving the unique features and tools which have

served its parliamentarians so well for the past sixty years. The following sections review some of these evolutions.

1. Transatlantic parliamentary dialogue in an era of constrained budgets

The global financial and economic crisis which started in 2008 has had a profound impact on public policy across the Euro-Atlantic area. Confronted with a serious economic downturn, and the need to adapt public finances to cope with declining fiscal revenues, the overwhelming majority of Allied governments have been forced into painful choices in the allocation of state resources. In many countries, this has translated into significant cuts in defence budgets as well. Indeed, NATO estimates that Allies have cut their defence budgets by 20% between 2008 and 2014. Many have had to restructure their armed forces drastically as a consequence.

Regrettably, these cuts are overwhelmingly driven by economic constraints and not by the reality of the threat environment. Allies have therefore been looking for new and innovative ways to preserve and continue to develop military capabilities within limited resources. In particular, they have increasingly turned to cooperative capability development, procurement and maintenance – an approach known as “Smart Defence” in NATO and “pooling and sharing” in the European Union. Through such collective approaches, Allies are able to maintain or acquire capabilities they could no longer afford individually.

This new emphasis on multinational cooperative projects brings with it many benefits, but also some challenges, including in terms of parliamentary oversight. In this regard, the NATO Parliamentary Assembly provides a useful forum for Allied parliamentarians to exchange views and information on the multinational projects their respective governments have signed up to, as well as discuss possible future avenues for joint capability development.

The transatlantic dimension of this dialogue has also become more important. Indeed, another effect of the economic and financial crisis has been to deepen the transatlantic gap in defence spending and capabilities.

Whereas the United States accounted for 68% of total Allied defence spending in 2007, this figure has increased to 73% today. While the United States still spends 3.5% of its GDP on defence, only four European Allies met the NATO-agreed 2% guideline in 2015. This situation has revived the long-standing debate about burden-sharing in the Alliance, and the respective contributions of Europe and North America.

In this context, the Assembly's role is again essential. The NATO PA provides a unique platform where legislators from both sides of the Atlantic can raise their concerns with each other and discuss attempts to address those concerns. Indeed, members of the Assembly have been strong advocates of the need to stop and eventually reverse recent cuts in defence spending once solid economic growth returns.

Faced with a particularly challenging economic climate, members of the Assembly have thus made full use of the framework provided by the organisation to help them address some of the specific challenges posed by this new reality.

2. 21st century operations and the challenge of parliamentary oversight

Another key feature of today's security environment is the shift in the nature of military operations. Here again, the NATO Parliamentary Assembly has demonstrated that it brings a unique added value in support of national parliamentary oversight.

In today's environment, few Allies would find it feasible or politically appropriate to intervene militarily on their own. All recent major operations in which NATO Allies have been involved have been multilateral. While oversight of military deployments remains exclusively national, multinational operations inevitably involve some form of integrated command and thus a blurring or merging of responsibilities.

As explained above, the NATO Parliamentary Assembly has no mandate and is in no position to provide collective oversight of NATO operations. However, it provides a valuable function in providing national parliamentarians with information about the overall political and military

strategic objectives of an operation, and allowing them to discuss any issues potentially arising from divergences in national policies and contributions.

One concrete example is the role that the Assembly has played in 2005-2008 in raising parliamentarians' awareness about the problems posed by national caveats to the conduct of the NATO-led International Security Assistance Force in Afghanistan (ISAF). Caveats are the restrictions that nations can impose on the use of their troops in multinational operations. In 2005-2008, with some 50 countries contributing to ISAF, commanders on the ground were finding it increasingly difficult to run operations effectively with so many different caveats to take into account. As some of these caveats were imposed by national parliaments, members of the Assembly from "caveat-free" countries started raising this problem with their counterparts. While the actual impact of these discussions is hard to measure, the fact is that the number of national caveats imposed by ISAF contributing nations has since dropped to a more manageable level.

More broadly, the Assembly has at times provided a forum where political leaders, commanders and parliamentarians have used "peer pressure" to stress the importance for all Allies to demonstrate NATO solidarity visibly by committing and contributing to operations decided jointly.

At the end of 2014, NATO completed its combat mission in Afghanistan, the Alliance's most complex operation in recent history. However, the Alliance remains engaged militarily in Kosovo, in the Mediterranean, off the coast of Somalia, on the Turkish border with Syria, and in Eastern European Allies through various militarily reassurance measures. Allies also maintain a 'train, advise and assist' mission in Afghanistan. The Assembly's role as a forum for consultation and coordination among Allied legislators will thus remain essential.

3. Growing demands for transparency

The ongoing economic and financial crisis has brought with it growing demands for transparency of public policies and for more direct forms of democratic participation in policy-making. This is true also in the field of

defence. As a result, the role of parliamentarians, as elected representatives of the people, has become both more important and more challenging.

The NATO Parliamentary Assembly has fully embraced the objective and requirement of greater transparency of defence policies. It has supported NATO's own efforts in this regard: publication of the NATO Secretary General's annual report; development of the NATO website and related social media tools. It has also actively pushed for greater transparency of NATO's finances. The Assembly itself has enhanced its visibility in traditional and new media, and developed coordinated public outreach efforts in its member and partner countries, a trend that will no doubt continue in the coming years.

4. Partnerships: old and new

Partnerships have been one of NATO and of the Assembly's success stories and have contributed to both institutions' profound transformation since the end of the Cold War. Today, NATO cooperates with over 40 partners, and the Assembly with some 30, and the list of countries interested in developing partnership relations with NATO – or with the Assembly – continues to grow. This is a clear tribute to the success and "attractiveness" of the Alliance, but it also raises the question of what – if any – should be the limits of partnership.

Naturally, the concept of partnership presupposes that cooperation is in the mutual interest of both parties. However, today's security environment is such that many of the challenges Allies face are global. It is likely therefore that, in the overwhelming majority of cases, the basic assumption will be that cooperation is both useful and necessary.

A further challenge lies in the fact that different partners have different interests. At one end of the spectrum are partners which seek a very loose form of association; at the other end are candidates for NATO membership. The difficulty for the Assembly – as for NATO – is to develop flexible forms of partnerships based on both the organisation and the partners' interest.

As mentioned above, since the end of the Cold War, the Assembly has developed four categories of membership: full members, associate members, Mediterranean associate members (which has since been extended to include so-called regional partners beyond the Mediterranean region), and parliamentary observers. In addition, it regularly invites other parliaments on an *ad hoc* basis. It also has specific dedicated frameworks for relations with some of its partners (the Ukraine-NATO and Georgia-NATO Inter-parliamentary Councils, the Mediterranean and Middle East Special Group).

How closely a partner parliament is associated with the Assembly depends naturally on the partners' interest. However, partners also need to fulfil the criteria associated with each category of membership. For the closest forms of association, democratic governance and respect for fundamental rights are an important consideration.

This variety of frameworks has so far allowed the Assembly to find appropriate ways to integrate all partners interested in parliamentary cooperation. What has changed over the years depending on political imperatives and priorities is the number of "members only" versus members and partners activities, and the level of engagement with different categories of partners.

Following the Arab Awakening, the Assembly also tried to create greater synergies between different categories of non-members. In particular, it has fostered exchanges of experience between members and partners from Central and Eastern Europe on the one hand, and partners from North Africa and the Middle East on the other, on the processes of democratic transition and democratic control over the armed forces. Further such partner-to-partner exchanges could certainly be explored and prove valuable in the future.

What is certain is that engaging partners and assisting them to develop strong mechanisms of parliamentary oversight over defence and security will remain one of the Assembly's enduring and fundamental priorities for the foreseeable future.

5. Russia

As mentioned above, the Assembly's leadership decided in the spring of 2014 to withdraw Russia's associate member status in response to Moscow's aggression in Ukraine, illegal annexation of Crimea and ongoing destabilisation in Eastern Ukraine. They deemed that these actions constituted both a violation of international law and a breach of trust, and that the Russian parliament therefore could no longer be considered a partner for cooperation. The option for dialogue remains open, but outside of any formal institutional affiliation.

One of the main – but also most difficult – challenges for the Assembly in the coming period will be to define the new terms of this dialogue and the way ahead in relations with the Russian parliament.

6. The blurring of the line between internal and external security

The ongoing deep crisis in Syria and Iraq, and instability in other parts of the Middle East and North Africa, have provided fertile ground for the development of new terrorist movements, from ISIS/Daesh in Syria and Iraq to Al Qaeda in the Islamic Maghreb in the Sahel and Boko Haram in Nigeria. Daesh in particular has developed a global reach, attracting foreign fighters from around the world and inspiring or directing deadly terrorist attacks in several Allied and partner nations.

These conflicts have also caused millions to abandon their homes, with an increasing number seeking refuge in Europe. EU cohesion has been as strained as its members' capacity to handle this sudden influx of migrants. Concerns have also arisen about the possible infiltration of Daesh fighters into the migrant flow.

Western governments have sought to respond to these new challenges through a multipronged strategy that simultaneously addresses immediate humanitarian needs, the roots of instability and conflict in the Middle East and Africa, and the factors contributing to radicalisation at home. Part of this response has included military action in Syria/Iraq and in the Sahel, although so far outside the NATO framework.

The multidimensional nature of these challenges, which affect both internal and external security, raise many difficult questions for parliamentarians: how to encourage efforts to find diplomatic solutions to ongoing conflicts in the Middle East and North Africa; how to address the internal and external aspects of the humanitarian crises connected with those conflicts; whether to support military action, and if yes how to define its scope and objectives; how to link the internal and external dimensions of national and international counterterrorism strategies; how to adapt national counterterrorism strategies to address the new features of today's terrorist threat while preserving the freedoms which define our societies. Parliamentarians, as the elected representatives of the people, must lead the public debate on these challenging but essential questions.

Conclusion

At 60, the NATO Parliamentary Assembly can thus look back to a solid track record of strengthening parliamentary oversight over defence and security in its member and partner parliaments. Close cooperation with DCAF has been decisive in progressively building up the Assembly's outreach to non-member parliaments.

In many ways, the security environment in which Allies operate in the 21st century makes the task of parliamentarians more complex and challenging. In this changing environment, the NATO Parliamentary Assembly has adapted – and must keep on adapting – to ensure it continues to provide a valuable forum and effective tools to support national parliaments, and retains an influential and authoritative voice in international and Euro-Atlantic security.

ANNEX I

THE POWERS, PROCEDURES AND PRACTICES OF PARLIAMENTARY OVERSIGHT OF DEFENCE IN NATO MEMBER STATES¹

PART A: DEFENCE COMMITTEE STRUCTURE AND ORGANISATION

| | 1a. Original Name | 1b. English Name | 2. Number of members of parliament in the committee | 3. Committee's annual Budget | 4. Number of Assisting Staff | 5. Number of parliamentary staff who are expert staff | 6. Number of parliamentary staff working on behalf of political parties / political fractions | 7. Regulation Source /Regulations defined by |
|------------------|----------------------|------------------------|---|------------------------------------|--|--|--|---|
| ALB ² | | | | | | | | |

¹ Based on DCAF and NATO-PA cooperative research following NATO-PA information requests to national parliaments. DCAF: original concept Dr. Hans Born; Lydia Amberg; for NATO-PA: Ruxandra Popa, Deputy Secretary General for Policy, NATO Parliamentary Assembly. The research builds on a prior version created by NATO-PA and DCAF between 2002-2003.

² Where a section is left blank, no data was received from national focal points by the date of publication. An online version may be updated on request post-publication. The comments in the following footnotes were supplied by national respondents.

| | | | | | | | | |
|------------|---|-----------------------------------|----|---------------------------|---|---|------|-----------------------------------|
| | | | | | | | | |
| BEL | | | | | | | | |
| BGR | КОМИСИЯ ПО ОТБРАНА (Komisija po Obrana) | Defense Committee | 20 | € 13'000 | 4 | 4 | none | N/A |
| CAN | House of Commons Standing Committee on National Defence | N/A | 10 | \$44,000 USD ³ | 3 | 2 | none | RoP Customary practices |
| HVR | N/A | N/A (Defence Committee) | 13 | N/A ⁴ | 2 | 1 | none | RoP |
| CZE | Výbor pro obranu | Committee on Defence | 15 | | 4 | 2 | 1 | Law RoP Customary practices |
| DNK | Forsvarsudvalget | The Defence Committee | 29 | € 30'000 | 3 | 2 | none | Law RoP |

³ Budget for the fiscal year 2012-2013. This amount can vary year to year as the Standing Joint Committees are funded from a \$3 million envelope with access to an additional \$250,000 fund for the purpose of financing committee requests for e-consultations and other specialized experts.

⁴ The budget chapter is intended for the whole Office of the Chamber of Deputies, so it means that there is no specific budget for each Committee.

| | | | | | | | | |
|------------|---|--|----|------------------|---|---|------|---|
| | | | | | | | | |
| EST | Riigikaitsekomisjon | National Defence Committee | 8 | € 25'557 | 3 | 2 | none | Law RoP |
| FRA | (Commission de la Défense Nationale et des Forces Armées) | (Committee for National Defence and Armed Forces) | 72 | € 100.000 | 8 | 6 | none | Constitution Law RoP Customary practices |
| DEU | Ausschuss für Verteidigung | Defence Committee | 16 | N/A | 2 | 1 | none | RoP Customary practices |
| GRC | Διάρκής Επιτροπή Εθνικής Άμυνας και Εξωτερικών Υποθέσεων | Committee on National Defence and Foreign Affairs ⁵ | 51 | N/A | 2 | 0 | 1 | Law RoP |
| HUN | Honvédelmi és rendészeti bizottság | Defence and Internal Security Committee | 9 | N/A ⁶ | 2 | 1 | 5 | Constitution Law RoP |
| ICE | | | | | | | | |
| ITA | Commissione Difesa | Defence | 42 | € 15.000 | 7 | 3 | none | Constitution |

⁵ In the Hellenic government, there are two committees dealing with defence issues. In addition to the Standing Committee on National Defence and Foreign Affairs, there is a Committee on Armament Programs and Contracts. The members of the latter are also members of the Standing Committee of National Defence and Foreign Affairs. The committee consists of 19 members.

⁶ The Committee operates from the overall budget of the National Assembly, including the financing of the committee experts and Operation and Maintenance costs. It means that it is hard to quantify a fixed and independent budget for the Committee.

| | | Committee | | | | | | RoP Customary practices |
|------------|---|--|--------------------------------|---|----------------|---|--|----------------------------|
| LVA | N/A (Aizsardzības, iekšlietu un korupcijas novēršanas komisija) | N/A (Defence, Internal Affairs and Corruption Prevention Committee) | 11 | The committee does not have a separate budget | 6 | 5 | none | RoP |
| LIT | Seimo Nacionalinio saugumo ir gynbos komitetas | Committee on National Security and Defence of the Seimas | 12 | € 26'000 | 6 | 4 | none | RoP |
| LUX | Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration | Committee for Foreign and European Affairs, Defence, Cooperation and Immigration | 13 | The committee does not have a separate budget | 3 ⁷ | 0 | One per parliamentary group (within the groups, one staff member specialises in total defence: 4) | RoP |
| NLD | Vaste Commissie voor Defensie | Standing Committee of | 51 (25 standing; 25 alternate) | € 10'200 ⁸ | 5 | 3 | 15 | RoP Customary Practices |

⁷ These assistants do not exclusively work for this commission.

⁸ This is only a budget for foreign working visits. There is no specific budget for committees.

| | | Defence | | | | | | |
|------------|--|--|-----------------|---|-----------------|-----------------|------|---|
| NOR | | | 17 | The committee does not have a separate budget | 3 | 3 | 9 | RoP |
| POL | | | | | | | | |
| PRT | Comissão de Defesa Nacional | National Defence Committee | 21 ⁹ | € 33.698,15 ¹⁰ | 2 ¹¹ | 1 ¹² | none | Law RoP Customary practices Committee Regulations |
| ROM | N/A (Comisia pentru apărare, ordine publică și siguranță națională) | N/A (Committee for Defence, Public Order and National Security) | 26 | The committee does not have a separate budget | 8 | 4 | none | Constitution RoP |
| SVK | Výbor Národnej Rady SR pre obranu a bezpečnosť | Committee of the National Council of the Slovak Republic for Defence and | 13 | N/A | 2 | 1 | none | RoP |

⁹ Plus twenty one alternate members.

¹⁰ Budget for 2014.

¹¹ Plus one military consultant.

¹² Plus one military consultant.

| | | | | | | | | |
|------------|-------------------------|-----------------------------------|----|--|---|---|------|--|
| | | Security | | | | | | |
| SVN | N/A | N/A | 15 | N/A | 2 | 1 | none | RoP |
| ESP | Comisión de Defensa | Defence Committee | 44 | N/A | 4 | 1 | none | Constitution RoP Customary practices |
| TUR | Milli Savunma Komisyonu | The Committee on National Defence | 26 | Met by the general budget of the Assembly Presidency | 4 | 1 | none | RoP Customary practices |
| UK | | | | | | | | |
| US | | | | | | | | |

PART B: DEFENCE COMMITTEE PROCEDURES AND PRACTICES

| | 8. The meetings of the Committee are public | 9. The committee can hold secret meetings | 10. Meeting Frequency | 11. The chairman is appointed/elected by | 12. The current chairman has been a member of parliament for x years | 13. Number of committee members who are in this committee for a second term | 14. Are members of the Committee obliged to undergo security clearance and vetting procedures? | 15. The chairman is a member of the opposition party | 16. The specific knowledge or experience with defence issues is a major criterion in order to be elected as a member of this committee | 17. Committee minorities (in terms of votes) have the right to submit reports? |
|-----|---|---|-----------------------|--|--|---|--|--|--|--|
| ALB | | | | | | | | | | |
| BEL | | | | | | | | | | |
| BGR | No | Yes | Once a week | The parliament | 9 | 4 | N/A | No | Yes | No |
| CAN | Yes | Yes | Twice a week | Committee members themselves | 8 | 2 | No | No | No | Yes |
| HRV | Yes | Yes | Once or twice a month | The parliament | 6 | 1 | Yes | Yes | Yes | Yes |

| | | | | | | | | | | |
|-----|-----|-----|-----------------------|---|----|---------|-----------------|-----|-----|-----------------|
| CZR | Yes | Yes | Once or twice a month | The Parliament Committee members themselves | 4 | 6 | No | Yes | Yes | Yes |
| DNK | No | Yes | Once or twice a month | The parliament Committee members themselves | 16 | unknown | No | Yes | No | No |
| EST | No | Yes | Three times a month | Committee members themselves | 7 | 4 | No ¹ | No | No | No |
| FRA | Yes | Yes | Twice a week | Committee members themselves | 12 | 2 | No | No | No | No ² |

¹ Not currently, but when the committee is formed after the next elections in 2015 they will undergo security clearance.

² Not as such but with regards to information reports, since the last legislature, the commission appoints a co-rapporteur from the Majority and a co-rapporteur from the opposition. Concerning draft laws, the rapporteurs are members of the Majority.

| | | | | | | | | | | |
|-----|-----|-----|---------------------|---|----|-------------------|-----|-----|-----|-----|
| DFU | No | Yes | Less regularly | The parliament | 8 | approx. one third | No | N/A | N/A | Yes |
| GRC | Yes | Yes | Three times a month | Committee members themselves Political parties in the parliament | 10 | 10 | Yes | No | No | Yes |
| HUN | Yes | Yes | Once a week | The Parliament Political parties in the parliament | 24 | 9 | Yes | No | Yes | Yes |
| ITA | No | Yes | Three times a month | Committee members themselves | 22 | 17 | No | Yes | No | Yes |
| LAT | Yes | Yes | Twice a week | Committee members themselves | 12 | 5 | No | No | No | Yes |

| | | | | | | | | | | |
|-----|-----|------------------|--------------|-------------------------------------|----|----|----------|-----|-----|-----|
| LIT | Yes | No | Once a week | The parliament | 10 | 4 | Yes | No | Yes | Yes |
| LUX | No | Yes ³ | Once a week | Committee members themselves | 10 | 4 | No | No | No | Yes |
| NLD | Yes | Yes | Twice a week | Political parties in the parliament | 7 | 35 | No | No | Yes | Yes |
| NOR | No | Yes | Once a week | Committee members themselves | 9 | 1 | Optional | Yes | No | Yes |
| POL | | | | | | | | | | |

³ However, the agendas and the minutes of the meetings are generally published on the website of the Chamber of Deputies.

| | | | | | | | | | | |
|-----|-----|-----|-----------------------|--|----|----|-----------------|----|-----|-----------------|
| PRT | Yes | Yes | Once a week | Committee members themselves and political parties in the Parliament | 15 | 12 | No | No | Yes | Yes |
| ROM | No | Yes | Once a week | Political parties in the parliament | 14 | 9 | No ⁴ | No | No | No ⁵ |
| SVK | Yes | Yes | Less regularly | Political parties in the parliament | 4 | 5 | No | No | Yes | Yes |
| SVN | Yes | No | Once or twice a month | The parliament | 7 | 1 | No | No | N/A | N/A |

⁴ Since 2007 MP have access to the classified information under their area of expertise.

⁵ One of the committee's members is the representative of the Bulgarian minority in Romania. Like every other member he is entitled to submit amendments.

| | | | | | | | | | | |
|-----|-----|-----|-----------------------|------------------------------|----|-----|----|----|-----|-----------------|
| ESP | Yes | Yes | Once or twice a month | Committee members themselves | 15 | 14 | No | No | Yes | Yes |
| TUR | Yes | Yes | Once or twice a month | Committee members themselves | 3 | N/A | No | No | No | No ⁶ |
| UK | | | | | | | | | | |
| US | | | | | | | | | | |

⁶ Minorities can submit a dissenting opinion or negative vote

PART C: POWERS OF THE DEFENCE COMMITTEE

Does the Parliamentary Committee on Defence **(C)** or the Parliament (the Plenary) **(P)** have the following powers? Do both **(B)** of them or neither **(N)** have those powers?

| | ALB | BEL | BGR | CAN | HVR | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US | | | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|----|----|--|--|--|
| 18. Initiate legislation on defence issues | | | P | | | | | | | | | C | | | C | B | | | | | | | | | | | | | | | |
| <i>Used how many times in the last 2 years</i> | | | 1 | P | B | P | B | B | B | B | C | 2 | | N | 5 | 74 | C | B | C | | N ¹ | C | C | C | N | B | | | | | |
| 19. Amend or rewrite proposed defence laws | | | P | B | | | | | B | | | | | | P | B | | | | | | | | | | | | | | | |
| <i>Times used in the last 2 years</i> | | | 6 | 2 | B | B | B | B | 5 | B | C | | | B | 15 | 74 | B | C | C | | B | C | B | C | B | B | | | | | |
| 20. Question the minister of defence | | | C | B | B | | | | | | | | | B | C | P | | | | | | | | | | | | | | | |
| <i>Times used in the last 2 years</i> | | | 12 | 6 | 6 | | | | | | | | | 211 | 6 | 2 | | | | | | | | | | | | | | | |
| 21. Summon the minister of defence to Committee/Plenary meetings and to testify | | | C | B | | | | | | | | C | | B | C | B | | | | | | | | | | | | | | | |
| <i>Times used in the last 2 years</i> | | | 1 | 1 | B | B | B | B | B | B | C | 4 | | 17 | 6 | 2 | B | B | C | | C | C | B | N | B | B | | | | | |

¹ In Parliament, according to the Rules of Procedures, only Members and parliamentary groups have the power to exercise legislative initiative (neither the committee, nor the plenary).

² As of 16.10.2012

| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|---|----|----|---|---|-----|----------------|---|---|---|--|----|----|---|---|---|-----|---|---|----------------|---|---|---|---|-----|
| 22. Summon armed forces and other civil servants to committee meetings and to testify | | | N | C | B | B | C | B | B | C | C | C | | C | C | C | C | B | N | | C | C | C | N | C | C | |
| <i>Times used in the last 2 years</i> | | | | 21 | | | | | | | | | | 12 | 10 | | | | | | | | | | | | |
| 23. Summon experts from society (NGOs/Universities /Think Tanks) to committee meetings and to testify | | | C | C | B | B | C | B | C | C | C | C | | C | | N | C | C | B | N | | C | C | C | N | C | C |
| <i>Times used in the last 2 years</i> | | | 2 | 22 | 13 | | | | | | | | | 2 | | | | | | | | | | | | | |
| 24. Obtain classified documents from the ministry of defence and armed forces | | | N | N | B | B | C | B | C ³ | C | C | C | | N | C | B | | C | B | N | | C | C | B | C | N | N/A |
| <i>Times used in the last 2 years</i> | | | | | 3 | | | | | | | | | | 25 | 2 | | | | | | 4 | | | | | |
| 25. Scrutinize defence agreements with other states (such as on technical assistant) | | | B | B | B | B | N | N/A | B | B | C | N | | C | | N | B | C | N/A | C | | B | C | C | N | N | N |
| <i>Times used in the last 2 years</i> | | | 4 | 10 | | | | | 1 | | | | | 5 | | 5 | | | | | | | | | | | |
| 26. Carry out investigations (parliamentary inquiries) on defence issues | | | B | C | P | B | B | B | B | C | C | P | | N | N | B | C | B | N | | P | | C | C | P | N | P |
| <i>Times used in the last 2 years</i> | | | | 3 | | | | | | | | | | | | | | | | | | 2 ⁴ | | | | | |

³ For committee rapporteurs, a right to access can be obtained occasionally

⁴ According to no. 2 of article 2.^o of the Legal Regime governing Parliamentary Inquiries, approved by Law no. 5/93 of 1 March 1993, as amended by Law no. 126/97 of 10 December 1997 and by Law no. 15/2007 of 3 April 2007, the following have the competence to initiate the inquiries: "a) Parliamentary groups, and Members of the Assembly of the Republic from parties that do not form a parliamentary group; b) Committees; c) Members of the Assembly of the Republic". No. 1 from the same article states

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|---|----|---|---|---|---|---|---|---|---|--|----|----|---|---|---|---|--|-----------------|---|---|---|---|---|--|--|
| 27. Hold hearings on defence issues | | | P | C | B | B | C | B | B | C | C | C | | C | C | B | C | B | C | | C | C | B | N | C | P | | |
| <i>Times used in the last 2 years</i> | | | 3 | 49 | | | | | | | | | | 63 | 30 | 2 | | | | | 43 ⁵ | | | | | | | |
| 28. Visit premises of units in the armed forces | | | B | C | B | | | | | | | | | | C | B | | B | C | | C | | | | | | | |
| <i>Times used in the last 2 years</i> | | | 1 | 3 | 3 | B | C | B | C | C | C | C | | C | 10 | 4 | C | 3 | C | | 12 | C | C | C | C | N | | |

29. Does the Plenary of the Parliament often change draft laws submitted by the Parliamentary Committee on Defence?

| | ALB | BEL | BGR | CAN | HVR | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|--|
| Yes | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | |
| No | | | X | | | X | X | X | | X | X | X | | X | X | X | X | X | X | | X | X | X | X | X | X | X | | |
| N/A | | | | X | X | | | | | | | | | | | | | | | | | | | | | | | | |

that: "Parliamentary inquiries take place: a) By express decision of the Plenary, to be taken by the fifteenth day following publication of the respective draft decision in the Journal of the Assembly of the Republic or of its distribution in separate copies; b) Upon a motion made by one fifth of all the Members of the Assembly of the Republic in full exercise of their office, up to a limit of one per Member and per legislative session". Furthermore, in accordance to the Rules of Procedure, the Assembly is required to decide on the holding of an inquiry, once the decision has been made an ad hoc parliamentary committee shall be formed for the purpose, as laid down by law, and the Plenary shall set the date by which the parliamentary committee must submit the report.

⁵ As of 16.10.2012 and including the above mentioned 15 hearings to question the Minister of Defence.

PART D: BUDGET CONTROL OF DEFENCE ISSUES

Does the Parliamentary Committee **(C)** on Defence and/or the Parliament (Plenary) **(P)** have the following powers or procedures? Do they both **(B)** have them or do neither **(N)** of them have them?

| | ALB | BEL | BGR | CAN | HVR | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|----|----|--|
| 30. Access to all defence budget documents | | | P | N | B | B | N | C | N | C | C | C | | N | C | P | C | N | N | | C | C | C | C | N | N | | | |
| <i>Used how many times in the last 2 years</i> | | | | | 4 | | | | | | | | | | 4 | | | | | | | | | | | | | | |
| 31. Right to amend and to allocate defence budget funds | | | N | N | P | P | P | B | N | N/A | C | B | | B | P | P | P | C | C | | P | C | N | C | B | P | | | |
| <i>Used how many times in the last 2 years</i> | | | | | | | | | | | | | | | 2 | | | | | | 2 ¹ | | | | | | | | |
| 32. Control the defence budget by programmes | | | B | N | B | B | N | C | B | C | C | C | | C | C | C | N/A | C | C | | C | C | C | C | C | N | | | |
| <i>Used how many times in the last 2 years</i> | | | | | 2 | | | | | | | | | C | 3 | 2 | | | | | 2 | | | | | | | | |
| 33. Control the defence budget by projects | | | N | N | B | B | N | C | B | C | N/A | C | | N/A | C | C | N/A | C | C | | C | C | C | N | C | N | | | |
| <i>Used how many times in the last 2 years</i> | | | | | | | | | | | | | | 2 | 2 | | | | | | 2 | | | | | | | | |
| 34. Control the defence budget by line-items | | | N | N | B | B | N | C | B | N/A | N/A | C | | C | C | C | C | C | N | | C | C | C | N | C | N | | | |
| <i>Used how many times in the last 2 years</i> | | | | | | | | | | | | | | | 2 | | | | | | 2 | | | | | | | | |
| 35. Right to approve or disapprove any supplementary defence budget proposals | | | P | B | B | P | B | P | B | N/A | C | P | | B | P | P | P | C | C | | P | C | N | C | B | P | | | |
| <i>Used how many times in the last 2 years</i> | | | | 4 | | | | | | | | | | | | | | | | | | | | | | | | | |

¹ Considering that the State Budget is approved by the Parliament in an annual basis (i.e., two times in the last two years)

PART E: PEACE MISSIONS

Does the Committee on Defence **(C)** and/or the Parliament (Plenary) **(P)** approve the following aspects of peace missions? Do they both **(B)** approve them or do neither **(N)** approve them?

| | ALB | BEL | BGR | CAN | HVR | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD and p ² | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|----|----|
| 36. Participation in peace missions before the troops are sent abroad | | | P | N | B | B | B | B | B | P | N | P | | B | P | P | C | C ¹ | C | | N | C | B | N | B | P | | |
| <i>Used how many times in the last 2 years</i> | | | 1 | | 8 | | | | | | | | | 4 | 3 | 2 | | 5 | | | | | | | | | | |
| 37. The mandate | | | P | N | B | B | B | B | N | P | N | P | | N | P | P | C | C | N | | N | C | B | N | N/A | N | | |
| <i>Used how many times in the last 2 years</i> | | | 1 | | | | | | | | | | | | 3 | 2 | | | | | | | | | | | | |
| 38. Budget | | | P | N | B | B | B | P | N | P | N | P | | B | P | N | C | C | C | | N | C | N | N | N/A | P | | |
| <i>Used how many times in the last 2 years</i> | | | 2 | | 2 | | | | | | | | | 4 | | | | | | | | | | | | | | |
| 39. The risks for military personnel involved | | | N | N | B | B | N | N | N | N | N | N | | N | N | N | C | C | N | | N | C | N | N | N/A | P | | |
| <i>Used how many times in the last 2 years</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40. Rules of engagement | | | N | N | P | B | B | N | N | N | N | N | | N | N | N | C | C | N | | N | C | N | N | N/A | N | | |
| <i>Used how many times in the last 2 years</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

¹ In fact this is the authority of the Committee on Foreign Affairs, not the Defence Committee

² Although this is not a Constitutional power

PART F: DEFENCE PROCUREMENT

Powers of Committee of Defence and/or Plenary

(Respondents were requested to supply answers denominated in Euros, if applicable.)

| | ALB | BEL | BGR | CAN | HVR | CZR | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US |
|--|-----|-----|-----|-----|----------------------------------|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|----------------|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|
| 44. The Minister of Defence is obliged to provide the Committee/Parliament with detailed information on procurement decisions above ...EUR (or USD) | | | P | N | B | P | N | N | N | C 25 Mio | N/A | N | | N | N | N ¹ | B €40 mio | N/A | N/A | | N | B | N | N/A | N | N | | |
| <i>How many times in the last 2 years</i> | | | | | 1 | | | | | | | | | | | | | 8 | | | | | | | | | | |
| 45. The Committee/Parliament decides all contracts above EUR (or USD) | | | P | N | C ² P ³ | N | N | N | N | N/A | C | N | | N | N | N | B €40 mio | N/A | N/A | | N | B | N | N/A | N | N | | |
| <i>How many times in the last 2 years</i> | | | | | 3 | | | | | | | | | | | | | 8 | | | | | | | | | | |
| 46. The Committee/Parliament is involved in specifying the need for new equipment | | | N | N | P | N | N | N | N | N/A | N | N | | N | N | C | N | | N | | N | N | N | N | N | N | | |
| <i>How many times in the last 2 years</i> | | | | | | | | | | | | | | | | 2 | | 8 | | | | | | | | | | |

¹ The Committee does not approve procurement contracts above a certain level but the Committee approves the defence budget and if necessary submits proposals to the Budget and Finance Committee.

² In terms of the right to scrutinise the referred contracts.

³ Overview and scrutiny power.

PART G: SECURITY POLICY PLANNING AND DOCUMENTS

Powers of Committee on Defence and/or the Plenary on security planning and documents

The Committee/Parliament (Plenary) has the right to approve the following draft policies:

| | ALB | BEL | BGR | CAN | HRV | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|--|
| 49. National security policy | | | P | | | | | | | | | | | | P | P | | | | | | | | | | | | | |
| <i>Used how many times in the past 2 years</i> | | | 1 | N | B | P | N | P | N | N | N | P | | B | 1 | 1 | B | C | N | | N | C | P | C | N | N | | | |
| 50. Defence policy (white paper) | | | P | | B | | | | | | | | | | P | | | | | | | | | | | | | | |
| <i>Used how many times in the past 2 years</i> | | | 1 | N | 1 | P | N | N | N | N | C | P | | B | 1 | N | B | C | C | | N | C | P | C | N | N | | | |
| 51. The crisis management concept | | | P | | B | | | | | | | | | | | P | | | | | | | | | | | | | |
| <i>Used how many times in the past 2 years</i> | | | 1 | N | 1 | P | N | N | N | N | N | P | | N | C | 1 | B | C | N | | N | N | P | N | N | N | | | |
| 52. The force structure/planning | | | | | | | | | B | | | | | | | P | | | | | | | | | | | | | |
| <i>Used how many times in the past 2 years</i> | | | C | N | N | P | N | N | 1 ¹ | N | C | N | | N | N | 2 | B | C | C | | N | N | P | C | N | N | | | |
| 53. The armed forces strategy | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>Used how many times in the past 2 years</i> | | | C | N | N | P | N | N | N | N | N | N | | N | N | N | N | C | C | | N | N | P | N | N | N | | | |

¹ Law on Military Programming.

PART H: ARMED FORCES PERSONNEL

| | ALB | BEL | BGR | CAN | HRV | CZE | DNK | EST | FRA | DEU | GRC | HUN | ICE | ITA | LVA | LIT | LUX | NLD | NOR | POL | PRT | ROM | SVK | SVN | ESP | TUR | UK | US |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|
| 54.The Committee/Parliament (the Plenary) approves the Defence human resources management plan | | | N | N | N | N | N | N | B | P budget | N | N | | N | N | N | B | C | N | | N | N | N | N | N | N | | |
| <i>Used how many times in the past 2 years</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 55.The Committee/Parliament (the Plenary) approves the maximum number of personnel employed by the MoD and armed forces | | | P | N | P | N | N | N | B | B budget | N | N | | N | N | P | B | C | N | | N | N | N | N | N/A | N | | |
| <i>Used how many times in the past 2 years</i> | | | | | | | | | | | | | | | 2 | | | | | | | | | | | | | |
| 55.The Committee/Parliament (the Plenary) approves high ranking armed forces appointments | | | N | N | N | N | N | N | N | P | N | N | | N | P | P | N | N | N | | N | N | N | N | N | N | | |
| <i>Used how many times in the past 2 years</i> | | | | | | | | | | | | | | | 2 | | | | | | | | | | | | | |
| 56. The Committee/Parliament (the Plenary) is consulted by the Minister of Defence about high ranking armed forces appointments | | | C | C | | B | B | N | C | N | N | N | | N | N | N | N | N | N | | N | N | N | N | N | N | | |
| <i>Used how many times in the past 2 years</i> | | | 4 | 2 | | | | | | | | | | | | | | | | | | | | | | | | |

PART I: CHALLENGES AND STRENGTHS

| | Which are the most important challenges for the Committee? | Which are the most important strengths of the Committee? |
|------------|---|--|
| ALB | | |
| BEL | | |
| BGR | Challenges of members after parliamentary elections | Control of MoD and Defence decisions |
| CAN | <p>a) Committee members do not have security clearances; this makes scrutinizing national defence and security issues challenging as they cannot receive intelligence briefings and cannot get a full appreciation of the threat environment and resulting defence requirements and activities.</p> <p>b) Due to the economic climate, budgetary concerns have affected the Committee's ability to conduct fact-finding missions and hold hearings outside of Ottawa.</p> | <p>a) The committee can self-initiate studies and has the authority to report its findings and policy recommendations to the government.</p> <p>b) The Committee can require a response from the government with respect to the recommendations it proposes.</p> |
| HVR | Modernisation and acquisition policy pushing in the context of fiscally-constrained defense budget | Consensus-driven approach |
| CZE | Keeping the commitments to NATO, ensuring the country's defence | The legislative action, controlling the activities of the Ministry of Defence |
| DNK | N/A | N/A |
| EST | N/A | N/A |

| | | |
|------------|--|--|
| FRA | N/A | The specialised skills of the parliamentarians on defence questions and the ability to build trust with the Ministry of Defence |
| DEU | Reform of the Bundeswehr (German Armed Forces) | Deployments abroad |
| GRC | N/A | N/A |
| HUN | Adoption of the new Service Law, the amendments of the Law on National Security Services. Opposition MPs were part of the legislative process (the ruling party had more than 2/3 majority in the Parliament so they would have passed the Law without consulting the opposition). Thus, the legislative process was based on a consensus principle. | The Defence Committee is one of the obligatory Committees to be established as it is stipulated in the Constitution. The Members of the Defence Committee are to hold national security clearance and are under protection. |
| ICE | No data received | No data received |
| ITA | <p>a) The periodical examination (every 6 months on average) of the government bill on the re-financing of authorized peace missions because it usually includes an intense debate between parliamentary majority and minority on efficiency and results of the Italian participation in the missions</p> <p>b) The examination of defence budget bill and the scrutiny activity on defence budget implementation as matter of transparency and of public expenditure control.</p> | <p>a) In the present legislative period, started in April 2013, the Defence Committee's composition is characterized by a majority of highly experienced and motivated members, both under the profiles of parliamentary and specialization skills. This promotes more knowledge and higher quality of parliamentary decisions in a sector surrounded by these times by a specific attention of public opinion.</p> <p>b) As second strength of this specific legislative period, the Defence Committee is going, together with the Foreign Affairs Committee, to finalise the bills of law on procedures for the Italian participation in the peace missions under the civil and military aspect, following similar cases in other European countries. This legislative process, started in year 2001, was strongly launched beginning with 2006 under the initiative of a bipartisan group of MPs, including the present Defence Minister, Sen. Roberta Pinotti.</p> |
| LVA | N/A | a) Rights stated in Art. 172 (1) of the Rules of Procedures of the Parliament – As Committee shall have the right, without the Presidium's mediation, to directly request the information and explanations necessary for its work from the respective Minister and the institutions subordinated to or supervised by him/her, as well as from local governments. The committee itself may summon the appropriate officials to provide the |

| | | |
|------------|---|---|
| | | required comments. b) Experienced staff. |
| LIT | N/A | Considering topical issues, concepts and strategies. A good practice is established that prior to the adoption of any important decision, the Ministry of National Defence submits the concepts for the Committee's review. |
| LUX | The two most important challenges are the draft law on discipline regulation which is currently under review and the reconversion/re-training of soldiers | The two most important strengths are the fact that the commission is involved in the decisions related to the participation in peace missions at an early stage and the fact that the Minister systematically invites the members of the commission to accompany him on his visits of soldiers stationed abroad. |
| NLD | N/A | N/A |
| NOR | No particular challenge observed from an administrative perspective | The committee is a joint committee for foreign affairs and defence, which means that the committee considers defence policy in junction with foreign policy. Great unity on Norwegian defence policy across party divides makes the work more constructive. The chair of the committee is traditionally from the opposition. |
| POL | | |
| PRT | The major challenge has been to deal with the effects of the financial and budgetary constraints applied to the defence sector. | The major strength of the Committee has been, along the years, the achieving of consensus among the different parliamentary groups on defence matters. |
| ROM | To generate laws that have a national impact, while politically represent the local electors | Political will |
| SVK | Defence budget approval, missions approval, control | Control, inquiries |
| SVN | N/A | N/A |
| ESP | N/A | N/A |

| | | |
|------------|-----|--|
| TUR | N/A | Its active role in legislation related to defence issues |
| UK | | |
| US | | |

ANNEX 2 ABOUT NATO PARLIAMENTARY ASSEMBLY

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 13 associate countries; the European Parliament; 4 Regional partner and Mediterranean associate member countries; as well as 8 parliamentary observers and 2 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 and the Georgia-NATO Inter-parliamentary Council. The NATO-Russia Parliamentary Committee was discontinued in April 2014.

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 NATO Orientation Programme

The NATO Orientation 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 Group¹

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 received new impetus following the "Arab Awakening". The Assembly has established relations with the Parliaments of six countries of the southern and eastern Mediterranean: Algeria, Egypt, Israel, Jordan, Morocco, Tunisia, as well as with the Palestinian Legislative Council. Preliminary contacts have been established with Libya as well as with some countries of the Gulf and of the Sahel.

The yearly activities of the Group include a visit to the region, and two seminars, one of which is held 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.

¹ Formerly referred to as the Mediterranean Special Group.

Sessions

Two sessions are held each year - in the Spring and Autumn ('Annual') - in different countries.

| Membership of the Assembly - Member Delegations | |
|--|------------------|
| Member States | Delegates |
| 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 |
| 28 | 257 |

| Membership of the Assembly - Associate Delegations | |
|---|-----------|
| 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 |
| Former Yugoslav Republic of Macedonia ² | 3 |
| 13 | 56 |

| | |
|---------------------------------------|-----------|
| European Parliament Delegation | 10 |
|---------------------------------------|-----------|

| Regional Partner and Mediterranean Associate Member Delegations | |
|--|-----------|
| Algeria | 3 |
| Morocco | 3 |
| Israel | 3 |
| Jordan | 3 |
| 4 | 12 |

² Turkey recognises the Republic of Macedonia with its constitutional name.

| Parliamentary Observer Delegations | |
|---|-----------|
| Assembly of Kosovo | 2 |
| Australia | 2 |
| Egypt | 2 |
| Japan | 2 |
| Kazakhstan | 2 |
| Palestinian Legislative Council | 2 |
| Tunisia | 2 |
| Republic of Korea | 2 |
| 8 | 16 |

| Inter-parliamentary Assembly Delegations | |
|---|----------|
| OSCE | 2 |
| PACE | 2 |
| 2 | 4 |

Committees, Sub-Committees and Working Groups

Committee on the Civil Dimension of Security (CDS)

Sub-Committee on Democratic Governance (CDSDG)

Defence and Security Committee (DSC)

Sub-Committee on Future Security and Defence Capabilities (DSCFC)

Sub-Committee on Transatlantic Defence and Security Cooperation (DSCTC)

Economics and Security Committee (ESC)

Sub-Committee on Transition and Development (ESCTD)

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 Technology Trends and Security (STCTTS)

Mediterranean and Middle East Special Group (GSM)

Ukraine-NATO Inter-parliamentary Council (UNIC)

Georgia-NATO Inter-parliamentary Council (GNIC)

NATO-Russia Parliamentary Committee (NRPC)

(Discontinued as of April 2014)

ANNEX 3 ABOUT DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation established in October 2000 under Swiss law and on the initiative of the Swiss government.

DCAF works with governments, parliaments, security and justice institutions, independent oversight (ombuds) institutions, civil society and media to enhance security sector governance (SSG) through security sector reform (SSR) across several geographical regions.

DCAF's work to support develop transparent and accountable security sector policies and practices in line with best practice in democratic governance of the security sector is underpinned by the acknowledgement that security, development and the rule of law are essential preconditions for sustainable peace.

DCAF is guided by the principles of neutrality, gender sensitivity and local ownership as the basis for supporting democratically legitimate and, sustainable reform processes.

The Centre's Foundation Council, which consists of member states, includes 61 governments, as well as four governments and two international organisations that have permanent observer status.

DCAF is based in Geneva with permanent offices in Beirut, Brussels, Ljubljana, Ramallah, Tripoli, and Tunis. The Centre has five operational divisions (Southeast Europe, Middle East and North Africa, sub-Saharan Africa & Gender and SSR, Public-

Private Partnerships, and the International Security Sector Advisory Team – ISSAT), as well as a research division. DCAF employs over 130 staff from almost 40 countries.

For additional information about DCAF activities, please see:
<http://www.dcaf.ch/>