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Polaris Quarterly

The NATO School has the honour to present to you its second Quarterly issue of Polaris.

The Polaris Quarterly journal provides analytical operational-level articles, in order to connect NATO's strategic documents with experience at the operational level.

The articles in the Polaris Quarterly journal will be acquired from staff members of the NATO School, and from military and academic institutions from NATO and PfP member states.

This magazine contains analytical articles and provides a forum for discussion and an overview of current developments in international security. The authors assume responsibility for the coverage and reality of their articles, but the editors do urge reaction from the readers. Furthermore, readers are invited to contribute to Polaris Quarterly by submitting articles or comments on articles published in this journal.

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Editor's foreword

The most recent military operations, from the Kosovo Bombing Campaign through Afghanistan and Iraq, have demonstrated the importance of timing to surveillance missions, especially in regard to decision making and the fulfillment of tasks. The lessons learned from these missions give us the possibility to create a relevant, albeit complex, coalition environment for a successful TST system. Lieutenant Colonel Monetti – with his extremely rich professional background – as the Chairman of NATO's Time Sensitive Targeting (TST) Working Group provides the readers a real picture of the current structure and procedure within the NATO TST system, and he provides recommendations on the further development of a more effective coalition in that field.

The Geneva Center for the Democratic Control of Armed Forces (DCAF) is one of the most renowned institutions that spearheads research projects regarding the transformation of security sector and civil military relations in the former Soviet states. The DCAF strongly supports national governments and non-governmental organizations in the creation of successful and effective democratic control systems over national armed forces. In the last few years the experts at the Center worked together with Ukrainians, Russians, Georgians, and Uzbeks – among others – to make suggestions to government representatives and national parliaments. In this article the authors, Dr. Philipp Flury and Mr. Eden Cole, analyze the results of the reform process in the national security sector of six Southeastern European countries, then they present a comparative study of national practices and European norms of democratic control over the armed forces.

According to the opinions of several legal experts, the Kosovo intervention generated a transformation of the legal justifications pertaining to international interventions, shedding a new light on the role of international organizations. Within his article, Mr. Mezey explores the legal precedence founded by international peace missions and the possible effects of customs to the general international law. He then investigates the possible security related implications for states and generally respected international organizations such as the UN and NATO.

Yevgueni Aliyev is not unknown to the readers of Polaris. He published the first part of his study on the CFE Treaty and its implementation on former Southern Caucasian Soviet states in the last issue. In this article he concentrates on the treaty's effect on the security climate in the region. The article reveals the tensions generated by the "Flank Rule," which is the most debated part of the CFE Treaty. The effects of Russian influence are also discussed within this article. The study reflects, through Azeri lenses, the current conflicts existing between Armenia and Azerbaijan, and the relationship of Russia and Georgia. Due to the sensitivity of this topic, the NATO School in the spirit of academic freedom encourages Polaris readers to send us their comments, which

can be published in the Forum section of the next issue.

The creation of an effective democratic control system that oversees the military is one of the most sensitive aspects of the political transformation process in former socialist countries in Europe. The states found their own place and role within this system relatively easily, but the independent organization process of non-governmental organizations was very slow and wrought with contradictions. Dr. Ferenc Molnar – a well known Hungarian expert on this topic – analyzes this process in his article, examining the possibilities and responsibilities of civil society in new democracies.

Andras Ujj PhD, Col. HU AF
Executive Editor

NATO Time Sensitive Targeting – A Strong Beginning, Now What?

Raffaele A. Monetti, Lt Col, USAF

For the last two years, the author served as Chairman of NATO's Time Sensitive Targeting working groups to develop firstly the doctrine, and subsequently, workable procedures in the form of Tactics and Techniques. In this paper the author wishes to lend guidance through his two-year journey and provide recommendations to improve NATO's ability to defeat Time Sensitive Targets. This paper provides the most comprehensive source document concerning NATO Time Sensitive Targeting (TST) procedures to date. It provides a picture of NATO's latest TST successes and shortcomings. It charts out a roadmap for NATO's continued success in its ability to execute TSTs in a complex coalition environment.

Background

NATO is undergoing a transformation of unlike proportions. It is simultaneously expanding its membership from 19 to 26 nations, and streamlining its ability to respond to global contingencies.[1] The newly established NATO Response Force (NRF) will provide NATO with improved capabilities to react to unforeseen circumstances, particularly in light of the global war on terrorism. NATO is restructuring with Supreme Allied Command Operations (SACO), responsible for operations, and Allied Command Transformation (ACT), which is responsible for integrating transformation issues. Regional Headquarters (HQ) are also being reorganized, while NATO Combined Air Operating Centres (CACOs) are

being reduced from ten to four[2]. Concurrently, NATO is improving its ability to respond to emergent targets that pose a threat to its member states. To help accomplish the task of responding quickly to threats, SACO appointed a Bi-Regional working group in October 2002 to develop NATO TST procedures.

The TST working group, comprised of twenty representatives from nine nations, developed the new NATO TST doctrine in April 2003, which presented its findings at the annual Allied Command Europe (ACE) Targeting Conference at Supreme Headquarters Allied Powers Europe (SHAPE) HQ, Belgium[3]. The TST doctrine was accepted by SHAPE HQ and included in Allied Command

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[1] Correll, John, T., "*European Command Looks South and East*," Air Force Magazine, December 2003, pp. 60-64.

[2] Carpenter, Anthony, Lt Col, US Army, Classroom presentation: "*NATO Military Command Structure*" Joint Forces Staff College, 13 Aug 03.

[3] Monetti, Raffaele, Lt Col, US Air Force, *Chairman NATO Time Sensitive Targeting Working Group*, 15 Jan 2004, CAOC5, Poggio Renatico, Italy.

Europe (ACE) Directive 80-70, Campaign Synchronization and Joint Targeting in ACE. In May 2003, NATO further charged the working group to translate the new TST doctrine into workable operational procedures. Over the next six months, this team developed new comprehensive TST Tactics, Techniques, and Procedures (TTPs). The team's TST TTPs were presented to SHAPE HQ in October 2003, and are currently being staffed by Regional HQs. The working group defined TSTs, described the TST process, and recommended that a Combined Force Commander (CFC) TST cell manage TSTs.

NATO defines TSTs as targets requiring immediate response because they pose (or will soon pose) a danger to friendly forces, or are highly lucrative fleeting targets of opportunity, the engagement of which is of a high enough priority to warrant immediate action in order to support campaign objectives[4]. The working group specified that during conflicts, the CFC will establish Rules of Engagement (ROE) and delegate authority to prosecute TSTs to the CFC TST cell. Additionally, every service component will have integrated into its respective current operations section an organic TST team to respond to TSTs in its Area of Operation (AO). The working group agreed that a dedicated joint team should manage the TST mission and serve as the CFC's primary TST manager. While the NATO TST cell is a combined cell, it is also a joint unit, in that the TST cell chief and deputy will be from different services to facilitate

effective communication between components.

The working group described the TST process using a six-step process; find, fix, track, target, engage, and assess. The following is an example of the TST process[5].
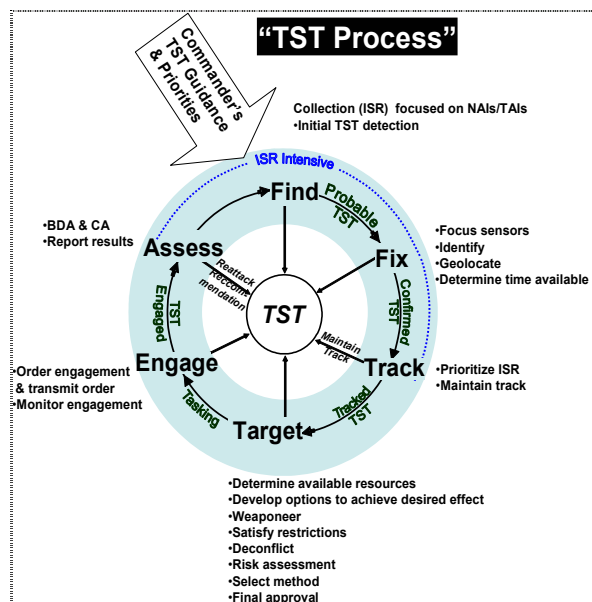
The working group created a solid model for NATO leadership; however, it did not adequately address one key area - namely where to locate the CFC TST cell. The working group's lack of specificity regarding the location of the TST cell reflected disagreement amongst the team. A minority of the team's members were concerned that locating the TST cell at the CAOC would likely result in an air-centric effort, and thus be less joint than if located at a different location, such as a Regional HQ. Because

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[4] Joint Publication 3-60, *Joint Doctrine for Targeting*, Washington D.C., Joint Chiefs of Staff, January, 2002, II-2.

[5] Concept of Operation and Operational Tactics, Techniques and Procedures for Dynamic Targeting (draft), United States Air Force, Air and Space Operations Center, July 2003, I-3.

the working group could not achieve consensus, they recommended to SHAPE that the CFC TST cell be located at a place "to be determined" by the CFC.

The group's intention was to allow the CFC maximum flexibility in deciding where to place the TST cell based on future requirements. However, the effect of this compromise resulted in the most probable location of the TST cell not being properly identified in the majority of cases, specifically in regard to the CAOC. Analyses of recent conflicts have proven that the CAOC is the best location to prosecute TSTs.

Analysis of Recent Conflicts Involving TSTs

The United States (US) Department of Defense (DoD) has fine-tuned its ability to quickly locate, identify, and engage highly lucrative targets through its combat experiences over the last 15 years. During Operation Desert Storm (ODS), military commanders were challenged by the asymmetric threat posed by mobile SCUD missiles. They discovered that emerging targets, such as SCUDs, required a quicker response method. The SCUD challenge forced the development of new TST technologies, procedures, and rapid precision type engagement platforms[6]. During ODS, airpower was the primary means to combat the SCUD threat. Specified aircraft from the normal Air Tasking Order (ATO) were dedicated to defeat this unanticipated threat. As a result of lessons learned from ODS, the US DoD further improved intelligence

and surveillance collection platforms, information databases, and weapon systems. Additionally, US Joint Air Operations Centers (JAOCs) practiced TST procedures during large-scale exercises, such as Internal Look, conducted by US Central Command (CENTCOM)[7]. Recent hostilities have proven that the primary responsibility of managing TSTs should fall on the CAOC.

During Operation Allied Force (OAF), NATO acted to ensure peace in the Balkans and thus provide stability to Europe[8]. NATO relied on airpower as its primary military option to achieve its objectives in the Balkan Area of Operations (AO). NATO realized the challenges of managing the targeting process in a complex coalition environment. The NATO CAOC targeting cell located in Vicenza, Italy, recognized the need to quickly engage certain TSTs, such as mobile surface to air missiles. The CAOC developed a "flex-targeting" cell to rapidly react to mobile targets using airpower. Certain missions were successful in locating and successfully engaging mobile TSTs, using B-2 stealth sorties that were dynamically tasked in-flight to successfully target higher priority mobile surface to air missiles[9]. Although the TST management occurred in a NATO CAOC, primarily US assets and communication systems were used to accomplish TST missions. More recent conflicts further illustrate the need for a highly competent TST cell

[6] "*The Great Scud Hunt*," An Assessment, Lanchester University, 1996. On-line. Internet, 12 August 2003. Available at http://www.cdiss.org/scudnt6.htm.

[7] Orban, Brian, "*Time Sensitive Targeting Adds Combat Flexibility*," US Air Force Operations Center, 18 April 2003, p.2.
[8] NATO Handbook, NATO Office of Information and Press, Brussels, BE. 2001, p.48.
[9] Western, Jeffrey, Lt Col, US Air Force, *Operation Allied Force Chief of Targets*, Personal Interview, 15 December 2003.

located at the CAOC to manage the challenges posed by TSTs.

CENTCOM leaders have vastly improved TST prosecution as a result of lessons learned from Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). The Joint Force Commander (JFC), during OEF, relied primarily on the Joint Operations Command (JOC) in Florida, which managed TSTs thousands of miles from hostilities. According to some key members of the OEF TST cell at the JOC, this process proved cumbersome and lengthy[10]. Some critics claimed that by locating the TST cell at the JOC, Central Command was too careful in picking its targets and consequently missed chances to target senior enemy leaders. At Central Command's JOC, the TST officers had to deal simultaneously with demands from the Pentagon, the White House, and from senior leaders working for the land, sea, and air "component commanders" in the field[11]. Consequently, decisions were likely delayed.

During OIF, the CAOC was chosen as the primary TST manager. The TST cell, located in a CAOC at an airbase in the Arabian Peninsula, proved to be a key aspect of the decision making process because it was able to seamlessly assess the viability of the emergent targets and provide quick authorization for strikes[12]. For example, during OIF, a

B-1B bomber destroyed a TST within 12 minutes using precision weapons.[13] In an interview conducted on 20 June 2003, General Michael Mosely, the Central Air Force's commander stated: "US Central Command Chief Army General Tommy Franks' decision to delegate most of the authority to kill fleeting targets to his in-theater air war commander leading up to and during the Iraq war made for efficient and effective air operations."[14]. CENTCOM found that the technological tools developed during joint exercises, such as Internal Look, enabled the JAOC to build a connectivity grid with other services, resulting in positive results.

During OIF, the CENTCOM Commander designated three categories of targets as TSTs: Weapons of Mass Destruction (WMD), leadership, and terrorists. Other highly mobile targets, although not pre-approved as TSTs, were designated by the TST cell after approval by the Commander.[15] Centralizing the effort at the CAOC enabled the TST cell to maintain precise situational awareness of friendly forces and coordinate with other services. To assist in accomplishing this cross flow of information between service components, the Automated Deep Operations Coordination System (ADOCS) was used. ADOCS provides the integrated capability to manage resources required to provide command authorities with

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[10] Graham, Treia, Major, US Air Force, *Operation Enduring Freedom and Iraqi Freedom Time Sensitive Targeting Cell*, Personal Interview, 04 September 2003.
[11] Donnelly, John, M., "A-Top Target Planner Gives Inside Look at Enduring Freedom," Defense Weekly, 15 July 2002.
[12] Herbert, Adam, J., "*Compressing the Kill Chain*," Air Force Magazine, March 2003, Vol. 86, No. 3., pp 50-54.

[13] "Bomber Crews 12-Minute Mission to Kill the 'Big One' – War on Iraq," The Times, AFP, World Section, p. 3.
[14] Mosely, Michael, T., "*Time Sensitive Targeting Improved From Afghanistan to Iraq*," Inside the Air Force, 20 June 2003, p.1.
[15] Mosely, Michael, T., "*Operation Iraqi Freedom By the Numbers*," CENTAF, 30 April 2002.

the information necessary to detect, identify, and engage TSTs as they emerge. While ADOCS is a US system, it has significant capabilities that should be integrated into the NATO Command and Control structure.[16]

The CAOC TST cell coordinated with other service components and had the authority to rapidly employ air and long-range artillery, aircraft, or missiles - where and when needed. Precise analysis by the TST cell enabled individual strike aircraft to target the full depth of the battle space. The centralized TST effort at the CAOC enabled CENTCOM to develop a high level of competence and reduce the time require to dynamically develop complex strike packages against heavily defended top-priority targets[17]. The CAOC is capable of managing the complex TST process in times of conflict and also in support of peacekeeping operations.

Currently, CAOC5 located at Poggio Renatico, Italy, is responsible for coordinating air missions throughout the Balkan AO for NATO. CAOC5 is integrating TST missions in the Balkan AO in support of Operations Joint Guardian and Joint Forge. CAOC5 schedules through daily ATOs and Intelligence, Surveillance and Reconnaissance (ISR) assets to provide ground commanders with actionable intelligence information. The CAOC provides TST assistance in various missions, such as capturing persons wanted for war

crimes and securing illegal weapon stashes. Although CAOC5 assists the ground commanders in the Balkan AO with timely and accurate ISR information, its ability to fuse information and communicate securely with other service components is somewhat limited.[18]. Nevertheless, analyses of recent conflicts confirms that CAOCs are the best venue to manage the complex TST problem.

NATO now finds itself at a crossroads. As part of its historic transformation of adding seven new member nations, NATO has also decided to streamline operations by reducing the number of active NATO CAOCs. The restructuring presents NATO with a unique opportunity to properly man and equip the remaining CAOCs to perform the TST mission. SHAPE HQs should choose to locate the CFC TST cell within the remaining CAOCs, because CAOCs inherently provide rapid precision engagement and vital network centric warfare capabilities.

Why the CAOC? Rapid Precision Engagement

The ultimate goal of TST is to expeditiously provide the right person, with the right information, allowing for the right decision, inturn producing the right effect. CAOCs contain the capability to rapidly engage emerging targets through the use of swift precision engagement airpower and superior Command, Control, Communications, Computers, Intelligence, Surveillance, and

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[16] Castile, Willie, General Dynamics C4 System, "*Automated Deep Operations Coordination System (ADOCS)*, On-line. Internet, 12 December, 2003. Available at www.gdc4s.com/products/adocs.htm.
[17] Orban, Brian, "*Time Sensitive Targeting Adds Combat Flexibility*," Air Force News, Combined Forces Air Component (CENTCOM) Command Public Affairs, 18 April 2003.

[18] Monetti, Raffaele, A., Lt Col, Chief Balkan Plans, CAOC5, Poggio Renatico, Italy.

Reconnaissance (C4ISR) capabilities. Within NATO, the CAOC serves as the primary collection node and airpower coordinator. The need to quickly respond to a TST requires assets that can get to the target area quickly, gain "eyes on," allowing for the placement of precision type weapons on target, thus reducing the probability of collateral damage. Although not all TSTs require lethal effects, most do. Coalitions require special consideration in regards to limiting collateral damage when lethal force is used. Unquestionably, future coalition conflicts will demand the use of precise weapons to achieve the desired effect, while simultaneously avoiding risks to the general population. Modern day aircraft are ideally suited for this mission. Other service components also offer long-range precision weapon capabilities, but they are less timely or accurate.

Army weapon systems, besides attack helicopters, that are effective against TSTs are the Army Tactical Missile System and Multiple Launch Rocket System. However, these systems are not as precise as Precision Guided Munitions (PGMs) delivered by airpower. Recent conflicts affirm the need for coalition forces to use PGMs to ensure destruction of the desired target, while simultaneously reducing the risk of collateral damage. For example, during OAF, 90 percent of US weapons employed were PGMs[19].

Similarly, Naval weapon systems, besides air power, also provide precision weapon capabilities, primarily through Tomahawk land-attack missiles, but these weapon systems consume too much time to program and then strike. By definition, TSTs are time sensitive and likely require a quicker and "cleaner" response mechanism than traditional army and naval assets offer.

Airpower is the ultimate TST weapon of choice and CAOCs control the preferred type of aircraft and weapons employed against such targets. The proliferation of satellite-guided Joint Direct Attack Munitions and other all-weather precision munitions means that targets are no longer vulnerable only in daylight[20]. New weapons, such as the British Storm Shadow air-launched cruise missiles, carry intelligent imaging seekers that look at the scene on the ground, extract key features, and match them to an onboard stored template to provide a precision strike[21].

CAOCs, either land-based or afloat, coordinate the use of airpower and provide lethality, precision, and flexibility to the CFC. For example, aircraft can be placed in orbits loaded with precision weapons, and within minutes have eyes and weapons on target. Once the aircraft is in place, information can be data linked to confirm target identification. Global Hawk and Predator UAVs have also proven beneficial in the drive to shorten the kill chain. According to Maj. General Daniel P. Leaf, USAF director of operational

[19] United States Department of Defense, Office of the Secretary of Defense, K*osovo/Operation Allied Force After-Action Report,* Washington, GPO, 2000.

[20] Herbert, Adam, J., "*Compressing the Kill Chain*," pp. 53.

[21] Fulghun, David, A. "*Speed*," Aviation Week and Space Technology," 22 December 2003, pp. 56-60.

capability requirements, with mobile targets that can hide, "having a surveillance platform that can park overhead and stare until [the target] emerges again is of great value in maintaining that track until you have assets available that can kill it."[22] A dedicated TST team can confirm commander's guidance, ROE, and location of our forces. A common-operating picture can provide the TST cell with an accurate picture of the battle space. More importantly, especially in a coalition environment such as NATO, this dedicated team can perform accurate collateral damage estimates and perform risk analyses. The team to manage this complex process is the CFC TST cell, which should be located at the CAOC.

The CFC TST cell should be co-located and embedded within the Current Operations division of the CAOC. They should augment the Current Operations staff with additional expertise, to include representatives from all components and other functional areas to facilitate joint operations. The TST cell should be manned to support 24-hour crisis operations, while each shift should be comprised of:

- TST Cell Chief;
- Deputy TST Cell Chief (different service than Chief);
- Senior Intelligence Duty Officer, Targeteers, Analysts, and Collection Managers;
- Attack Coordinator and Operations Target Coordinator;
- Legal Advisor;

- Functional experts representing other service component commands.

The devices required for these modern day war fighters are contained in new collaborative network and communication systems.

Network Centric Warfare Provider

CAOCs offer the optimum location for NATO forces to join and actively participate in the TST process. The CAOC has the C4 and ISR coordination tools to effectively coordinate a successful TST. NATO CAOCs are presently connected to NATO HQs and allies through the use of the Integrated Command and Control (ICC) system managed by the NATO Consultation, Command, and Control Agency (NC3A). Non-NATO coalition partners do not have such an operating system. According to NC3A Senior Scientist, Mr. John Mahaffey, "Partnership for Peace (PfP) nations cannot operate NATO systems, nor can NATO electronically exchange data with them."[23] NATO is currently investing in improved network centric warfare capabilities. The Air Command and Control System (ACCS) is NATO's newest improvement to CAOCs.

ACCS is intended to replace the existing air defense systems of NATO. ACCS is designed to combine the tactical planning, tasking, and the execution of air defensive, offensive, and support operations into a single system. Hence, its scope is broader than just

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[22] Herbert, Adam, J., "*Compressing the Kill Chain*," pp. 53.

[23] Mahfrey, John, NATO Consultation, Command and Control Agency (NC3A), Senior Scientist, Personal Interview, 15 January 2003.

air defense. The system will be composed of a mix of static and deployable entities. The ACCS program is supervised by the NATO ACCS Management Organization (NACMO), and will provide an initial operational capability within the next few years[24]. Although ACCS will provide an improved C4ISR network capability, it does not include a viable collaborative network tool, such as ADOCS, which was employed successfully by coalition forces during OIF to prosecute TST.

Presently, NATO CAOCs are comprised of many states and include representatives from various services. Clearly, the majority of personnel assigned to a CAOC are airmen. However, information from CAOCs is transferred to higher echelon HQs and other service component commanders as required. NATO communication systems must be improved if TST missions are to be properly executed. The biggest NATO communication system requirement is an improvement in bandwidth. Bandwidth remains a critical requirement for the dissemination of data in a coalition environment. A new concept of operations for the efficient storage and access to necessary data is required to reduce bandwidth requirements. Furthermore, a centralized peer-to-peer type of file sharing system with common reference terms and descriptions would increase efficiency in the dissemination and exploitation of ISR data.[25] Once information is processed and analyzed, and a decision made as to

what to do with the information, it must be quickly and securely passed to component commanders. In the case of the PfP, collaborative decision-making is accomplished by telephone or in face-to-face meetings. Communication systems can be improved by implementing Video Tele Conference and chat capabilities. The development of new network collaborative tools will provide the ability to push the decision making process to lower levels, as well as provide near real time data and information at the operational level, such as the CAOC. Once a decision is made to execute a TST, certain secure data link channels from the CAOC to airborne assets are required. Link 16 provides such a capability.

Link 16 is a secure data link system that provides command and control information via a data communications network. Link 16 is expensive to install and integrate, but will likely produce dramatic operational benefits, such as increasing target processing speed, improving accuracy, greater situational awareness, and reducing voice communications.[26] The new ACCS program will support Link 16 compatibility. With the proper collaborative network tools, improved communications systems, and new C4ISR connectivity provided by ACCS into the remaining CAOCs, the TST cell must now be trained to perform the vital TST mission.

[24] *Air Command and Control System (ACCS)*, On-line. Internet, 12 January 2003. Available at www.nacma.nato.int/e_accsindex.htm.
[25] Mahfrey, John. Personal Interview.

[26] Herbert, Adam, J., "Compressing the Kill Chain."

NATO CAOC's Restructuring

NATO's transformation includes the restructuring and reduction in the number of CAOCs. Currently, there are ten CAOCs in NATO; under the planned reform, there will be four fixed and two mobile CAOCs. The NRF will be fully operational by 2006 and is based on a brigade-sized land element, a joint naval task force, and an air element capable of 200 combat missions per day[27]. The two new deployable CAOCs will likely be used to support the NRF concept and tasked to support the TST mission.

The four remaining CAOCs will possess improved C4 systems with ACCS, and will be more robustly manned than current CAOCs. The remaining four CAOCs should be properly manned and equipped to perform the TST mission for larger type contingency operations. The CFC TST cell must be properly trained to perform this complex mission. Currently, there is no formal SHAPE TST training program, nor are there billeted TST positions during normal day-to-day operations in NATO CAOCs. NATO's newly established Allied Command Transformation (ACT) in Norfolk, Virginia, is responsible for directing future NATO TST training opportunities that will meet the challenges of the 21st century. ACT should take the lead in training forces on the new TST concept.

At the strategic level, senior leaders should be trained to understand the importance of providing clear

guidance and ROE that will set the foundation for successful TST prosecution. The CFC will decide where to place the CFC TST cell depending on the nature and scope of a conflict. At the operational/tactical level, NATO CAOCs must be properly trained to perform the TST mission. CAOC members from current operations, who plan and provide intelligence, form the backbone of the TST team. Key personnel in these positions require training in TST Tactics Techniques and Procedures (TTPs) and equipment. TST training should also be included in the NATO School curriculum and practiced by aircrews at the Tactical Leadership Program (TLP). TLP is NATO's premier aerial tactical institution designed to train airmen on composite air operations. NATO war fighters must be trained the way they will be expected to fight; therefore, TST must be practiced in every major war fighting exercise and emphasized during preparation for NATO Response Force (NRF) cycles. Large CAOC exercises, such as CENTCOM's Internal Look, should be planned with NATO in mind.

The modification of the CAOC structure provides NATO with the opportunity to prosecute the TST challenge. Currently, there are no TST manning requirements in the CAOCs. The absence of an established TST cell at the CAOC is not an acceptable option. NATO requires a properly manned, trained, and equipped CAOC to be prepared to manage the TST challenge.

Summary and Recommendations

NATO has taken giant steps forward in the last two years toward

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[27] Correll, John, T., "*European Command Looks South and Eas,*" pp. 63.

improving its ability to prosecute TSTs in a complex coalition environment. The newly established NATO TST doctrine contained in ACE Directive 80-70 provides a solid framework to build a comprehensive TST process. The TST TTPs provide an excellent transition to transform doctrine into workable operational procedures. The next step is for SHAPE to match the requirements demanded by TSTs with the proper blend of equipment, manpower, and training. This paper recommends that SHAPE implement the following three proposals:

- Properly man and equip remaining NATO CAOCs as the primary venue for the CFC TST cell;
- Invest in new collaborative network technologies to facilitate the exchange of information between service components;
- Train NATO forces on newly established TST procedures.

NATO leadership should properly man and equip the four remaining CAOCs and two deployable CAOCs to ensure NATO is prepared to perform the NRF mission and improve its ability to quickly respond to emerging threats. Analysis of recent conflicts support that CAOCs are the ideal venue for the CFC TST cell. Vital collaborative network tools are required to quickly and accurately transfer information to war fighting components. The network collaborative tools, common operating picture, and interoperable ISR systems should be upgraded and properly funded. An ADOCS type system should be integrated into the new ACCS. Close coordination between the operational

and developmental communities of NATO will be required to fully enhance NATO capabilities. To accomplish this task, the involvement of the agencies responsible for the development, integration, and implementation of these NATO C4ISR capabilities is essential. These agencies include NC3A and NACMO. Communication system upgrades must be enhanced to include connectivity with PfP states. With the proper tools in place, NATO forces will require proper training to apply its resources to its fullest potential.

The war fighters of the CFC TST cell must be trained to accomplish the vital TST mission. ACT should direct this transformational process. The NATO School and TLP provide the proper forum to prepare NATO forces for TST operations. TST must be emphasized in every NATO exercise and in preparation for regional NRF rotations. An annual robust CAOC exercise, such as CENTCOM's Internal Look, will help prepare CAOC warriors to "train as they fight."

NATO has the right ingredients in place to be successful in prosecuting emerging "targets requiring immediate response because they pose (or will soon pose) a danger to friendly forces, or are highly lucrative, fleeting targets of opportunity, the engagement of which is of a high enough priority to warrant immediate action in order to support campaign objectives." It is likely that future hostilities, especially in light of the global war on terrorism, will be unpredictable and require a quick response mechanism to respond to such threats. This paper provides a template for preparing

NATO forces to rise to the TST challenge. Indeed, NATO TST is off to a strong beginning, so now what?

Bibliography

"*Bomber Crews 12-Minute Mission to Kill the 'Big One' – War on Iraq*," The Times, AFP, World Section.

"*The Great Scud Hunt*," An Assessment, Lanchester University, 1996. On-line. Internet, 12 August 2003. Available at http://www.cdiss.org/scudnt6.htm.

Air Command and Control System (ACCS), On-line. Internet, 12 January 2003.
Available at
www.nacma.nato.int/e_accsindex.htm.

Carpenter, Anthony, Lt Col, US Army, Classroom presentation: "*NATO Military Command Structure*" Joint Forces Staff College, 13 Aug 03.

Castile, Willie, General Dynamics C4 System, "*Automated Deep Operations Coordination System (ADOCS)*, On-line. Internet, 12 December, 2003. Available at www.gdc4s.com/products/adocs.htm

Concept of Operation and Operational Tactics, Techniques and Procedures for Dynamic Targeting (draft), United States Air Force, Air and Space Operations Center, July 2003.

Correll, John, T., "*European Command Looks South and East*," Air Force Magazine, December 2003.

Donnelly, John, M., "*A-Top Target Planner Gives Inside Look at Enduring Freedom*," Defense Weekly, 15 July 2002.
Fulghun, David, A. "*Speed*," Aviation Week and Space Technology," 22 December 2003.

Graham, Treia, Major, US Air Force, *Operation Enduring Freedom and Iraqi Freedom Time Sensitive Targeting Cell*, Personal Interview, 04 September 2003.

Herbert, Adam, J., "*Compressing the Kill Chain*," Air Force Magazine, March 2003, Vol. 86, No. 3..

Joint Publication 3-60, *Joint Doctrine for Targeting*, Washington D.C., Joint Chiefs of Staff, January, 2002.

Mahfrey, John, NATO Consultation, Command and Control Agency (NC3A), Senior Scientist, Personal Interview, 15 January 2003.

Monetti, Raffaele, Lt Col, US Air Force, *Chairman NATO Time Sensitive Targeting Working Group*, 15 Jan 2004, CAOC5, Poggio Renatico, Italy.

Mosely, Michael, T., "*Operation Iraqi Freedom By the Numbers*," CENTAF, 30 April 2002.

Mosely, Michael, T., "*Time Sensitive Targeting Improved From Afghanistan to Iraq*," Inside the Air Force, 20 June 2003.

NATO Handbook, NATO Office of Information and Press, Brussels, BE. 2001.

Orban, Brian, "*Time Sensitive Targeting Adds Combat Flexibility*," Air Force News, Combined Forces Air Component (CENTCOM) Command Public Affairs, 18 April 2003.

United States Department of Defense, Office of the Secretary of Defense, K*osovo/Operation Allied Force After-Action Report,* Washington, GPO, 2000.

Western, Jeffrey, Lt Col, US Air Force, *Operation Allied Force Chief of Targets*, Personal Interview, 15 December 2003.

Security Sector Governance and Reform in Southeastern Europe – a Brief Study in Norms Transfer

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Within this article, the authors contemplate whether the various offers made by European and Transatlantic organizations and state bodies regarding codes of conduct are credible options for Southeastern European governments. Will the codes of conduct and approaches of NATO, the Organization for Security and Cooperation in Europe (OSCE), the EU, and EU-inspired and funded institutions such as the Stability Pact have the desired effect, which is a change in culture? This is tangibly understood as "interoperability", be it in the realm of military, security, legal, political, or social matters. In other words, does the transfer of values and norms have the intended effect?

One may assume that everything is well, because the enlightened experts of particular organizations have proclaimed that states have seamlessly accessed into their organization or union of states. There may be more at stake here than a full or partial implementation of action plans and other means of preparation. For a political union, a defence alliance, or security organization to be successful, member states do not only need to "grow together," which is inevitable if there is a shared economic and/or security interest. For there to be an unequivocally successful implementation, an element of cultural "conversion" regarding the level of shared values and norms of newly accessed member states must be addressed.

This article addresses three questions: Security Sector Reform (SSR) in transforming norms, whether norm transference to Southeast Europe works, and where to go from here. In answering these questions it is key to understand the *security sector* as "all state services and agencies that have the legitimate authority to use force, to order force or to threaten to use force," including the military, police, paramilitary units (i.e. military police), border guard services, and intelligence services.[1] Furthermore, norms are to be explicitly defined as a standard of appropriate behaviour for actors with a given identity.[2] Security Sector Reform is the reform structure that assists the adaptation of domestic Security Sector Governance (SSG) to international

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[1] See Glossary in Hans Born, Philipp H. Fluri and Simon Lunn (eds.), 'Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform; A Collection of Articles on Foundational Aspects of Parliamentary Oversight of the Security Sector', DCAF Document, No. 4, (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003 forthcoming).

[2] Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', International Organization, 52, 4, Autumn 1998, p.891.

norms, as spelled out in membership action plans and other association and membership facilitating documents.

Security Sector Reform as a "Vehicle" for Norms Transfer

In an environment of proliferated global governance, international norms in the security sector have substantive meaning, affecting and consolidating positive micro- and macro- societal change. How does the SSR as a norm spur on these changes; furthermore, how is it defined? Furthermore, what elements of the SSR benefit, from the ideational suppositions of norm transference and international society? Within the following section the emergence, definitions, benefits and ideas of SSR will be discussed. Thereafter, the evolution of SSR will be located in the terms of international norm establishment, which was outlined earlier.

The idea of SSR coalesced in the 1990's, as the critical importance of the security sector in determining the stability and ultimate success of a state's transition process was acknowledged. Most conspicuously, poorer nations shared a variety of characteristics regarding security problems: dependence on aid; they were gripped by armed conflict or protracted security problems; weak and unstable governments; and the lack of any real strategic significance for the industrialised states[3]. The western military interventions in Southeast Europe between 1995 and 1999 brought to the fore a

realisation that the first three conditions, and an additional characteristic of an interrelationship with transnational criminal networks. These networks were prevalent in areas "closer" to home; therefore, the security sector reform agenda was broadened even further.[4] The establishment of a security sector reform norm could entrench the democratic transition of states by:

- Providing a template for stages of reform and objectives;
- Stabilising internal politics;
- Protecting reforming states from internal and external antagonists whose interests were compromised by increased transparency and stability;
- Outlining and creating the mechanisms needed for substantive oversight of transparency in the security sector, not only by legitimate authorities, but also civil society and individuals;
- Removing the security sector as a contentious factor in the reconciliation processes;
- Providing a platform for increased international involvement in the consolidation of reform programmes such as demobilisation and retraining, and the training of security and civilian

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[3] Dylan Hendrickson, 'A Review of Security Sector Reform', The Conflict, Security and Development Group Working Papers, No. 1, September 1999.

[4] The renewed interest in the security sector after the Cold War was facilitated by the disappearance of purely military criteria for assessments and its replacement by human security in an interdependent world. Security Sector Reform research, approaches, objectives, and development assistance, became a platform for the substantive stabilisation of polities via managed international involvement.

personnel across domestic institutions.

In this way, one norm could serve the multiple purposes of security providers, and by virtue of the transparency involved, act as a catalyst to create a critical mass of international involvement.

The international norms elaborated by the EU, NATO, and OSCE offer a clear framework for SSR norm influence. Geographical and geo-political proximities resulted in the specified SSR norms interlinking, especially in Central and Eastern Europe. States sought NATO and ultimately EU accession, while also seeking to support the wider OSCE Framework of a mutual security architecture.

The "EU" SSR norm began with the elaboration of the "Copenhagen criteria" by the European Council in 1993, which offered the prospect of EU membership to Central and Eastern European states.[5] This intrinsically specifies a need for "stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities."[6] The European Parliament's endorsement of the Copenhagen criteria in its "Agenda 2000" resolution provided further guidelines for EU accession,

stressing the need to establish "the legal accountability of police, military and secret services… and acceptance of the principle of conscientious objection to military service."[7]

In this vein, the centrality of democratically controlled armed forces proved a critical SSR goal for transition countries, and was futher underscored in the articulation of NATO and OSCE SSR norms. For NATO, participation in PfP programmes remains dependent on adherence to the shared values of the Alliance, including "the protection and promotion of fundamental freedoms and human rights and safeguarding of freedom, justice, and peace through democracy."[8]

This is connected to five explicit commitments regarding the specified development of the democratic control of armed forces: facilitation of transparency in national defence planning and budgeting processes; ensuring democratic control of defence forces; maintenance of the capability and readiness to contribute, subject to constitutional considerations, to operations under the authority of the UN and/or the responsibility of the CSCE [now OSCE]; the development of cooperative military relations with NATO, for the purpose of joint planning, training, and exercises in order to strengthen their ability to undertake peacekeeping, search and rescue, humanitarian, and others missions as may

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[5] Lea Biason, 'A Collection of International Norms and Criteria: A Reference Tool'

[6] Copenhagen European Council – 21-22 June 1993, Presidency Conclusions, Relations with the Countries of Central and Eastern Europe. These conditions also figure in the Treaty of Amsterdam which enshrines the principles of liberty, democracy, respect for human rights and fundamental freedoms , and the rule of law as a constitutional principle common to all Member States (new article 6(1)). The Intergovernmental Conference has amended Article O (new Article 49) so that membership was conditional upon respect of Art. 6(1). See Briefing No 20. Democracy and respect for human rights in the enlargement process of the European Union. Hereinafter 'Briefing No 20.'

[7] Agenda 2000, §9. In the resolution Agenda 2000, the European Parliament stated that "all applicant countries which do at present meet the criterion of a stable democratic order, respect for human rights and the protection of minorities laid down at Copenhagen, have the right to open the reinforced accession and negotiating process at the same time".

[8] Partnership For Peace Framework Document. 10 January 1994.

subsequently be agreed upon; and the development, over the longer term, of forces that are better able to operate with those of the members of the North Atlantic Alliance.[9]

The conditionality of SSR reform on NATO accession candidacy remains entrenched in the enlargement criteria. The NATO Study on Enlargement, which examines the conditions and modalities for NATO accession analysed the relationship of civilian politics and armed forces, and the need to shape reforms in applicant states to western norms and practices. The study reveals that encouragement and support to democratic reforms, "including civilian and democratic control over the military," contributed to "enhanced stability and security for all countries in the Euro-Atlantic area."[10] Furthermore, the required conformity with basic principles regarding "the safeguarding of the freedom, common heritage and civilisation of all Alliance members and their people, founded on the principles of democracy, individual liberty and the rule of law" is pivotal to these reforms.[11] The document proceeded to elaborate PfP's value as a source of assistance in implementing democratic control of armed forces as part of the creation of stable and operational democratic institutions. PfP cooperation would play an essential role in helping partners to further develop democratic control of their armed forces and transparency in defence planning and budgeting processes,

which will largely depend on these countries' own efforts; and enhancing the network of military and defence-related cooperation to provide effective support to partners in adapting their defence arrangements to the new security environment.[12]

In particular, such cooperation could facilitate the NATO membership preparation of transition countries as:

"*PfP helps partners undertake necessary defence management reforms as they establish the processes and mechanisms necessary to run a democratically controlled military organization, in areas such as: transparent national defence planning; resource allocation and budgeting [and] PfP will assist possible new members to develop well-established democratic accountability and practices and to demonstrate their commitment to internationally-accepted norms of behaviour.*"[13]

Hence, the final set of political conditions applicants were expected to meet in preparation for NATO membership, stipulated in Chapter V, centred on the democratic control of armed forces. This is consistent with the preamble's attention to civil and democratic liberties: commitment to and respect for OSCE norms and principles; commitment to promoting stability and well-being by economic liberty, social justice, and environmental responsibility; establish appropriate democratic and civilian control of their defence force; undertake a commitment to ensure the adequate

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[9] Partnership For Peace Framework Document. 10 January 1994.
[10] Chapter 1 Purposes of Enlargement NATO Study on Enlargement. September 1995.
[11] Chapter X Principles of Enlargement NATO Study on Enlargement. September 1995.

[12] Chapter 4 NATO Study on Enlargement. September 1995.
[13] Ibid.

resources to the above mentioned objectives.[14]

The OSCE Code of Conduct on Politico-Military Aspects of Security became a benchmark for defining democratic control of the security sector within democracies, and represented the culmination of the emergent sources of security and objectives consensus, as elaborated in the Charter of Paris. In 1994, it became the critical document specifying the SSR norm thereafter.[15] Sections VII and VIII elaborated the essential characteristics of the democratic control of armed forces and crucially expanded the definition to include all the coercive means/agencies at the disposal of a state. The most critical elements of Section VII elaborated the conditions, not least transparency, for which the instruments of democratic oversight and governance have been developed.[16]

21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of

such forces and their obligation to act solely within the constitutional framework.

22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.

23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.

24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.

25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.[17]

Hence, the collective articulation of equivalence between transparency in the management of the means and ends of the security sector, coupled with effective instruments of democratic oversight and guidance, become the common features of the various, yet inter-related, EU, NATO, and OSCE SSR norms.

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[14] NATO Study on Enlargement.
[15] Code of Conduct of Politico-Military Aspects of Security in Budapest Document. CSCE Summit. Budapest. 5-6 December 1994. §20.
[16] See, for example, Hans Born, Philipp H. Fluri and Simon Lunn (eds.), 'Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform; A Collection of Articles on Foundational Aspects of Parliamentary Oversight of the Security Sector', DCAF Document, No. 4, (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003 forthcoming).

[17] OSCE Code of Conduct on Politico-Military Issues.

Regional Ownership and Integration – the Euro-Atlantic community's integrative cooperation programs for Security Sector Reform in Southeast Europe

If Good Security Sector Governance is the objective to be reached by Security Sector Reform, which by itself can be considered a "norm" in contemporary discourse, what are the institutional steps to be taken? Furthermore, is the transference of such norms necessarily transparent to, and welcome by, all intended recipients?

The European and Euro-Atlantic institutions have engaged Southeast Europe in a rather comprehensive discourse on reform of just about all state and societal institutions. Structured and planned reform programmes aimed at creating integrated European institutions and norms have created a focus on Brussels, Strasbourg, the Hague, and Washington, which has perhaps shadowed each regional government's struggle to cope with reality. This is not always to the advantage of the ruling coalition, due to the necessary compliance with international reform programmes, which may have an undesired effect. The ruling coalition may diminishing its focus on the socio-economic needs of its voter base, which may lead to it not being re-elected, as in the case of the last Bulgarian government.

The explicit understanding is that all Southeastern European states should be considered eligible for membership in Euro-Atlantic institutions. Reforms therefore coincide largely with programmes whose ultimate objective is integration. The tacit – and possibly not transparent in all its consequences – understanding seems to be that security sector reform can not ultimately be successful without democratic-institutional reform, and improvement of socio-economic conditions. The Stability Pact for Southeastern Europe has explicitly made this three-pronged approach its own, and added a so-called "table" for regional programmes.

All European and Euro-Atlantic institutions have given clear messages and offered action programmes to all Southeastern European states. Russia and the US have tacitly or explicitly endorsed these actions.

Russia considered the NATO military action against Milosevic's Yugoslavia in 1999 a flagrant violation of international law, but refrained from sanctions. The Kosovo humanitarian military intervention was to be interpreted as "not alien to present Russian experience."[18] Russian analysts and politicians may believe that Russia's non-membership status in NATO makes her attractive as an "honest broker," but the truth seems to be that economic weakness translates into political weakness.

The *United States* interest in the Balkans has to be seen in the larger

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[18] Baranovskiy V. and Glinski-Vassiliev D., 'A Russian Perspective on National Security Dilemmas in South Eastern Europe', in Gyarmati/Winkler (Eds.), op.cit.: 2002, 17-33.

context of European stability, which led to considerable US initiatives in the mid-1990's. The Americans are now looking to Brussels to handle security issues in the Balkans. The US also supports full membership in the EU and NATO for all Balkan countries, and is providing aid programmes to foster such integration.[19]

Once the Enlargement process became a matter of priority for NATO, basic principles and general guidelines needed to be laid out (Study on NATO Enlargement 1995). However, this did not translate to the establishment of formal criteria for the acceptance of new members.[20] The Partnership for Peace (PfP) Program and the Planning and Review Process were introduced as instruments of assistance to partner countries. After the first three applicant countries (Hungary, the Czech Republic, and Poland) were accepted into NATO, it stated at the Washington Summit in April 1999 that it would not announce further invitations until 2002. The concept of the Membership Action Plan (MAP) was introduced as an important symbol of NATO's commitment to further enlargement, but also as an instrument to assist the remaining applicants in developing capabilities and structures that would operate with NATO under its new Operative Capabilities Concept. MAP is not just a checklist for applicants, it is "self-differentiating" in the sense that it is

left to the applicant countries themselves to decide whether, and how, to match this program with their national priorities.[21] The MAP Process does not make the Partnership for Peace process obsolete.[22]

The reason why the recent enlargement rounds have brought

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[19] James Dobbins, in Gyyarmati/Winkler, op.cit., 2002, 55- 61.

[20] NATO stated, however, that applicant countries would be considered on the basis of their democratic credentials, market economy status and human rights record. All territorial disputes with their neighbouring countries needed to be solved, as well as internal ethnic disputes. Candidate countries were required to be able to contribute to NATO's collective security and to have transparency in military matters, including democratic civilian control of the military and transparency of the defence budgets.

[21]MAP has as its key elements the individual Annual National Plan (ANP), addressing political/economic, defence/military, resource, security and legal aspects ('five chapters'); it serves as a feedback mechanism for periodical progress assessment and a clearinghouse capacity for 'member to partner' assistance coordination, a further key element is its enhanced planning and review capacity. NATO Membership Action Plans (MAPs) as a rule stress the crucially important role oversight of the defence sector by an informed and competently committed parliament plays for 'democratic security. MAPs therefore seek to increase the role and accountability of parliaments. In concreto this means that in law the authority of the parliament to approve/disapprove nominations for Defence Minister, and Chief of General Staff, possibly also of the Ministers of the Interior, Foreign Affairs, Heads of the Security Services and Border Guards, as well as their deputies and assistant deputies needs to be established. The sub-committees of the Parliamentary Defence and Security Committee(s) need to be refined to correspond with the key competencies of the Defence Ministry. The legal and procedural basis for strong Parliamentary Oversight on defence and security budget issues needs to be established to increase democratic accountability and ensure that planning correspond to available financing. The legal, procedural and structural basis for Parliament to conduct special investigations and inquiries in the defence and security area must be given. The division of responsibilities between President and Prime Minister/Cabinet for the defence and security sector in peacetime and times of war/national emergency must be defined in no unclear terms, including the terms on which a state of war or national emergency can be declared. On the defence policy side, MAPs seek the adaptation of defence concepts and doctrines. A system of coherent defence documents to support political, civilian and military officials in Strategic Planning, Operational Planning, Requirements Generation and Programming, Acquisition, Personnel and Training must be established in law and procedure. Institutions and processes to effectively develop defence and security policy and manage implementation need to be established: a modern 'civilianised' Ministry of Defence, focused on political-military issues with an integrated general staff to provide military advice. A Defence Resource Management Model needs to be introduced. Furthermore standardization and interoperability need to be developed. Forces capable of supporting NATO missions (Article 5, Crisis Response, etc.) need to be established.

[22] The author wishes to thank Mr. J. Greene, now with the Kiev Razumkov Center, for his insightful comments on Membership Action Plans.

standardization issues to the fore – rather than a departure from time-honoured NATO principles – is the specific nature of the new member states' relationship with the late Warsaw Pact:

"*Almost all the new applicants and recent new members were previously part of the Soviet Union or the Warsaw Pact Organization system. This system was centralized and standardized to a very high degree, not only in technical military aspects, but also in all industrial aspects and even to a high degree in social and political issues. There was a near-total standardization of tactics and training, enforced by Soviet military doctrine. The standardization of equipment was maintained by the rigid application of Soviet State industrial standards. The standardization of the political mechanism of the state, including control of the armed forces and the civil-military relationship, was ensured by communist party decretes enforced from Moscow and monitored by the organs of state security. It was only natural therefore for the new applicants to make the mistaken assumptions that NATO also applied standards in this way, that NATO standards would be different from those of the Soviet Union and the Warsaw Pact Organization, that they would have to adopt these standards, and that their access to and adoption of NATO standards was the key to membership.*"[23]

NATO had in fact never applied standards and standardization methods this way, although standardisation arguably leads to better prospects for military efficiency. New applicants were slow to realize that NATO is not a military coalition but a political alliance. Nor is its policy dictated by a single authority in Brussels, or for that matter, in Washington D.C. NATO itself may have been slow to realize that new applicants were expecting standardized guidance from NATO officials (and freelancing lobbyists from NATO member states), often mistaking well-meant *ad hoc* comments for expressions of a common, yet still opaque and arcane standardized background shared by all NATO member states and their representatives.

The Alliance then restricted itself to encouraging and recommending rather than requiring and coercing states to choose a preset path. Diversity and lack of standardization is especially evident in the different approaches chosen in regard to the issue of democratic oversight of armed forces and democratic civil-military relations. The 1999 accession of the Czech Republic, Hungary, and Poland had however made it clear how difficult it was to integrate armed forces still largely organized along Warsaw Pact lines. The MAP process was created to accommodate such adaptations *before* a country will actually become a member state.

The *Stability Pact for Southeastern Europe* was the first long-term and comprehensive strategy of the international community to replace previous crisis-intervention instruments by implementing long-term comprehensive conflict prevention and peace, and prosperity-building instruments. As

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[23] Matser/Donnelly, 'Security Sector Reform and NATO Enlargement: Success through Standardization or Standards?', in: Edmunds/Germann, op.cit., forthcoming, passim.

stipulated in the June 10, 1999 Cologne document, more than 40 partner countries and organizations[24] commenced "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region."

The Stability Pact seeks to engender a sense of regional ownership by applying participative strategies: representatives of Southeastern European countries are, for the first time, on an equal footing with those of international organizations and financial institutions regarding the future of their region and in setting priorities concerning the content of all three working areas (Stability Pact for Southeasternern Europe, 2003, p.2).[25] It departs from the so-

called "European Perspective" implying eventual full membership if democratic, economic, and institutional reforms are met according to the conditions defined by the Council on April 29, 1997.

To accommodate Albania, Bosnia-Herzegovina, Croatia, FYR Macedonia, Serbia, and Montenegro,[26] the EU set up a new generation of Stabilisation and Association Agreements (signed by FYR Macedonia and Croatia in 2001, negotiations with Albania started in 2002). The intention is to increase economic, political, and social co-operation between the EU and said countries through CARDS (Community Assistance for Reconstruction, Democratisation, and Stabilisation).[27] The Stability Pact is thus complementary to SAP, the accession process, and covers Southeastern European candidate countries, the Western Balkans, and the Republic of Moldova.

The *OSCE Code of Conduct on Politico-Military Aspects of Security* (CoC) serves not only as an instrument of guidance for inter-state relations (and therefore confidence and stability building), but also touchs the very *sanctum* of state power, the armed forces. It further "establishes a direct linkage between armed forces, political stability, security, and democracy."[28]

[24] These are the countries of the region: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, Serbia and Montenegro, the European Union Member States and the European Commission, Non-EU members of the G-8: USA, Canada, Japan, Russia, Other countries: Czech Republic, Hungary, Norway, Poland, Slovakia, Slovenia, Switzerland, Turkey, International Organisations: UN, OSCE, Council of Europe, UNHCR, NATO, OECD, IFIs: World Bank, International Monetary Fund, European Bank for Reconstruction and Development, European Investment Bank, Council of Europe Development Bank (CEB), Regional Initiatives: Black-Sea Economic Co-operation, Central European Initiative, South East European Co-operative Initiative (SECI), South East Europe Co-operation Process (SEECP).

[25] The Thessaloniki Regional Table endorsed as the SO's main working platform 6 core objectives plus the overarching security issue: media (enhancing independent media and standards of journalism in SEE by bringing legislation in line with EU standards etc.), Local Democracy and Cross-Border Cooperation (increase systematic co-operation of local governmental, civic and business actors, also across national borders; establish and strengthen EURO regions in SEE following agreed standards, legislation and training); interregional trade/investment Compact (further development of a liberal business environment, promoting business opportunities including implementation of a free trade area, identify and progressively reduce key non-tariff-barriers; open all negotiations with Moldova; integrate UNMIK/Kosovo into Trade Working Group; .. organise major business promotion events); Regional Infrastructure/Energy (extend existing regional approach to developing infrastructure in transport (roads, rail, air), to energy and telecommunications. ... Launch regional gas initiative, implement electricity MoU signed in

Athens 15 November 2002; secure agreed framework to determine priority electricity infrastructure investments), Organised Crime (SPOC, Regional Centre in Bucharest to reach full operationally), training Centre's crime experts on EUROPOL standards). Formalise actions between Europol and Bucharest Crime fighting Centre). Migration and Asylum/Refugees.

[26] Romania and Bulgaria were admitted to full negotiations on membership at Helsinki 1999 summit.

[27] An amount of 4.65 bn Euros is allocated for period 2002-2006 to support reforms.

[28] Ghebbali V-Y., 'The normative contribution of the OSCE to the Democratic Control of Armed Forces: the added value of the 1994 Code of Conduct on Politico-

However, even though the Code of Conduct is *per se* a formidable instrument for exactly the tasks invoked by Ghebbali with a potential that reaches far beyond Europe's narrow confines, the present author sees little space for application in today's Southeastern Europe, apart from its educational implications for military training. The OSCE has failed to show its aptness in providing security in Southeastern Europe when it was most direly needed; furthermore, the Code's operational consequences have been integrated into the Action Plans of other organizations.

Each democratic society has its own elaborate and evolved set of formal and informal norms. It is therefore obsolete to look within the *European Union*, the OSCE, or OECD area for a "harmonized" set (possibly a lowest common denominator set) of norms regarding democratic oversight and reform of the security sector[29]. Nevertheless, the 1993 "Copenhagen Criteria on Democracy" have been referred to as a set of criteria to be fulfilled by associated countries in Central and Eastern Europe, in order to be considered for EU membership. As such, they became the declared basis for the Stability Pact for Southeastern Europe. It is important to state that the Copenhagen Criteria are not specific, they merely provide the framework and basis to negotiate specific bilateral agreements which again are to include important measures to improve democracy

and the human rights issues in member countries. Agreements with Albania and Macedonia should improve the implementation of justice, police practices, and accountability before the law, in both states.

As Owen Greene has observed, donor countries in the OECD "have gradually developed a shared understanding through the OECD Development Assistance Committee on the role of assistance with security sector reform in the context of development aid programs." Some countries including Canada, Denmark, Japan, Netherlands, Norway, Switzerland United Kingdom, and the US have taken a lead in developing programmes relating to SSR issues (military, border management, and law-enforcement). Some of these countries have been pressing the International Monetary Fund (IMF) and the World Bank to include support for capacity building assistance.[30]

The *Council of Europe* stands on its own interpretation for pluralist parliamentary democracy, indivisibility, universality of human rights, rule of law, and common cultural heritage enriched by diversity. All countries of the region are eligible for membership and involvement in the Council's collective effort to bring about "democratic security," but each of them must demonstrate a willingness to join and prove its capability to comply with membership requirements.[31] All

Military Aspects of Security', in: Edmunds/Germann [eds.], op.cit., forthcoming: passim.
[29] See Owen G., 'International Standards and Obligations: Norms and Criteria for the democratic control of armed forces in EU, OSCE and OECD areas', in Edmunds/Germann [eds.], op. cit., forthcoming: passim.

[30] Owen, ibidem.
[31] To complete the accession process – SiM and BiH are still in – Council (Parliamentary Assembly and Council

countries in the region, and in particular candidate countries, are partners in specific Council of Europe cooperation and assistance programmes on matters relevant to their membership qualification. The Council of Europe seeks to promote security through cooperation.[32] Members and candidates are expected to participate fully and in good faith in the different cooperation structures of the Council of Europe.[33]

The Council of Europe proposes a set of instruments to help countries of Southeastern Europe in this endeavor:[34]

- Standards and common objectives embodied in international treaties (European Conventions) on minority protection, minority languages, trans-border cooperation, local self-government, etc.. with specific monitoring mechanisms and follow-up cooperation programmes;
- Assistance for legislative changes (e.g. for non-discrimination), institution

building, intergovernmental contacts, and the preparation of bilateral agreements;
- Surveillance and checking of intolerance and racism, and recommendations for preventive or corrective measures;
- Support for confidence-building measures and programmes for cooperation between people from different origins and with different identities ("Link-Diversity" project).

If Security Sector Reform is a transfer of norms, then, it is not to be mistaken for a rigid system of rules aimed at homogenizing a nation's values in order to better integrate and control it. Rather than imposing strict pre-fabricated standards, the international community seeks to suggest agenda items, or rather: *the agenda*, for reforms. If Security Sector Reform as such is a norm, which individual states are invited to subscribe? Furthermore, h*ow* are they going to meet the requirements of the norm if left largely to themselves? Will they simply be required to stay within the statistical *field* of good practice? The decision to embark on Security Sector Reform, in cooperation with the Euro-Atlantic community and with an objective to ultimately join at least some of its institutions and organizations, is itself the acceptance of a norm.

Does the transference of Norms to Southeastern Europe Work?

The reform of the security sector has as its objective an improvement of security institutions and security-providing services as a change in

of Ministers) must assess each candidate's qualifications 'on its own merits'.

[32] The performance of each country is subject to collective control.

[33] Democratic security as the guarantee of stability and security between states and within states is seen as specific Council of Europe contribution to the OSCE Common and Comprehensive Security Model for Europe for 21st Century. The October 1997 Strasbourg Action Plan seeks the promotion of human rights and the strengthening of pluralist democracy, social cohesion through promotion of social rights a essential complement to promotion of human rights and dignity; new dimensions of threats, role of culture and education in strengthening mutual understanding and confidence between people. The commitment to Greater Europe without dividing based on democratic institutions was reaffirmed in May 1999.

[34] For whole paragraph cf. Furrer H.P., 'Regional Security Issues in South Eastern Europe: A Council of Europe Perspective', in Gyarmati/Winkler (Eds.), op.cit., 2002, 63-19.

the very *culture of security*. What is at stake is a shift from the *culture of state security* to a *culture of cooperative security*, embedded in the Euro-Atlantic system of cooperative security.

This again implies not only a process of insightful adaptation to Euro-Atlantic standards, norms, and procedures, but also a process of *un-learning* the past. *Accountability* – the construction of transparent lines of responsibility for each individual regardless of their position in government will need to replace the expectation of collective responsibility. *Parliamentary and public democratic oversight* of security budgets and personnel will need to replace the expectation that state security comes before individual security, and that budgets are therefore best kept secret, and security-providing services best kept out of the reach of parliamentary and public control. *Civil-military relations,* with a hierarchy composed of civilian political leadership structures within the Ministries of Defence, and the successful integration of the general staff within the Defence Ministries will have to replace the expectation that the military forms a state within the state. Civil society organizations will develop independent security sector governance, replacing the para-state or para-party organizations, with competence and expertise they will create an atmosphere of enthusiasm and friendship. *Collective cooperative security* as provided by an alliance of sovereign states should replace the expectations breed by a rigid system of artificially homogenized and integrated states and their militaries, and Darwinian battles between states. The concept of *human*

security will replace the concept of security for one's nation.

The authors participated in various stock-taking exercises on the status of Security Sector Reform organized in cooperation with both governmental and non-governmental experts from Southeastern Europe. The South East Europe Defence and Security Sector Governance and Reform Self Assessment Process (2000-2003) was planned and implemented as an assisted and supervised self-assessment process in six Southeastern European states (made possible by a mandate from the Swiss Ministry of Foreign Affairs on behalf of the Stability Pact Table III): *Albania, Bulgaria, Croatia, FYR of Macedonia, Moldova, and Romania*. The findings were made available in CD-ROM form to the NATO SEESTUDY Group in January 2003 and the Stability Pact at its annual meeting in Cavtat/Croatia in June 2003.[35] The author will not comment on Serbia and Montenegro which is in his interpretation only just warming up to Security Sector Reform,[36] and Bosnia and Herzegovina on which he has no expertise.

The purpose of the programme was stock-taking and self-assessment. Policymakers in the target countries would assess the stages of reform so far attained, prioritize the immediate requirements, define both the feasibility and implementation of consequent reform activities, while

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[35] Findings are being published in three volumes: Fluri/Trapans (eds.) Defence and Security Sector Governance and Reform in South East Europe. A Self-Assessment Study. Volume I. Albania, Bulgaria, Croatia, Belgrade/Geneva 2003. Volume II FYR of Macedonia, Moldova, Romania, Belgrade/Geneva 2003. Donais/Fluri (eds.), Vol. III, forthcoming.
[36] See also Fluri/Hadzic (eds.), 2003.

working with external experts. From March till July 2002 DCAF convened workshops in each participating country. The participants included policy-makers, non-governmental experts, and government representatives. In most cases, the Defence and Foreign Ministers (the President of Macedonia acted in this capacity for his state), senior policy makers, the military, ambassadors of Western states, international organizations, non-governmental organizations, and the media participated. The objective of the workshops were to clearly identify the present state of defence and security sector reforms, successes and lessons learned, and the areas where external expertise is required, and how that expertise can be best provided.

As a follow-up to the workshops, special studies,[37] written by non-governmental experts, with support from governmental civilian and military staff, were the concluding portion of this programme.[38]

Democratic Politics and Reforms

All six countries audited and addressed the task of downsizing and reforming the armed forces, which was performed with enthusiasm and success, but met with dissention from the armed forces. The officers that were demobilized had to face the difficulties of integrating themselves into civilian life at a time when all transitioning countries were going through a painful process. In *Albania* during the 1997 crisis, military officers demobilised during the reform process joined and played an important role in the rebellion that was sparked by the financial crisis caused by the collapse of pyramid schemes.[39] No other national militaries or security forces have shown praetorian tendencies, which is remarkable given the fact that massive budget and personnel cuts were being applied. In all the reforming states, defence and security sector reform, especially in the Defense Ministries, was coupled with the introduction of democratic institutions with convincing results.[40] The inclination of the military to intervene in politics is only one side of civil-military relations. The other side of the coin is the tendency of civilians to use the military, which is where problems have arisen. For example, institution-building in *Albania* was done in such a way as to allow the political forces in power to control institutions and bring in their own people, while congruently carrying out massive purges within military institutions.[41] The *Former*

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[37] Topics of the studies were: Democratic Oversight and Control over Defence, Parliament, Transparency and Accountability, Democratic Oversight and Control over Intelligence, Police and Border Guards, Civilians and the Military in Defence Planning, Good Governance in Security and Defence Reform, Civil Society, Crisis Management, Peace-keeping and Regional Security, and International Requirements and Influence.

[38] The 'Transparency' paragraph will not be able to refer to Dr. Greenwood's study as copyright issues have not been solved. The Fluri/Law (Eds.) Expert Formation Study (op.cit.) will be referred to in the expert formation chapter.

[39] Bumci A., 'Security Sector Reform in Albania, in op.cit., 2003, 23-43, quoted in: Besnik Mustafaj, Albanian Human Development Report 1998, (UNSECO 1998), pp. 78.

[40] Shalamanov V., 'Security Sector Reform in Bulgaria', in op.cit., 173-191. There is a common perception in **Croatia** that the admission into the MAP is the confirmation of Croatia's maturity in fulfilling the criteria and standards of behaviour of the Euro-Atlantic structures – NATO and the EU, which are not only military but also civil (Mladen Stanicic, 'Security Sector Reform in Croatia', in: op.cit. 333 – 347).

[41] 'Thus after the coming to power of a left-wing coalition, 1,500 officers of different ranks were purged from the armed forces, among them around 400 officers who had received education and training in the West in 1992-96.[41] While this reflects a clientele culture, we need to qualify the way the political forces have used the military by comparing it with the other two security

Yugoslav Republic of Macedonia had never experienced independent statehood, but the limited practice and skills gained under communism were of some significance in 1991 and in the coming years.[42] In *Moldova* the transformation of civil-military relations has received much less attention than larger issues of democratisation, economic, and social reform.[43] *Romania*, as does *Bulgaria*, belongs to the group of most advanced states in terms of Security Sector Reform. Nevertheless, they have been primarily concerned with immediate regional security challenges in the Balkans and Southeastern Europe, voicing that the "NATO agenda" is a very important part of their "security sector agenda," but only a piece to a larger security puzzle.[44]

The Constitutional and Legal Framework

All six aforementioned countries have succeeded in putting in place constitutional provisions and subsequent legal acts presented explicitly, or implicitly, in the legal framework that regulates civil-military relations and responsibilities in the security sector. In *Albania* it is important to note that the opposition boycotted the referendum on the new constitution and has not voted on a number of laws or revisited documents regarding defence strategy, which are related to democratic control of the army. In

spite of these facts, there is not a "lack of consensus between the political forces on civil-military relations".[45]

In the *Bulgarian* Constitution of 1991 responsibility for security matters was distributed among the Parliament, President, Judiciary, government, armed forces, and citizens. There is no clear definition of the security sector as such. The communist-era character of the armed forces was seriously changed by subsequent laws on *Defence and the Armed Forces* (1995); on the *Ministry of the Interior* (1991); and on the establishment of state companies to replace transport troops, construction troops, and telecommunications troops. Furthermore, decrees were promulgated by the President and government officials establishing a *National Intelligence Service* (1990), a *National Protection Service* (1992), a *State Agency for Civil Protection* (2001), new defence companies separate from the ministries of defence and the interior (1990s), the privatisation of defence companies that were formerly in the Ministry of the Economy (Industry), the restructuring of many commissions and committees on the military-industrial complex and mobilisation readiness, arms trade controls, and other similar decrees.[46] Provisions of

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institutions – the police and intelligence service (Bumci, ibidem).
[42] B. Vankovska, 'Security Sector Reform in Macedonia', in: op.cit. Vol. II, forthcoming.
[43] Chirtoaca N., 'Security Sector Reform in Moldova', in op.cit., forthcoming.
[44] Muresan L., 'Security Sector Reform in Romania', in op.cit. , forthcoming.

[45] Bumci, ibidem.
[46] Shalamanov, ibidem. In the past, the armed forces had covered all security/defence-related services up to the Central Committee of the BCP and its Politburo, including the State Security Committee, Ministry of Interior services, Ministry of Defence, troops and services in Ministry of Regional Development and Construction, Ministry of Transport and Telecommunication, Ministry of Justice and even officers in the Ministry of Education (Basic/Initial Military Training) as well as in the Defence Industry, the Defence Science and Technology/Research and Development establishment and Defence Support Organization (training of future conscripts and training of volunteers). Currently,

the National Security Concept (NSC) establish a system for national security, with laws pertaining to the different elements of this system (elements of the security sector), but they have not yet been fully implemented.

In *Croatia* the Parliament enjoys a range of competences in the field of national security, which as a concept does not differ greatly from the perception of national defence. In accordance with article 80 of the Constitution, the Croatian Parliament decides on matters of war and peace, which is the main component of defence. They also adopted the Strategy of National Security and the Strategy of Defence, which covers both issues.

In *Macedonia* the constitutional arrangement of the separation of powers has not been clearly defined. Since 1991 Macedonia has been "wavering between its constitutional concept of parliamentary democracy and strong elements of a presidential system."[47] The new *Law on Defence* adopted during the crisis was expected to eliminate the ambiguities in the relationship between President, Minister of Defence, government, and the general staff. However, it did not help overcome problems in practice, and soon the respective legal provisions were disputed before the Constitutional Court.

Throughout *Moldova*'s existence as an independent state, a legal

division of authority between state institutions responsible for national security has been gradually established. Efforts to ensure "transparency" and raise public awareness concerning national defence planning and military budget approval have been made.

The Competences of the President

The six countries have succeeded in addressing the temptations to create a strong presidency, though not all of them have come to conclusive results. The new *Albanian* constitution has reduced the powers of the President, who no longer enjoys law-making authority, and has few appointment competencies.

The main competences of the *Bulgarian* president come from his constitutional position as Supreme Commander-in-Chief of the armed forces and his chairmanship of the National Consultative Council.

The main problem for the *Croatian* executive is the non-transparent allocation of powers between the Office of the President and the Prime Minister. The new *Law on Defence* (March 2002) enumerates the duties of the Head of State, which is based upon his constitutional role. This law recognises the President of the Republic as the Commander-in-Chief, but seems to give the President too many specific duties which should fall to the government, Parliament, or within the defence hierarchy itself.

In *Macedonia* talks about defence and military reforms intensified throughout the states crisis period. The peacetime ambiguity over competencies and executive powers

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after the last changes in legislation, the armed forces consist only of the Bulgarian Army (General Staff, Land Forces, Air Force and Navy) and military services subordinated directly to the Minister (Military Information Service, Military Policy and Counter-Intelligence Service, Defence Staff College, Military Medical Institute).
[47] Vankovska, ibidem.

between the President, government, Defence Ministry, and the Interior Ministry, coupled with disagreements that followed the formation of a government of National Unity upon the insistence of the international community, resulted in a disorganized command over security forces.

In *Moldova* there is a clear division of powers and responsibilities between the different branches of the central government. The President is assisted in his duties by the Supreme Council for Security, which functions as a consultative body with its activity regulated by presidential decree.

The Republican Guard

Albania still maintains a Republican Guard unit. The President of *Albania*, at the request the Prime Minister, appoints and dismisses the commander of the Republican Guard. A number of contradictions are embodied in the organization of the Republican Guard, such as its dependence on the Ministry of Public Order, while at the same time it is composed of conscript soldiers, which is a defining element of the armed forces. Thus the Republican Guard is a hybrid structure in terms of its composition, because it contradicts the Constitution with respect to the chain of command through the armed forces on the one hand, and the police on the other.

Parliamentary Oversight, the Authority of the Parliament, and the Defence (Security) Committee

All six countries – to varying degrees – recognize the important oversight role of their respective parliaments. The *Albanian* parliament, whose role has been enhanced in the new constitution, represents the main and most important institution concerning democratic control. The parliament is the key institution that performs not only democratic control functions, but also aims to ensure transparency and accountability. *Ad hoc* committees are created to examine specific and complex legislative acts, as well as to prepare specific legislative proposals.

The *Bulgarian* Parliament has a National Security Concept; Military Doctrine; Interior and Defence Ministry laws; a set of agreements with NATO, NATO countries, and other regionally cooperative states, which has created a fertile environment for Security Sector Reform. However, the challenge of developing a National Security Law is still ahead.

The *Croatian* Parliament is authorized to "supervise the work of the Government of the Republic of Croatia and other holders of public authority responsible to the Croatian Parliament, in conformity with the Constitution and Law." This illustrates that the Croatian Parliament has significant authority in the field of national security.

For *Moldova*'s parliament the most important role in the field of national security and defence can be considered the establishment of its constitutional and legal framework, including civilian control of the armed forces, which was formulated in the early 1990's.

Parliamentary Oversight of the Intelligence Service

All six countries acknowledge a parliamentary responsibility for the intelligence services, nevertheless, legislation has not come to the fore of the discussion as of yet.

The International Environment

The states in question have acknowledged and welcomed the agenda-setting role of the international community. *Albania* was among the first countries to join the North Atlantic Cooperation Council (NACC) in June 1992, and the Partnership for Peace (PfP) in February 1994. These steps were important in bringing Albania closer to the Alliance. The PfP programme, which is based on the defence Planning and Review Process (PARP), has contributed to the restructuring and of the Albanian military establishment and capabilities, moving it toward conformity with NATO standards.

Bulgaria has profited from British, German, French, Italian, and Greek consultants in the Bulgarian Defence Ministry, as well as from the US MLT (plus PfP coordinating and FMF coordinating officers attached to the US embassy).

The *Croatian* team acknowledged that international assistance, including conditions and even some other kinds of pressures, would facilitate the accomplishment of reforms in various sectors, including the security sector.

Macedonia, often at odds with herself, has hosted a number of international missions with different mandates for peace building and the promotion of democracy. They have all had an impact on SSR and security conditions in the country. Macedonia has not managed to build a consensus regarding national interests and a national security strategy. International organizations "arrive with different and often contradictory advice concerning bilateral, multilateral or international arrangements".[48]

In *Moldova* external influence and the existence of an outside "agency of change" is seen as a realistic solution for an otherwise lagging reform process.

In *Romania*, western assistance was essential in building democratic institutions, particularly a democratic civil-military pattern. Nevertheless, this can not be the end of the process, a coherent programme that assists and fosters institutions, helps civil society to grow, and aids the development of mechanisms of civilian control must continue; otherwise, the institutions will remain fragile and could collapse due to political or economic failure. Among numerous opportunities, the PfP is said to have been a good training school for making the Romanian Armed Forces (RAF) compatible with NATO forces. Bilateral military assistance programmes also played an important role in making the RAF more professional, setting up a multi-year defence planning system and reorienting the armed forces towards regional security requirements. However, the systematic approach and inclusion of intelligence, domestic forces, and the defence industry in the assistance programmes came rather late, so

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[48] Vankovska, ibidem. Author's interview with members of OSCE mission in Macedonia, December 2002.

many things still need to be done in this respect.

Transparency and Accountability

The six countries have managed to put in place accountability and transparency-building mechanisms. A real start to the development of a culture of transparency in the *Bulgarian* security sector began with the public debate regarding Military Doctrine, Defence Reform Plan 2004, Membership Action Plan 2004, a White Paper on Defence and Annual Reports on National Security, Defence and Armed Forces, and publishing of the defence and interior ministries websites. Involvement by NGOs, academics, the business sector, as well as from foreign partners has led to impressive results. In *Croatia* the constitutional and statutory framework for policy accountability is now in place.

Peacekeeping, Crisis Management, and Regional Security

The states examined have made efforts to create peacekeeping and crisis management capabilities. The *Albanian* armed forces have participated in the Stabilization Force (SFOR) mission in Bosnia, as part of the German SFOR mission since 1996. Under an agreement between the Albanian and German Defence Ministries, the latter provides logistical support for the Albanian contingent participating in the IFOR mission, and afterwards in the SFOR mission. Albanian armed forces first ventured outside Southeastern Europe in 2002, when a special commando unit of 30 Albanian

soldiers attached to a Turkish unit were dispatched to Afghanistan for a period of six months, within the structure of the International Security Assistance Force. The Albanian armed forces contributed to the establishment of the South East Europe Brigade (SEEBRIG) under the auspices of the South East Europe Defence Ministerial (SEEDM) in 1999. SEEBRIG was established in accordance with the Multinational Peace Force South East Europe (MPFSEE) Agreement, which was signed in Skopje on 26 September 1998.

The participant states are *Albania*, *Bulgaria*, Greece, Italy, *Macedonia*, *Romania,* and Turkey, while the US and Slovenia take part as observers. *Bulgaria*'s National Security Concept, Military Doctrine, and many decisions of the Parliament and government stipulate security through cooperation and integration. These are expressed through regional cooperation in Southeastern Europe (SEEDM, SEEGROUP, Stability Pact, 2+2 cooperation) and the Black Sea area (BLACKSEAFOR), as well as through integration into NATO and the EU. The active role of Bulgaria as a temporary member of the Security Council of the UN and the upcoming chairmanship of the OSCE is an important dimension of this aspect of the SSR. Currently, Bulgaria participates in SFOR, KFOR, and ISAF with not only military units, but police contingents (KFOR) as well.

It can be argued that *Romania* does not have a coherent and integrated strategy or national crisis management system that would take into consideration the characteristics, dimensions, and

complex consequences of non-military, multidirectional, and unpredictable risks. The Romanian Constitution recognises only a limited number of exceptional situations, whose proclamation belongs strictly to the competence of the President. It follows that no other authority has the prerogative of declaring a state of crisis or civil emergency. The experience gained in the Romanian participation in peace support operations is being put to good use in all military units, taking into consideration that so far more than 8,000 Romanian military personnel have participated in different missions in several theatres of operations. This experience has permitted the adaptation of training programmes to the real theatre conditions and to equip forces according to real needs.

Capacity-Building and the Role of Education

All six countries have stepped up their training and instruction efforts, especially in regard to the military, and have profited from offers made by the international community. Given the important role military, civilian, governmental, and non-governmental expertise plays in Security Sector Reform, it is critical that personnel are sufficiently trained (especially for civilians and non-governmental experts).

Society and the Military

In all six countries, efforts to overcome negative imagery of military and society interaction have been made, and have led to some success. However, this does not imply that the information and media policies in each country have come full circle, or that civilians and non-governmental experts participate

extensively in Security Sector Reform.

The new Defence Strategy, approved recently by the Albanian Parliament, acknowledges for the first time in an official document the need for the participation of civil society and public opinion in the discussion and drafting of new defence and security policies. "The role of public opinion, the media and civil society in drafting, discussing, and implementing the strategy on national defence and security policies, is necessary."[49] In *Bulgaria*, a coalition of NGOs, media specialists, and academics actively participate in the monitoring and even preparation of Security Sector Reform. In *Croatia* there are encouraging signs coming from the media and civil society, with NGOs being especially active, while the defence establishment lags behind due to post-war trauma.

The Media, Civil Society, and Business

The (in SSR terms) most advanced countries are also the ones with the most completely engaged civil societies and media. The *Bulgarian* Defence Ministry has been very active in out-sourcing activities which belong to the *defence economy* sphere; a lot of experience has already been gained through NGO-Defence Ministry cooperation. This has opened public discussion and debate regarding defence policy, defence reform, modernisation, information campaigns, as well as the practical participation of NGOs in the resettlement of demobilised soldiers. The role of unions of retired military, veterans, alumni

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[49] As argued by Henri Cili, 'Security and Defense - Two Unfamiliar Issues for Media and Civil Society', in this series of Albanian self-assessment studies.

associations, and youth organizations is very prominent.

Irrespective of the fact that there is a limited tradition of NGOs and civil society in *Croatia*, citizens' civil engagement for solving both individual and community problems has not been a common practice among the vast majority of Croatians. Most citizens still consider the government/state responsible for solving their problems, including the military sphere, making no distinction between defence and security.

Civil society in *Romania* is relatively vibrant but still lacks resources and funding. A large portion of the Romanian media has been privatised and is relatively independent, while Romania's constitution guarantees access to information, but governmental officials can still hamper direct contact with ministerial officials. Many state institutions are reported to not be applying Law 544/2001 regarding free access to public information, even though the law was introduced in December 2001.

Irregular Forces

Some of the six countries maintain security organizations which are only partly under governmental control. During the 2001 conflict, special para-military units appeared in Macedonia. The military, police, and the Interior Ministry activated special units; boldly named "Wolves", "Tigers", "Lions," and the like. Supposedly, units such as the Army "Tigers" were to be engaged as special reaction forces. The best known, if disreputable, unit was the "Lions," activated in mid-2001 by Interior Minister Boskovski.

Conclusions

Faced with states in Europe which had endured communist rule with a bias towards the military and intelligence services as arbitrary instrument of social control, the capacity to change the security sector to accompany democratic aspirations and a commitment to institution building was of great importance. The acrimony resulting from "police state" actions by such organizations had alienated the civilian population, making the transition difficult. Similarly, the transition process of old and new states which had endured civil instability and state repression, often as a product of Cold War proxy wars and power politics, had the same end results of disillusion and social discontent. This meant that the formation of a stable security sector was at a premium for the consolidation of democratic processes.

Furthermore, in the vacuum of regime change, the degree of organization and coercive means in state security agencies relative to other institutions made them an obvious ally or creator of criminal organizations against the residual regulatory capacity of the state. Given the capacity of trans-national criminal networks to interact and market goods and services in a globalised era, alliances could result in international isolation and civilian persecution within a polity, either by design or default.

Hence, the critical problem became the modulation of civil-military and civil-security agency relations through the creation and consolidation of institutions, which

guaranteed the transparency and existence of necessary instruments for the normative management of the state's coercive means.

The conditionality of aid represented an expectation that a mutually accepted and valid norm would be implemented and integrated into poitical decision-making and institutional structures, heralding full interaction with international society. In this way, it is a facet of the global governance agenda and realities. Transparency in aims and means allowed greater international organization participation, which is an accelerant to change.

The dissenting and disaffected in Southeastern Europe, those who believe that things were better for everyone before, because in nostalgic retrospect they were better for *them*, will be hard to please. Their voices are hardly heard in meetings at the governmental level, for governmental policies strive to comply with (or at least not to challenge) the stipulations of Security Sector Reform. However,

they are unlikely at this point in time to try and voice their grievances by means other than the democratically permitted ones: demonstrations, votes for the opposition, and lengthy declarations read at meetings made possible by well-meaning non-governmental organizations funded by the same governments which proposes Security Sector Reform as a transfer of norms.

It would thus be insincere to claim that all citizens of Southeastern European states understand and willingly accept Security Sector Reform, or in fact, the trinity of democratic, economic, and security sector reform. It would be equally insincere to claim that most citizens of the Euro-Atlantic community member states understand and would gladly accept far-reaching interferences with their customary lifestyles, even though their ultimate goal may be the substantial improvement of the citizenry's welfare and security.

Customary Law Justification of Interventions

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Customary international law may provide legal justification of future interventions. It requires some time, a sequence of new interventions (pre-emptive strikes), and after having been crystallized as an observed custom, that becomes part of the body of the customary international law. This is not an automatism, but the door of the general international law leading to a New World Order is open.

Did the Kosovo intervention by NATO in 1999, and the intervention of the Allies in Iraq in 2003, with a later mandate from the UN SC (Security Council) represent an essential development in state practice, providing a customary law justification for a possible intervention somewhere else?

There are formal (natural law) and material sources of international law[1], though only the material sources are mentioned in paragraph 1 Article 38 of the International Court of Justice (ICJ)[2] Statute:

- international conventions (for instance Vienna Convention on the law of treaties 1969),
- general international customs (an example is the Anglo-Norwegian Fisheries Case, see ICJ Reports 1951 p.116),
- general principles (exemplar is the diversion of water from the Meuse Case 1937, see PCIJ Reports Series A/B No 70 pp. 76-77),

- Judicial decisions and teachings (for example D. J. Harris Cases Materials on International Law, London, Sweet and Maxwell 1998).

No doubt formal sources exist, creating life-cycles (from genesis to decline) for a sequence of World Orders embodied in subsequent corpuses of international law.

Relations among major material sources of the present general international law

Treaties should be regarded as sources of law in their own right.

Treaty law can become an autonomous source – fully apart from custom – of general international law, which might happen without any lengthy and cautious codification process. Just a treaty may do. A corollary for this can be found in paragraph 2 of Article 38 in the ICJ Statue, where it is bestowed (a rule of general law) on the ICJ the right to decide in a particular case *ex aequo et bono*,

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1 D. Ott, *Public International Law in the Modern World*, (Oxford, Pitman 1987) p.12
2 International Court of Justice

provided a special rule has already been created in a treaty of the respective parties, and so – with a reference to paragraph 1(a) of Article 38 – that treaty in itself becomes an autonomous law-creator in one of the three distinct law-creating processes.

A treaty can be regarded as a source of general international law in its own right, provided the treaty does not impose on any legal obligation for a non-party state without its consent. Furthermore, "a treaty is void, if it conflicts with a pre-emptory norm (*jus cogens*) of international law."[3] Since a *jus cogens* is a pre-emptory, in other words a non-refusable, any norm modification concerning international law can only come about by means of a subsequent norm of the same character in general international law.

General international custom is to be regarded as a source of law in its own right

Should a series of humanitarian interventions be regarded as a source of law in their own right, from which customary law is to be codified? Mere usage of a state-behaviour (comity), does not create an acknowledged customary rule by international law. In the modern law system there are rules of customary law derived from general international customs, which are identified and acknowledged by the ICJ explicitly as new laws. This is a transformation process, through consideration and consent, usually indicated by state practice, and only

occasionally by positive statements, of treaties. By means of a particular compliance test of the respective case the ICJ examines, if all of the three values (nature, extent, and significance) in combination are present, the ICJ will draw a conclusion, which as one option, may determine that a new rule of customary law is identified and declared. During the compliance test, a qualitative comparison is required between the characteristics of the case and the real relevant behaviour of other states.   That occurred in the Nicaragua v. USA Case; see the ICJ Reports 1986 p.14.

If a treaty brings "fundamental norm-creating"; and is followed by appropriate implementation by the states; and if the state practice is combined with clear *opinio juris*, proper duration, generality, uniformity, and consistency; then it could be a custom basis for a rule of international law."… for a new customary rule to be formed, not only must the acts concerned `amount to a settled practice,` but they must be accompanied by the *opinio juris sive necessitates*."[4] An example to that effect is the Geneva Convention on the continental shelf (1957).

The exclusivity or interrelatedness of the sources of law

Do the above four sources of law (paragraphs a, b, c, and d cited in page 1) have a mutually exclusive relationship?   The ICJ Statute in itself does not indicate whether there is a priority, hierarchy, or if there is

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3 Vienna Convention on the Law of Treaties (1969) Article 53 paraphrased in D. Ott, *Public International Law in the Modern World*, (Oxford, Pitman 1987) p.13

4 Paraphrased by Harris Ibid.p.875, while referring to ICJ Report 1969 p.44.

any (mutual) exclusivity of the sources. From the plain listing of the items it can be assertained that each source is independent from the other, and for instance "customary law is … an independent form of law."[5] Nevertheless, that approach may be inapplicable to most real world situations. In fact, examples of mutual exclusivity have hardly ever been seen in the practice of the ICJ so far.

Are these sources of law exclusively related in any manner? It seems unrealistic to view treaties and customs in isolation. This means that customs can be referenced in treaties, or conversely, a custom rule can be created by referencing provisions of treaties, meaning that practices can be originally based on treaties. Treaties, if repeated often enough, can form the basis of customary international law. Exemplar is the Lotus Case (France v. Turkey) 1927 PCIJ Reports Series A, No.10.

Evidence concerning the determination of the relevant real practices of states can be: Documents of foreign relations collected and analysed in order to find consistent patterns of agreement, or a patterned behaviour of refusal by a state with regard to some relevant view.

Here may be a direct connection between treaties and the creation of customary law. In this case a multitude of a particular kind of source of the international law (treaties) might lead to the formulation of a rule in customary law, which is another source of law. Therefore, international conventions

and general international customs are not isolated at all, but interrelated. For instance, one may reference the preamble to the High Seas Convention (1958).

It must be pointed out, that not only treaties and general international customs, but also custom__and general principles are in a non-exclusive relationship; therefore, (b) and (c) in paragraph 1 Article 38 ICJ Statute are not isolated as well. Another example can be found in the ICJ Reports 1949 p.18, dealing with the Corfu Channel Case (Greece v. Albania).
"*The practice of the Court … applies under Article 38 (b) and (c), very much as a single corpus of law. In this corpus customary law enormously predominates, and most of the law applied by the Court falls within it … paragraph (c) … a flexible element … give greater completeness to customary law, and … extend it.*"[6]

Owing to the inconsistencies in state behaviour, and in the absence of precise scales and measures, with no quantification or statistical evaluation of the behaviours, it can be very difficult for the ICJ to evaluate evidence, and then to make a comparison.

It should be pointed out that there is interrelatedness among not only the material sources of law, but between material and formal sources as well. This relationship is comity as a common root of both customary law and radical shifts in the international law system based on a formal source.

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5 Waldock, paraphrased by J. K. Gamble p.76

6 Waldock 1962-II 106, paraphrased in D. Harris, *Cases and Materials on International Law*, Codification and Progressive development of International Law, Notes, 5th ed. (London Sweet and Maxwell 1998) p.48

A radical shift in state behaviour under the present law system is framed as follows: "In order to deduce the existence of customary rules, … sufficiently…, the conduct of states should in general be consistent with such rules, and that instances of state conduct inconsistent with a given rule, should generally be treated as breaches of that rule, not as indications of the recognition of such a rule."[7]

The will of the superpower, as the driving force in the development of general international customary law in the 20th century

Nevertheless, the same radical shift in state behaviour can be perceived as benevolent management of change in the global system of law, based on a formal source and driven by globalisation. A corollary to this is the recent history of international practices.

Parallel with material sources, there are formal sources of international law. Law cannot ignore international practice; it must adopt political realities to the actual new World Order. In other words, a political order in the form of international law cannot help mirroring the will of the hegemonic superpower (currently the US) in a system that is characterized by unipolarity. Time-to-time radical shifts occur in comity, custom, the World Order, and consequently in the corpus of general international law based on formal sources of international law. That does not require the approval or even the existence of the ICJ at all. A great victory coupled with the

will of the victor of a war, is all that is required. The UN Charter after World War II is a good exemplar.

An international near-equilibrium and the earlier rule system

The 1910's saw a revolutionary change in the World Order. The new political balance was the result of the victory of the Entente, and although the provisions of the new political structure were originated by the US, it was a near-equilibrium of great powers. There were new institutions at the centre of the new World Order, such as the League of Nations (L.o.N.). The development of international customary law was determined by the League.

The League of Nations prohibited war with the 1928 General Treaty (Pact of Paris) for the renunciation of war (it is not clear, whether armed force short of war had also been prohibited). The treaty does not mention self-defence per se, and according to the ILA (1934) 38th Conference, "a…state which threatens to resort to armed force, is guilty of a violation of the Pact."

Another shift in the balance of power and the present rule system

The peace after Versailles was just an "armistice" in the "30 years war" (1914-1945 between World Wars I and II). Due to the victory of the Allies, the 1940's saw a reformatory change in the World Order.

The sudden change in international law in 1945 mirrored the political reality of the time. That new balance of power was the result of the Allied

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Powers victory, and the provisions of the newer political structure were a reform of the League of Nations, constructed by the USA. The then fledgling UN and its institutions are composed of basic elements of the 60 year old political near-equilibrium.

Although the development of the international law has in part been determined by the UN, in fact the present rule of custom reflects a sort of balance of power between the two superpowers, and a formal balance between the great powers participating as permanent members in the UN SC. During the Cold War, the UN's collective security system was unable to properly function, because a single veto from a permanent member in the SC paralyzed its capability to act.

Recent shift to Unipolarity - A would be shift in the present custom?

At the end of the 20th century another empire (the USSR) collapsed. Today the US remains the only superpower, while no balance to its military power exists. This power is the basis of the newest World Order. From the onset of unipolarity there has been sanctioning by the superpower for any breach of international law by others. This is a tremendous political change. Maybe new international political institutions will emerge, as old ones (UN) decline. Maybe some unwilling members of the UN SC will be "dragged" by the superpower to meet its will, but it would be really surprising if the only superpower would obey formal rules reflecting an outdated power-balance.

Conclusion

According to the doctrine of humanitarian intervention, and for example UN SCR[8] 688, general international law limits the sovereignty of both states and that of their rulers. This is a radical shift in the direction of the natural law approach, though not a dogmatic theoretical one, but a very pragmatic evolutionary step, which is in harmony with and driven by the present real political situation.

It might be predicted that likely options for the future could encompass new UN SCRs or an implied empowerment authorizing coalitions led by the US (as an "informal empire") to enforce sanctions, wherever and whenever an intervention is seen to be required. The sequence of those operations may be the future practice, later leading to renewed customary rules of general international law.

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8 United Nations Organisation Security Council Resolution

ARMS CONTROL PROCESS
IN TRANSCAUCASIA

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The implementation process of the Treaty on Conventional Forces in Europe in the states of the Southern-Caucasian region is analyzed in this article. A comparative analysis of quantitative parameters regarding the Armed Forces of Azerbaijan, Georgia, and Armenia is carried out.

At the present time the attention of many political scientists and economists is chained to the processes occurring in the new independent states of the former Soviet Bloc. There is a special interest in the states of the Southern Caucasian region: the Republic of Azerbaijan, Georgia, and the Republic of Armenia. Such factors as their geo-strategic and geo-political locations, presence of significant natural resources, and their means of transportation, have spurred competition between the US and Russia for the partitioning of zones of influence. These are the primary reasons why there has been such steadfast attention from the world community on these three states. The US asserts its presence through global antiterrorist operations in the neighboring regions, which are rather small zones of instability (local regional conflicts).

A key element of carrying out a general analysis of a regional situation is the estimation of those states' Armed Forces (AF) and of the other Armed Forces of the region. In this article we shall try to make a quantitative analysis of the AF, and to track the dynamics of the digital parameters that have been changing since the Transcaucasian states gained independence.

In a previously published article[85], questions related to the beginning of the Conventional Forces in Europe (CFE) Treaty implementation process were covered. As it was noted, the Tashkent Agreement established the Treaty Limited Equipment (TLE) maximum ceiling levels for the Commonwealth of Independent States (CIS) members in 1992. For the Southern-Caucasus states, located in the so-called "flank" region of the CFE Treaty area, the TLE maximum ceiling levels were indiscriminately determined.

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[85] Y. Aliyev, International Arms Control. Beginning of the Process, "Polaris Quarterly", №1, 2004, pp. 3.

Table I. TLE maximum ceiling levels for the Southern-Caucasian states.

	Category	Azerbaijan	Armenia	Georgia
	Personnel Strength (**PS**)	70000	60000	40000
	Battle Tanks (**BT**)	220	220	220
	Armoured Combat Vehicles (**ACV**):	220	220	220
	Of which Armed Infantry Fighting vehicles(**AIFV**):	135	135	135
	of which Heavy Armament Combat Vehicles (**HACV**)	11	11	11
	Artillery of caliber 100 mm and above (**Art**)	285	285	285
	Combat Aircraft (**CA**)	100	100	100
	Attack Helicopters (**AH**)	50	50	50

The aforementioned quantitative restrictions have been accepted by the states under pressure, without taking into account the difference in dimensions of states' territories, population, peculiarities of each geopolitical arrangement, and other determining factors. Russia proceeded from the desire to provide its own high TLE ceiling levels in the flank area. Taking into account some typical parameters of state needs, such as size and population, TLE maximum ceiling levels were decided upon. If a comparative analysis of TLE ceiling levels for a number of "small" participants in the CFE Treaty is reviewed, it is obvious that the interests of the "small" CIS states have not been properly addressed (Except for Belarus).

Table II. The comparative picture of TLE maximum levels (BT and ACV) for a number of "small" states (the Republic of Azerbaijan is used as the benchmark for this table).

Country	Area (thousands км^2)		Population (mln.)		Personnel strength of Armed Forces (thousands)		Number of BT		Number of ACV	
Azerbaijan	*86,6*	*100%*	*8*	*100%*	*70*	*100%*	*220*	*100%*	*220*	*100%*
Armenia	29,8	34%	3,5	43%	60	85%	220	100%	220	100%
Georgia	69,7	80%	5,5	68%	40	57%	220	100%	220	100%
Belarus	207,6	240%	10,3	128%	100	143%	1800	818%	2600	1182%
Belgium	30,5	35%	10,1	126%	70	100%	334	152%	1099	500%
Bulgaria	110,9	128%	8,1	101%	104	148%	1475	670%	2000	909%
Denmark	43,1	50%	5,3	66%	39	56%	353	160%	316	144%
Moldova	33,7	39%	4,4	55%	20	29%	210	95%	210	95%
Netherlands	41,8	48%	15,8	197%	80	114%	743	338%	1080	491%
Portugal	91,6	106%	9,8	122%	75	107%	300	136%	430	195%
Slovakia	48,8	56%	5,3	66%	46,6	67%	478	217%	683	310%
Czech	78,7	91%	10,2	127%	93,3	132%	957	435%	1367	621%

As can be seen, the interests of the Republic of Azerbaijan have been denied. Taking into account the fact that the population of the state is the determining factor for TLE maximum ceiling level calculations (naturally, other factors such as territorial area, the extent of borders, and peculiarity a state's geopolitical situation should be taken into account), it ought to note that the TLE maximum ceiling level of Battle Tanks, Armored Combat Vehicles, and Artilleries for Azerbaijan were underestimated at least twice in our opinion. It is possible to complete a rough calculation of the maximum levels of conventional armaments (for example, BT and ACV) proceeding from such conditional parameters as average number of tanks per one thousand square kilometers of the territory, designated by (A), and average number of tanks per 1 million of population, designated by (B). The average values of the mentioned conditional parameters calculated for the "small" states on a basis of the data mentioned in Table II have the following values: for BT - A_T=8.4; B_T =75.9; for ACV - A_v=11.9; B_v =108.5

Thus, the following values are calculated for Azerbaijan:

- Number of battle tanks: using the area parameter – 8.4 x 86.6≈727 pieces; the population parameter- 75.9 x 8≈607 pieces.

- Number of armored combat vehicles: using the area parameter – 11.9x86.6≈1030 pieces; the population parameter – 108.5x8≈870 pieces.

Let us note that during the negotiations with the Russian Federation on the distribution of TLE maximum levels, it was discussed at a certain stage of the negotiations that Azerbaijan would receive significantly higher TLE maximum

levels than was actually received. Pavel Grachev, Minister of Defence of the Russian Federation (1992), managed to convince the Azerbaijani representatives to accept reduced TLE levels, by promising heightened assistance to Azerbaijan.

All the above-mentioned figures for the TLE maximum levels were a bit abstract in 1992. When established, the TLE maximum levels were expected to be reached within 40 months of the CFE treaty's implementation. The real situation in the Southern-Caucasian region starkly differed from the one determined by the Treaty. The data submitted by the USSR at the moment the CFE Treaty was signed in 1990 should highlight the actual situation

Table III. Allocation of conventional armaments in the Transcaucasian Republics of the former USSR, valid as of November 19, 1990.

Treaty limited equipment (TLE)	Azerbaijan	Armenia	Georgia
BT	391	258	850
ACV	1285	641	1054
Art	463	357	363
CA	124	0	245
AH	24	7	48

These figures evidently demonstrate the military potential that was in the Southern-Caucasian region at the time of the former USSR, but it is necessary to take into account that not all military items and TLE located in these units have been specified in the aforementioned exchange of military information. The Soviet Union, by withdrawing a certain number of conventional armaments away from the Treaty area, beyond the Urals, and by also reassigning some military units to other militarized structures, which were not subject to the CFE Treaty, has reduced their own TLE level.

The process of partitioning former USSR military property causes turbulence in several respects, causing a restless situation in both the new independent states and a non-constructive position for the Russian Federation. Therefore, equipment was frequently transferred by illegitimate means (illegal sale, capture, etc.).

For more than a year, the three Transcaucasian states conducted bilateral consultations with the Russian Federation concerning the concordance of transferred TLE numbers. Finally in 1993 were the corresponding bilateral documents signed.

Table IV. Number of transferred TLE agreed upon bilateral consultations between the Russian Federation and three Transcaucasian states.

Treaty limited equipment (TLE)	Azerbaijan (agreed as of 21.09.1993)	Armenia (agreed as of 09.1993)	Georgia (agreed as of 20.08.1993)
BT	286	154	109
ACV	947	379	164
Art	388	259	76
CA	48 (additional 5 CA of the non-CFE treaty state, under repair)	?	29 (disputing 4 CA)
AH	8	4	6 (disputing)

The words of the former President of Georgia, Eduard Shevardnadze, evidently demonstrate Georgian opinion concerning the division process of the former USSR military property. He stated, "…for all these years, since 1992, we tried to establish a normal good-neighborhood with Russia. It was possible to do not much, we have not achieved much. …Americans thinking as to strengthen Georgia. Why Russia does not think about it? Russia has removed out everything that it was possible to take out from Georgia. There were lot of equipment in Georgia, there were thousands the tanks, two aviation divisions with the high standard aircraft and many other items. Georgia was one of the republics most overloaded with armed forces. What did remain from that? Rusty guns and nothing more. And why they are surprised that Americans care of us? …" In turn, the Republic of Azerbaijan was able to better check the process of arms transfer; however, most of the aviation equipment had already been taken by the Russian Federation.

During that period, the following aircraft had been taken from airbases located within the borders of Azerbaijan: 36 Su-25's; 8 MiG 25's; 38 SU-24's; 28 IL–76's; 6 AN-2's; 3 AN-26's; and 1 IL-22, Tu-134, Tu-154, AN-12, etc. There were also the following helicopters taken: 7 Mi-8's; 9 Mi-2's; 2 Mi-9's; and 1 Mi-6, etc. In 1991, 13 Mi-24 attack helicopters and 4 fighter support helicopters were taken from Nakhchivan (separate enclave of Azerbaijan). At the same time, the quality and condition of the heavy armaments that were left by Russian troops in Azerbaijan were not so good.

For the new states of the Southern-Caucasian region, it was a period when a significant quantity of arms was in non-governmental armed formations. In zones of conflict there was a significant amount of unaccounted, uncontrolled, destroyed, or severely damaged

equipment. In addition, when Russian military troops left the region, they left behind equipment that was only suitable for delivery to the rubbish heap. It is necessary to note that the arms and military equipment deployed in Transcaucasia was out-of-date and unserviceable.

According to the provisions of the CFE Treaty, all states/parties are obliged to exchange military information regarding the structure of their armed forces, personnel strength, precise coordinates of military units, number of TLE in each unit, the total number of TLE in the state, and other details annually, by the15th of December. The first information exchange took place on July 17, 1992. Armenia did not meet this requirement twice, citing objective difficulties. An inherent interest exists in tracking the dynamic of numerical parameter changes in the annual reports of military information from Azerbaijan, Georgia, and Armenia.

AZERBAIJAN

The 1992 Tashkent Agreement builds, but not so successfully, the base for the future armed forces of the Republic of Azerbaijan. Unfortunately, not many politicians realized that the maximum levels of TLE offered to Azerbaijan would essentially impose restrictions on the future structure of the Republics armed forces.

Between 1992 and 1994 there was a reduction in TLE numbers, do to losses caused by the Armenian-Azerbaijani conflict. One of the main diplomatic problems for Azerbaijan was the official recognition of TLE fighting losses by CFE Treaty partners. As a result of exhaustive work by Azerbaijani diplomats in the Joint Consultative Group (JCG) of the OSCE, these figures have been included in the Azerbaijan reduction levels. Azerbaijan lost the following equipment in combat: 186 BT's, 119 ACV's, and 59 Artillery (Art) pieces. In 1993 and 1994 the Ukraine provided the newly created Azerbaijani armed forces with 150 BT's and 10 CA's. In turn, Azerbaijan officially informed all concerned parties, including all state-parties of the CFE Treaty, of the procurement of arms.

There was also a significant amount of "irreversibly" damaged equipment that resulted from battle operations in the Armenia-Azerbaijani conflict. A special JCG decision allowed for the damaged equipment to be excluded from the TLE maximum level requirements. Azerbaijan has cited the provisions of this decision in its reduction of irreversibly damaged equipment. During the period between 1995 and 1999, Azerbaijan eliminated 43 BT's, 98 ACV's, and 51 Artillery (Art) pieces.

In 1998 Azerbaijan modified 196 pieces of TLE equipment, so that the pieces do not fall within the requirements of the TLE agreement, allowing Azerbaijan to lower their total TLE levels. According to the provisions of the CFE Treaty every state/participant has the right to properly decommission TLE. Using this procedure, Azerbaijan has

decommissioned 17 BT's, 141 ACV's, and 33 pieces of artillery. Certain quantities of TLE were reassigned to other governmental power structures such as, boarder troops, static displays, and research and development programs. Having carried out all of the aforementioned actions, the Republic of Azerbaijan has come close to the TLE holding levels required by the CFE Treaty.

Figures on the conventional armed forces of Azerbaijan, which are provided on 15 December each year within the scope of the annual military exchange information agreement of the CFE Treaty, allows for the tracking of the dynamic of numerical changes in Azerbaijan's TLE levels.

Table V. Yearly TLE holding levels of the Republic of Azerbaijan

Year / Category	1992, July 17	1993	1994	1995	1996	1997	1998	1999	2000	2001 2002 2003
BT	134	278	279	285	275	270	270	262	220	220
ACV	113	338	736	835	780	557	557	331	210	210
Art	126	294	354	343	292	301	301	303	282	282
CA	15	50	53	58	49	48	48	48	48	48
AH	9	6	6	18	15	15	15	15	15	15
P/S	-	52479	56000	86849	68548	69254	69941	69920	69894	69966

Fig. 1. TLE number evolution
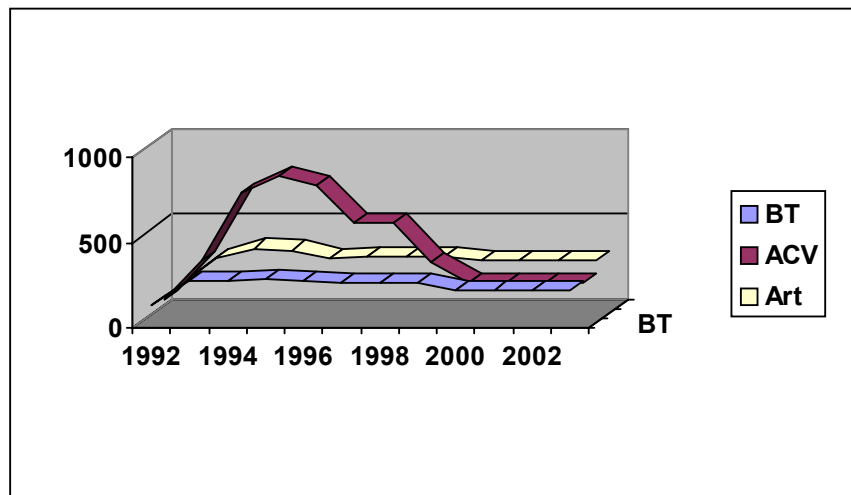
**Fig.2. TLE quantitative changes for three categories:
BT, ACV, and Art.**
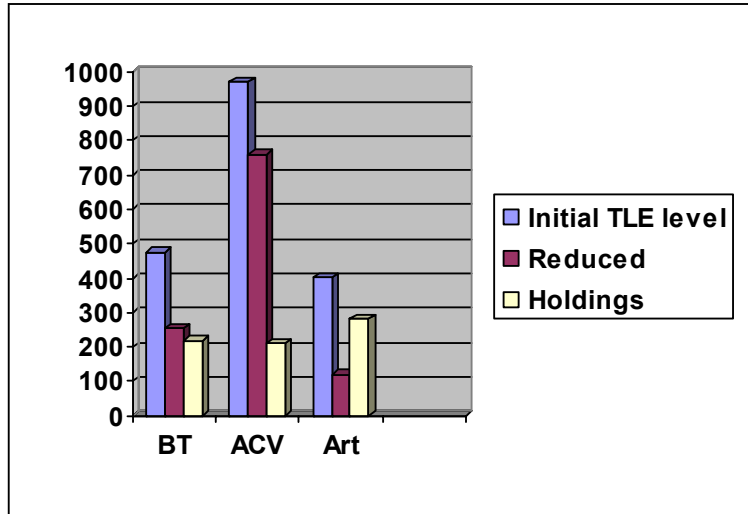
ARMENIA

The official data on TLE provided by Armenia within the framework of the CFE Treaty evidently shows a desire to hide an objective reality. The significant number of arms placed in a conflict zone or on occupied territories, has been removed from scrutiny. In this article we shall only consider the data based on official figures provided by states/parties of the CFE Treaty.

TableVI. Dynamic of quantitative changes of conventional armaments in Armenia for 1993-2004.

Category	93	94	95	96	97	98	99	00	01	02	04
P/S	7101	?	52686	57431	?	46327	42087	42087	42087	44618	44875
BT	77	154	102	101	102	102	102	102	105	110	110
ACV	189	379	285	218	218	218	204	204	146	146	146
Art	160	259	225	225	225	225	225	229	229	229	229
CA	3	3	6	6	6	6	6	6	6	6	6
AH	13	4	7	7	7	7	7	7	7	7	7

? – not provided data

Fig. 3. Evolution of holding levels of BT, ACV, and Art.
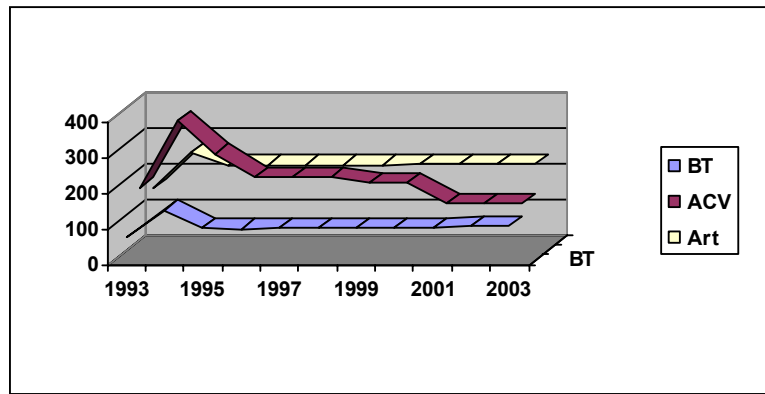
To explain some observable changes of the conventional armaments figures, Armenia officially notified all CFE Treaty state/parties:

- On November 14, 1995 Armenia presented to the JCG information regarding irrevocable TLE losses during combat operations on the border with Azerbaijan. It was specified that from 1992 to 1994 Armenia lost: 52 BTs, 94 ACVs, and 5 pieces of Artillery.
- In 1995 Armenia decommissioned 18 ACVs, within the framework of the CFE Treaty.
- In 1994 and 1995 67 ACVs were reassigned to the Armenian Internal Security Forces.

In 1999, after a scandal related to illegal weapons deliveries to Armenia from Russia, Armenia purchased Multiple Launch Rocket Systems (MLRS) WM-80 caliber 273 mm weapon systems (analogues to the Russian MLRS "Typhoon") from China. The delivery was performed reticently in 2000, but after a scandal inflamed the media in Armenia, they included four MRLS WM-80's in the annual exchange of military information report. The issue concerning the huge number of illegally delivered weapons, including TLE from Russia between 1993 and1996, is still argued.

In 1994, Armenia was observed to be actively enlarging their Air Force. In the CFE Treaty notification provided by Armenia in 1994, it was specified that during the period from 04.04.1994 to 02.05.1994, the following military units were created: an independent aviation squadron, an assault aviation squadron, a military aviation pilot-technician school, an airbases maintenance service battalion.

The official information provided by Armenia regarding the number of conventional armaments and equipment they maintain is of certain interest to many concerned states/parties.

Table VII. The information provided by Armenia regarding
TLE, valid as of 01.01.2004

Category		Type	Quantity
	P/S	Total	44875
		Land Forces	41714
		Air and Air Defence Aviation Forces	578
		Air Defence Forces	2583
	BT	Total:	110
		T-54/55	8
		T-72	102
	ACV	Total:	146
		BTR-60	11
		BTR-70	21
		BTR-80	4
		BMD-1	6
		BMP-1	80
		BMP-1к	7
		BMP-2	5
		BPP-1к	12
	Art	Total:	229
		2A36 152 mm	26
		2S1 122 mm	10
		2S3 152 mm	28
		D-1 152 mm	2
		D-20 152 mm	34
		D-30 122 mm	59
		M120 (PM38) 120 mm	19
		BM-21 122 mm	47
		WM-80 273 mm	4
	CA	Total:	6
		MiG-21	1
		Su-25	5
	AH	Mi-24R	7

As it was mentioned, information on the location of military units (geographical coordinates) was also provided in the annual exchange of military information, within the scope of the CFE Treaty. The use of specialized NATO computer software called "Mapping Tools," permits the user to visualize numerical data and generate a general picture of the locations of military units within Armenia. A discrepancy in the information provided by Armenia resulted in two Armenian military objects being misrepresented as being located in Azerbaijan and Iran.

Fig. 4. Placement of military units in the territory of Armenia (data valid as of 2001).

There are a certain number of TLE in other governmental power structures in Armenia: the Ministry of Internal Affairs utilizes 76 ACVs and the Ministry of National Security employs 63 ACVs.

It is necessary to emphasize once again that all aforementioned specified digital parameters are based on the official data provided by Armenia within the framework of the CFE Treaty. The real number of TLE stands in stark contrast with official figures. The illegal delivery and presence of huge numbers of uncontrolled and unaccounted weapons in Armenia, which are stored in occupied territories know as "grey zones," points to armament figures well above those publicly disclosed. In the next article, we will discuss the problem of uncontrolled and unaccounted for TLE.

GEORGIA

The situation regarding the arms in Georgia is much easier. There is a certain quantity of unaccounted and uncontrolled weapons in the zones of local conflicts - Abkhazia and South Ossetia; however, a general quantitative picture is clear.

Table VIII. Dynamic of changes in the number of TLE in Georgia (1992-2004).

Category	929	93	94	9	96	97	9	99	00	01	02	03	04
P/S	?	3942	?	?	?	?	?	29191	26811	24529	26636	24584	20309
BT	77	108	41	?	70	79	?	79	79	90	90	86	86
ACV	28	121	51	?	78	10	?	113	113	113	114	108	108
Art	0	17	7	?	28	92	?	75	109	109	109	110	122
CA	0	4	2	?	2	6	?	7	7	7	7	7	7
AH	0	4	1	?	0	3	?	3	3	3	3	3	3

? – not provided data.

Fig.5 Evolution of TLE numbers in Georgia
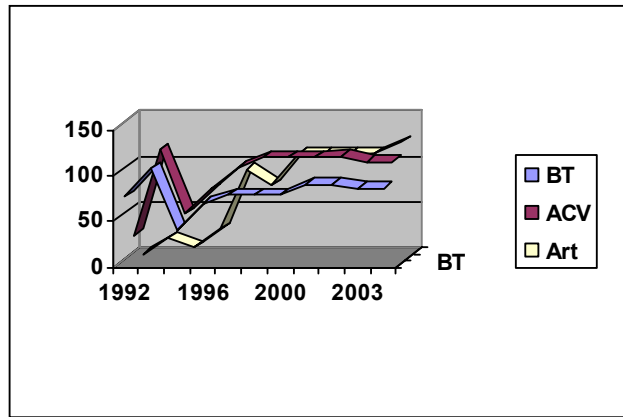
In 1995, Georgia received 30 BTs and 30ACVs. In 1996, they imported 40 pieces of artillery. Over the last two years Georgia also bought some additional artillery pieces. Today the military power of the Georgian armed forces looks as follows:

**Table IX. TLE number information provided by Georgia,
valid as of 01.01.2004.**

Category		Type	Quantity
	P/S	Total:	20309
		Land Forces	11992
		Air and Air Defence Aviation Forces	1705
		Peacekeeping Forces	198
	BT	Total:	86
		T-55	55
		T-72	31
	ACV	Total:	108
		BTR-60	1
		BTR-70	15
		BTR-80	3
		BMP-1	65
		BMP-2	13
		BRM-1к	11
	Art	Total:	122
		2A36	3
		2A65	11
		2S19	1
		2S3	1
		2S7	1
		Dana	2
		D-30	66
		M120	17
		BM-21	16
		RM-70	4
	CA	Всего:	7
		MiG-21	
		Su-25	
	AH	Mi-24R	3

Based on the information provided regarding military unit locations, it is possible to map the location of military equipment within the territory of Georgia.

**Fig. 6. Location of military units in the territory of Georgia
(valid as of 2001).**

In addition to the above-mentioned equipment, there are a number of TLE in structures providing interstate order (Ministry of Internal Affairs and the Ministry of National Security): 19 BTs and 13 ACVs.

When considering an arms control problem in the Southern-Caucasian region, it is necessary to mention the Russian military bases placed in Georgia and Armenia. While Georgia is actively negotiating the terms of a Russian military withdrawal, Armenia is pushing for an increase in the Russian military presence in the region.

RUSSIAN FEDERATION

It is necessary to note the general quantitative reduction of Russian military potential in Transcaucasia since 1992; however, the modernization of military equipment and the qualitative amplification of aviation and air defence components, coupled with the TLE cascading from Georgia to Armenia has been observed.

Table X. Dynamic of changes in Russian TLE numbers
in Armenia in 1992-2004.

Category	1992	1993	1994	1996	1997	1998	1999	2000	2001	2002	2004
P/S	?	?	?	?	?	4214	2997	2631	3041	3408	3057
BT	190	91	82	75	74	74	74	74	74	74	74
ACV	369	199	193	147	158	165	148	148	224	224	184
Art	255	100	100	83	84	84	84	84	84	84	84
CA	0	0	0	0	0	0	0	0	18	18	18
AH	0	0	0	0	0	0	0	0	0	0	0

Over the last few years Russia has begun to qualitative change the arms in Armenia. First of all, it is necessary to note the creation of the 426th aviation group, which was renamed the 3624th Airbase after 2002. This airbase has 18 MiG-29s and is located in Yerevan. At the same time a modern air defence system, anti-aircraft S-300 missiles, have been deployed in Armenia.

According to the Russian obligations accepted at the Istanbul Summit in 1999 regarding the arms withdrawal from Georgia, there is an observed decrease in the total Russian TLE number in Georgia.

Table XI. Dynamics of Russian TLE number changes
in Georgia for 1992-2004.

Category	92	93	95	96	97	98	99	00	01	02	03	04
P/S	?	?	?	?	?	9051	7678	5809	5992	4917	2551	2503
BT	452	268	207	110	141	141	141	141	82	82	82	82
ACV	816	598	572	282	359	352	370	394	69(?)	218	208	214
Art	311	221	222	156	155	155	155	155	137	140	140	140
CA	?	?	?	?	0	0	0	0	0	0	0	0
AH	?	?	?	5	5	5	5	5	5	0	0	0

In addition, there is the 345th airborne regiment that has been placed for an extended period of time in Gadauta (Abkhazia, Georgia). There were 112 ACVs, 11 Artillery (Art) pieces, and 1,045 personnel in this unit as of 2001. On the basis of that regiment, a Russian peacekeeping unit was created. (The heavy armaments of that unit were removed from the territory of Georgia in 2001-2002).

The closure of the remained military bases in Georgia, 62 bases in Akhalkalaki and 12 bases in Batumi,

has been the focus of difficult bilateral negotiations. The 137 bases in Vaziani were closed in 2000, but Georgia wants the withdrawal of troops to be completed by 2003. The Russians have insisted that they want to orchestrate their own withdrawal, which should take a minimum of 10 years.

It is necessary to note that military equipment and military property withdrawn from Georgia are frequently transferred to Russian military bases in Armenia, or are directly funneled into the Armenian armed forces. For example, in March and April 2003 Russia withdrew from a military storage site in Sagaredzho, Georgia about 35 thousand tons of ammunition, and a significant amount of engineering equipment, which was then brought to Armenia.

Fig. 7. Placement of Russian military units in the territory of Georgia, Armenia, and the Northern Caucasus region (information from 2001).
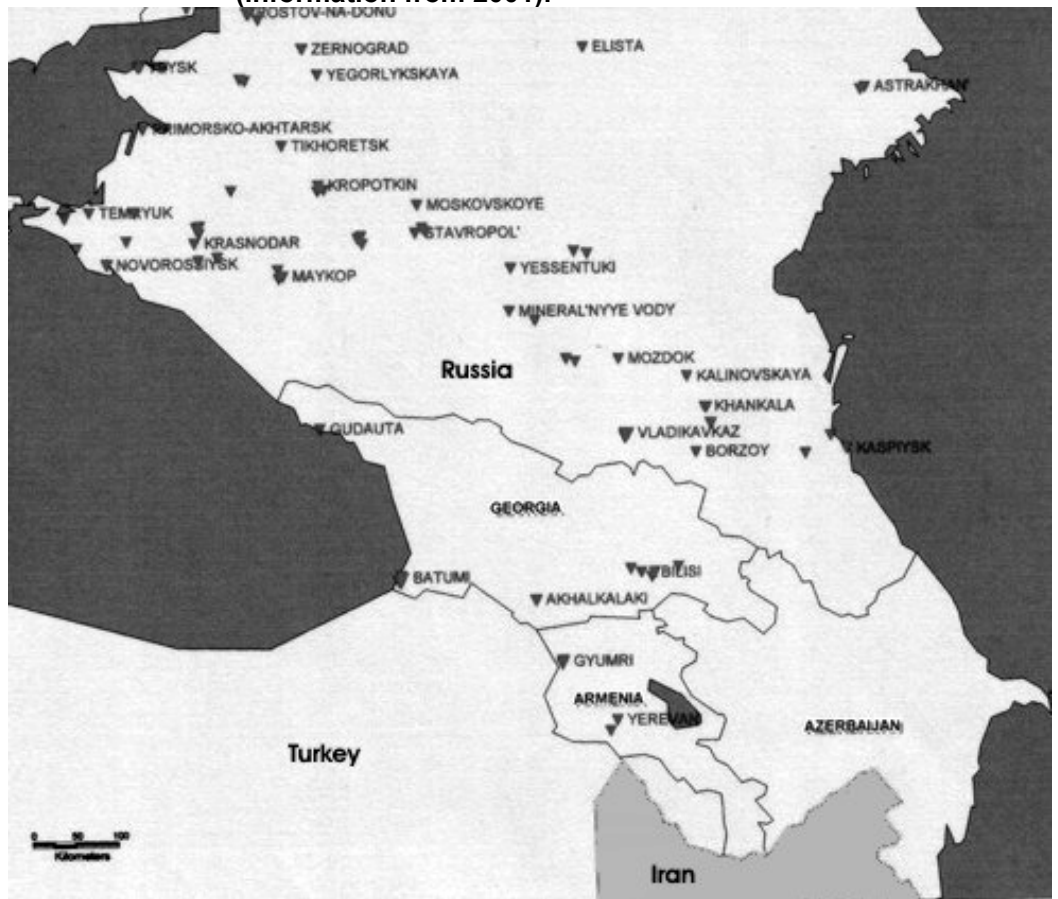
As for Azerbaijan, the Russian military troops left in May of 1993. Gyandzha was left with the Russian 104th airborne division, while the only Russian military equipment remaining in Azerbaijan is the Information-Analytic Centre Gabala (Radar Station).

We have analyzed the general situational picture in the Southern-Caucasian region for the last decade. It should be noted once again that the analysis was carried out using official figures presented by the states within the framework of the CFE Treaty. The data can help create a better understanding of the processes occurring in the Transcaucasian states, and can be used as a basic digital parameter for the analysis of the regional situation.

The Non-Governmental Side of Democratic Civil-Military Relations in New Democracies

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The aim of this paper is to draw attention to the broader understanding of democratic civil-military relations, especially to the role of civil society and other non-governmental actors in this field. It also aims to examine the early successes in building democratic civil-military relations, which does not mean real consolidation without active non-governmental actors, including lively civil organizations. This paper gives a tentative classification to those non-governmental organizations that have a significant role in controlling the military and security-related decision making processes, as well as building healthy relations between society and the military.

Introduction

According to certain literature, the role of civil society in the transition from a non-democratic to a democratic system has been decisive. In fact, civil society played an important role in Latin America,[1] and during the transition in Central and Eastern Europe.[2] However, after the transition period some experts claimed that civil society was weak, without real social debates and toothless organizations, it lacks control over the state bureaucracy and cannot politically articulate its interests. Other experts do not share this opinion, pointing out numerous civil organizations; however, very few are able to mobilize the masses for political

purposes.[3] Beyond the debates, it is generally accepted that a lively civil society is an important "arena"[4] for democracy; therefore, examining its role is important. There is also a widely shared opinion that the part of civil society that deals with defense-related issues is really weak in many new democracies.

Another significant issue has been the building of democratic civil-military relations after the collapse of non-democratic systems. It is evident in the rather "praetorian" states in Latin-America, in Spain, and in the post-communist countries, where militaries were firmly subordinate to politics, particularly in the communist system. Obviously, controlling the military and other armed organizations is crucial in any democratic transition, because totalitarian or authoritarian regimes

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[1] Alfred Stepan, *Rethinking Military Politics* (Princeton: Princeton University Press, 1988) 128-129
[2] Anrew Arato, *From neo-Marxism to Democratic theory: essays on the critical theory of Soviet-type societies* (New York: M.E. Sharpe 1993) 296-309 and also Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: The Johns Hopkins University Press, 1996) 7.

[3] András Körösényi: *A magyar politikai rendszer (The Hungarian political system)* (Budapest: Osiris, 1998) 163.
[4] J.J. Linz and A. Stepan: 3-15.

used these forces to ensure not just external, but internal stability as well.

The institutional and legal foundations of the democratic control of the military were set up during the early phase of the transitions, but the effective control over the national armed forces has been deficient. Furthermore, the cautious examination of democratic civil-military relations' literature posits that democratic civil-military relations mean more than state legislature and the executive power over the military. Civil-Military relations contain elements from non-governmental organizations and civil society, as well as military organizations. However, the relations between state power branches and the military structure embodied the most significant part of civil-military relations. Nevertheless, the state alone is not able to carry out the democratization of civil-military relations, nor is it able to satisfy the requirements of democratic civil-military relations.

I. Democratic civil-military relations and new democracies

Although political scientists, sociologist, and politicians have concisely defined democratic civil-military relations, it seems to be reasonable to emphasize that it is a very broad subject. According to Peter Fever, civil-military relations encompass the entire range of relationships between the military and civilian society, at every level.[5] The most significant body of literature deals with the civilian control of the military and with the relationship between society and the armed forces. The vast majority of the civilian control literature is focused on the democratic method of directing and checking the armed forces, which has been enhanced by a relatively rapid worldwide democratization.

The fundamental question has been what kind of "solution" a democracy has in regard to controlling its military. The question has been "ever-relevant" since Plato[6], because the military is the very institution created to protect the state, and has been given sufficient power to become a threat to the state.[7] The proper democratic answer to this question has need of the following institutional and societal conditions[8]:

- Democratically elected body (parliament/congress) has to appropriately decide on essential questions such as: the roles and missions of the military; the defense budget; manpower quotas, method of staffing (compulsory military service vs. all voluntary force) the military; and arms acquisitions.

- The rule of law has to define the roles of state power branches and the military concerning defense matters. It has to guarantee that neither the executive nor military elites can use the armed forces to their own ends.

- The hierarchical responsibility of the military to the government should be

[5] Peter D. Fever, *Civil-Military Relations* (in: Annual Reviews Political Science 1999. 2.) 211.

[6] Rudolf Joó, *The democratic control of the armed forces: The experience of Hungary* (Chaillot Paper 23. Paris: Institute for Security Studies Western European Union, February 1996) 1.
[7] P. Fever: 213.
[8] Adapted from R. Joó: 6-7.

channeled through a civilian organ of public administration (ministry or department of defense), which is charged with control of the military.

- Democratically educated and socialized military, which understands democratic rules and accepts the primacy of civilian authorities.

- A part of the civil society (self-organized independent groups and organizations) and a wide range of other non-governmental organizations (think-tanks, media, etc.) have to focus on defense and/or security matters.

These democratic conditions mean that there are three aspects of the democratic control over the armed forces. The first is a "vertical control," which refers to legislative and executive control. The second is a "horizontal control," embodied by civil society and other NGOs.[9] The third is the self-control of the military in accordance with democratic values.[10]

The efforts in new democracies and also the efforts of their advisers from mature western democracies have been primarily focused on the first aspect of democratic control over the military. This is true of the former so-called "praetorian" states and in the former communist countries as well. Nevertheless, the focus on the vertical aspect has been quite obvious because of two reasons:

first, the primary role of the state in controlling the military, and second, because democracy is a form of governance that pre-dated the existence of the state system. Consequently, establishing (for example in the Soviet successor states) or restructuring state organizations was, and is, most important.[11] The primary role of the state has been decisive in the democratic control over the military, because of the necessity to create a democratic decision making process with firm subordination of the military to the elected civilian authorities, and the de-politicization of the military (post-communist countries), or de-militarization of the political subsystem ("praetorian" countries).

The domestic and foreign experts, who focused on this state-centric approach to democratic control, resulted in a relatively cheap and quick democratization, at least in many Central and Easter European countries, where politicians merely had to justify democratization to NATO and the European Union. The legal and institutional background of controlling the military was set up relatively quickly and the real deficiencies were not immediately obvious. NATO has encouraged this approach in fledgling democracies, because almost every document declared the requirement of the democratic control over the military, but the proper interpretation of it was not expressed.[12]

As the post-communist armed forces are concerned, there was a secondary aspect of the efforts, namely the democratic education and socialization of the professional

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[9] Hans Born, *Multiple control and the armed forces in democracies: the case of the Netherlands* (manuscript, 2000) 6.

[10] It is worth to note, that the postmodern feature of the state (especially in the European Union) improve the international and transnational organizations' role in controlling the national armed forces, however this control has been indirect so far.

[11] J.J. Linz and A. Stepan: 7.

[12] Daniel N. Nelson, *Civil Armies, Civil Societies, and NATO's Enlargement* (Armed Forces and Society, Fall 1998 Vol.25. No. 1.) 145.

militaries. There were many decisions concerning this aspect, essentially surrounding the question of time. The transition did not result in a massive purging of officers and NCOs in spite of the enormous downsizing in the militaries. Basically, the prior military bureaucracy organized the downsizing, and in the most developed countries (Czech Republic, Hungary, and Poland) the extractor effect of the market economy definitely helped to "solve" the problem. Notwithstanding, the institutions of military education made a serious effort to integrate the democracy-related subjects into their syllabi. Furthermore, NATO and other European countries offered programs for military education, which improved the effectiveness of the democratization of the officer corps.

The horizontal aspect of the democratic control of the military received much lesser attention from the domestic and foreign experts. However, drawing attention to the horizontal aspect of democratic control is important because of many reasons, but fundamentally because of the crucial role civil society and other NGOs have on democratic consolidation.

II. The horizontal aspect of the democratic control of the military - civil society and non-governmental organizations

Alfred Stepan and Juan Linz highlighted the vital role of civil society to democratic consolidation. They stated that if a functioning state exists, other interconnected and mutually reinforcing conditions must also exist or be crafted for a democracy to be consolidated, with a *free and lively civil society* as the first condition.[13] Civil society was defined as an arena of the polity:

> where self-organizing groups, movements, and intellectuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests.[14]

Although there are many definitions of civil society and there are debates in this field,[15] using Linz's and Stepan's definition seem to be reasonable useful here. Their definition meets with mainstream theories and helps to distinguish the actors within political society, such as political parties from the subgroups of civil society and NGOs. Before tentatively classifying the organizations in relation to horizontal control, it is worth drawing attention to the various civil activities, which have roles in promoting the consolidation of democratic civil-military relations.

Larry Diamond definitely pointed out how civil society promotes democratic development and consolidation.[16] He described thirteen methods of its promotion, which directly or indirectly are linked to civil-military relations, and even to the control of the armed forces. If one is focusing on democratic control, it is worth mentioning the following:

[13] J.J. Linz and A. Stepan: 7.
[14] J.J. Linz and A. Stepan: 7.
[15] A. Arato: 314. Larry Dimond, *Developing Democracy Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999) 218-260. A. Körösényi: 162-163. Krishan Kumar, *Civil társadalom (Civil society)* in: Mozgó Világ 1992. 7. (Hungarian leading periodical on social sciences)
[16] L. Diamond: 239-250.

• The basic function of civil society is *to control the state*, and democratic political institutions. More exactly:

"After the transition, this [civil society] involves checking, monitoring, and restraining the exercise of power by formally democratic states and holding them accountable to the law and public expectations of responsible government."[17]

Here he argues that civil society has a "checking and limiting" function, which is particularly important when corruption is flourishing (as it generally does) and the state abuses its power. It is important to highlight here that defense procurement and downsizing of the armed forces is acutely sensitive in this respect. It is especially true after the Cold War, when the radical shrinking and restructuring of the military occurred.

• The direct educational function via certain national and international civil organizations should be incorporated with state financed schools. The reforming of curricula and writing standards for teachers, and the creation of new instructional materials concerning democratic values and behaviors clearly shows that civil society has a role beyond merely checking, criticizing, and resisting the state. (For example in Hungary, the Association of History Teachers organized a lecture series regarding security affairs and democratic civil-military relations.)

• The activities of civil society effect the "transition from clientism to citizenship"[18] at the local level. Local activity concerning military training or

the militaries appearance in settlements was absolutely limited under totalitarian or authoritarian regimes. However, military activity in peacetime directly effected, and effects, certain regional settlements within states. Democracy gave the right to citizens to express their local interests, which is embodied in a certain level of local control over military activity, forcing the military to abide by regulations.

• Pluralistic civil society generates a wide range of interests that may cross-cut the principal polarities of political conflict. Here, Diamond refers to *the issue-oriented movements*, which "draw together new constituencies that cut across long standing regional, religious, ethnic or partisan cleavages."[19] Important civil groups can be mentioned here, which were suppressed under non-democratic regimes, and gained legality during the democratization process. However, most of them rarely are welcomed by defense authorities, such as pacifist and anti-conscription movements. They are thoroughly monitoring the activity of the military and other parts of the defense-related decision making process.

• Civil society widely *spread out information and so empower citizens in the collective pursuit and defense of their interests and values*. According to Diamond, this civil activity heavily impacted debates over military and national security policy, because of the lack of prior public knowledge in this field.

Besides civil society, some of the NGOs have relations with the military and have roles in the democratic control over the armed forces. In this respect different NGO

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[17] L. Diamond: 239.
[18] Jonathan Fox's expression cited by L. Diamond: 244.

[19] L. Diamond: 245.

activities can be mentioned that have more or less a connection to civil society activities. Four main types of the NGOs' activities should be mentioned here: *humanitarian activity*, which is typical during new military missions such as peacekeeping; *interest representation* inside the military; defense-related academic *research activities* outside the defense establishment; and *media activities* which have an enormous role concerning defense-related decision making, peacetime military training, and wartime or peace support activities. Although these are very significant points, they are of this papers scope.

To sum up the horizontal aspect of the democratic control of the armed forces, it can be stated: it refers to those organizations, which are relatively independent from the political parties and the executive power and fully or partly concentrate on defense matters. They have competency and opinion concerning defense and military-related issues and they expressed their opinion and/or their values in various ways.

Most of these organizations simply did not exist in authoritarian systems (or have not existed yet), such as independent think tanks or home-defense cultural clubs. Others had not dealt with military-related issues, such as the significance of the media during communism, and "grassroots" movements such as movements against compulsory military service.

Different classifications can be imagined concerning these organizations, which have roles in the horizontal control over the military. In accordance with their activities and the strength of their relationship with the state, a tentative classification seems to be needed for a better understanding of civil-military relations, and for further research.

The first group is constituted by the *international "big" NGOs* (Red Cross, Amnesty International, etc.), which have a role in *monitoring* how the armed forces protect *human rights, and individual freedoms*. These organizations have controlling roles in non-democratic, *poorly consolidated systems, or during military operations*. These organizations basically do not depend on the state, because they are strongly embedded in the international system and are financially *independent*.

The second are the military-related *trade unions and "union-like" organizations*. These organizations can bee seen as employees' interest groups focusing on working and living conditions, but also as "internal" control groups, *monitoring* how the military organization keeps *the rule of law*. The latter mentioned point is particularly important in new democracies, where leaders have not had so much democratic experiences and easily act against the law. It can be intended or unintended, but that is not significant where the conscription system exists, and the abuse of power against conscripts has been part of their everyday life. These are self-organized organizations, but *strongly depend* on the state, which regulates the rights of military peoples and civilian employees in the military and national bureaucracy.

The next are the *universities, think tanks, and independent research institutes*. These actors embody the intellectual basis of democratic control outside the state. In these organizations intellectuals can *monitor, interpret, and evaluate* what happens in the field of civil-military relations. They have a deep knowledge in understanding and evaluating the various aspects (legal, economic, political, organizational, and social) of questions, problems or tensions in civil-military conflicts and in the defense related decision-making processes. These organizations *partly depend on the state* and provide experts to political society. Furthermore, the fluid nature of these organizations means there is mobility from civil society to political society and vice versa.

Specifically, non-state actor organizations, *cultural organizations, and national/home defense tradition-related organizations* embody the qualities of independent groups. These organizations have an important role in keeping a lively connection between the military or general defense-related issues and society. They help to preserve the defense traditions (nationally or locally), and they *seek information* about the military. In this way they *spread out information* about the military and at the same time *encourage citizens to deal with defense issues*. These organizations have an especially worthy role when an all-volunteer force exists and when the presence of the military is very limited due to permanent downsizing. In some of the post-communist countries the military-related defense issues were aliened from the society (Czech Republic and Hungary) due to the permanent

historical failures of the military, the communist experience, and to the relative peaceful climate of the post-Cold War area.

Finally, *protest movements and organizations* are significant in controlling the military. These organizations generally oppose increasing defense budgets, certain weapon systems, arms, and compulsory military service. Consequently, these are *self-organized organizations*, independent from the state. They pursue all information regarding the military and other defense issues, due to certain considerations. They also *spread information* about defense/military issues and draw public attention to military activities, and defense-related decisions. They are continuously *monitoring* how the military and politicians maintain the rule of law during their activities, and *encourage citizens* to monitor defense-related issues.

III. The significance of the horizontal aspect in new democracies

Undoubtedly, the security sector is unavoidably an area of state prerogatives, particularly encompassing security-related organizations. However, the state must not marginalize the role of civil society and other non-state actors as regulatory agents acting to monitor state security structures such as the armed forces.

There are at least two main points, which increase the attention on this aspect of democratic control over the military. The first connects democratic values and democratic consolidation in new democracies, while the second refers to the new

trends in civil-military relations in the post-Cold War area.

1. Concerning the first, the following can be stated:

Civil society played a significant role during the democratic transition, but the biggest part of it converted to political society. According to Philippe Schmitter, during the consolidation, civil society's energies (and issues) were largely co-opted by the newly established parties, class associations, and specialized public agencies.[20] Consequently, civil society got weaker, but at the same time, it became legal. In the case of the post communist countries civil society was underdeveloped before communism, and then communism atomized the civil structures that did exist. Basically, society lost its civic character.

Additionally, civil society had few concerns regarding the military, besides a focus on the elimination of possible violent military involvement in the transition, and on compulsory military service. As a result, after the transition period the part of civil-society that had focused on military and defense issues remained relatively weak.

At least in some post-communist countries the historical and even communist associations and societies that focused on defense traditions disappeared. The feeble public support of defense issues - together with the lack of direct external military threat and post-modern socio-cultural changes

(individualization and identity-related changes) – is of crucial concern.

Civil intellectuals rarely deal with defense issues at universities and at non-governmental research institutes in most new democracies. However, *civil society and especially this part of civil society can be the primary source of civilian experts*. It is such an important problem, because all of these countries' civilian control has a lack of civilian experts at ministries and behind the representatives in the legislatures. A further problem is that the few newly established institutes rarely fulfil this function. As Wade Jacoby pointed out, Central and Eastern European elites have often imitated public institutional structures that pre-date the existence of these non-state actors, which private western foundations, western states, and international organizations are scrambling to promote.[21]

Although most of the publications celebrate the success of the rapid democratization of civil-military relations in many post-communist countries, deficiencies are quite obvious. Not every military-related problem affects every post-communist country, but as Daniel Nelson emphasized in 1998, the criminality, procurement corruption, minimal civilian presence or control, disaffection from the public and low compliance of top military leaders to civilian authority affected all aspirants for NATO membership.[22] These phenomenons definitely call for greater transparency and control

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[20] Philippe C. Schmitter, *The consolidation of political democracies: processes, rhythms, sequences and types* (in: Geoffrey Pridham ed. *Transition to Democracy* Aldershot: Dartmouth, 1995) 553

[21] Wade Jacoby, *Tutors and Pupils: International Organizations, Central European Elits, and Western Models* (in: Governance: An international Journal of Policy and Administration, Vol. 14, No.2, April 2001) 176
[22] D. N. Nelson: 153.

in which non-state actors should have a crucial role.

2. The second reason deals with the new trends in civil-military relations in the post-Cold War area:

In the post-Cold War area new security threats have arisen, and the so-called traditional threats that ultimately offered reasons for maintaining mass armed forces disappeared. The new threats, mainly sub-regional and sub-national conflicts, called for new types of military missions, and a reorganizing of militaries. As a result, the "military participation ratio" in these societies rapidly declined. The armed forces have become smaller, and more professional. Furthermore, the rather developed new democracies show similar features to advanced capitalist societies, which are evolving in the direction of "post-military societies." It means that the structural balance between welfare and warfare in society has shifted towards the former.[23] As a result, the public attitude towards defense issues and especially towards the military is rather skeptical or apathetic.[24]

Although the convergence between the civil and military sectors is identifiable (including the roles of the media, officers' civilian education, etc.), the defense-related decision making process has become more exclusive. This exclusiveness can be powered by civil-military cooperation in the ministries, due to competition for state-owned and international (NATO and EU) resources.

All of the above mentioned trends call for a reexamination of the non-governmental horizontal aspect of democratic control over the military. At the same time, attention should be drawn to those conditions in new democracies where they have already had rights, but not capabilities to improve the control over and transparency of the military and entire defense sector.

Conclusion

In most of the new democracies the possible threat of a military coup has gone; furthermore, many of them can be proud because of the relative successful democratic transformation of their civil-military relations. In fact, many of the requirements, mainly concerning legal and institutional foundations, have come to reality during the transition and the early phase of consolidation.

At the same time, national and international attention has focused on the top-down approach, and in some degree to the internal (in the military) aspects of control. It has been entirely understandable and of primary importance in feeble democracies. Nevertheless, the relatively advanced new democracies (and their donors) in the consolidation period should develop their view of the democratic control of the military. The broader understanding of it contains a significant horizontal element, which can improve the democratic nature of control, the transparency of civil-military relations, and the prevention of further alienation of military related issues.

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[23] Martin Shaw's idea is cited by David Held and Anthony McGrew, David Goldblatt and Jonathan Perraton, *Global Transformations: Politics, Economics and Culture* (Stanford:Stanford University Press, 1999) 137.

[24] Charles C. Moskos and James Burk, *The Postmodern Military* in: James Burk ed., *The Adaptive Military* (New Brunswick: Transaction Publisher, 1998) 169

References

Andrew Arato, *From neo-Marxism to Democratic theory: essays on the critical theory of Soviet-type societies* (New York: M.E. Sharpe 1993)

Hans Born, *Multiple control and the armed forces in democracies: the case of the Netherlands* (manuscript, 2000)

Larry Dimond, *Developing Democracy Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999)

Peter D. Fever, *Civil-Military Relations* (in: Annual Reviews Political Science 1999. 2.)

David Held and Anthony McGrew, David Goldblatt and Jonathan Perraton, *Global Transformations: Politics, Economics and Culture* (Stanford:Stanford University Press, 1999)

Wade Jacoby, *Tutors and Pupils: International Organizations, Central European Elits, and Western Models* (in: Governance: An international Journal of Policy and Administration, Vol. 14, No.2, April 2001)

Rudolf Joó, *The democratic control of the armed forces: The experience of Hungary* (Chaillot Paper 23. Paris: Institute for Security Studies Western European Union, February 1996)

András Körösényi: *A magyar politikai rendszer (The Hungarian political system)* (Budapest: Osiris, 1998)

Krishan Kumar, *Civil társadalom (Civil society)* in: Mozgó Világ 1992. 7. (Hungarian leading periodical on social sciences)

Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: The Johns Hopkins University Press, 1996)

Charles C. Moskos and James Burk, *The Postmodern Military* in: James Burk ed., *The Adaptive Military* (New Brunswick: Transaction Publisher, 1998)

Daniel N. Nelson, *Civil Armies, Civil Societies, and NATO's Enlargement* (Armed Forces and Society, Fall 1998 Vol.25. No. 1.)

Philippe C. Schmitter, *The consolidation of political democracies: processes, rhythms, sequences and types* (in: Geoffrey Pridham ed. *Transition to Democracy* Aldershot: Dartmouth, 1995)

Alfred Stepan, *Rethinking Military Politics* (Princeton: Princeton University Press, 1988)

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M9-57, " NATO Strategic / Operational Civil-Military Cooperation (CIMIC) Course"
M9-59, " NATO Operational Liaison Civil-Military Cooperation (CIMIC) Course"
M5-61, "Arms Control Counter-Proliferation Course" (pilot course)
M5-62, "Arms Control Implementation Orientation Course"
S5-63, "Arms Control Implementation Inspector/Escort Course"
S5-64, "Conventional Arms Control Information Exchange Course"
M5-65, "Arms Control - Vienna Document Compliance and Verification Course"
M5-66, "NATO Counter Terrorism Course"
M5-67, "NATO Operational Military Police Course"
M5-98, "NATO Academic Instructor Course"