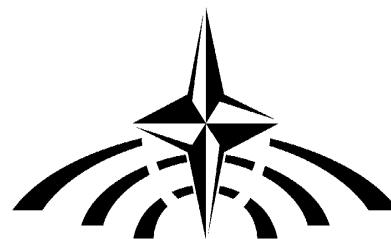**GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)**

NATO PARLIAMENTARY ASSEMBLY

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

Hans Born, Philipp H. Fluri, Simon Lunn (eds.)

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PREFACE

In the short history of its existence, the Geneva Centre for the Democratic Control of Armed Forces (DCAF)[1] has organised and coordinated more than a hundred seminars, publications, and assistance and cooperation programmes.

In the field of parliamentary oversight of the security sector and its reform processes, DCAF has organised the Legal-Political Assistance Group (LPAG) to Parliaments which has been very actively cooperating with Eastern European parliamentary committees, among them the Russian Duma Defence Committee the Ukrainian Verkhovna Rada Foreign Relations and Defence Committees, and the Georgian Parliament. DCAF's International Projects Department funds committee staffers in six South East European parliaments in the framework of its cooperation agreement with OSCE.

Among the intellectually most stimulating and personally enriching programmes are the cooperation projects with the NATO Parliamentary Assembly, which go back to the time when DCAF was still being planned and conceptualised, a period during which the project team could always count on Secretary General Simon Lunn's sound advice. In the meantime DCAF funds a staff member at NATO PA in Brussels to closely liaise and cooperate with NATO PA and other Brussels-based international organisations. DCAF supports the Rose Roth process, and holds - in cooperation with NATO PA - training and instruction seminars for parliamentarians and committee staffers from Eastern Europe.

The present handy collection of densely informative articles provided by well-known specialists in their fields shall serve as a groundwork for future NATO PA-DCAF seminars, and as a *take-along* and *vademecum* for alumni to browse and possibly seek guidance from whenever the need be to consult on standards, procedures and good practices. More comprehensive collections of data are to follow.

Philipp H. Fluri, Dr.
DCAF Deputy Director

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[1] The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was created through the initiative of the Swiss Ministries of Defence and Foreign Affairs jointly, with the goal of providing a specific focus on an issue of widespread and growing interest and relevance. In addition to its own research programme, it was hoped to bring a degree of much needed coordination to the many disparate activities under way in this field.

INTRODUCTION

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OVERSIGHT AND GUIDANCE: THE RELEVANCE OF PARLIAMENTARY OVERSIGHT FOR THE SECURITY SECTOR AND ITS REFORM

Hans Born, Philipp Fluri and Simon Lunn[1]

Myths

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

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

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security sector and its reform. First we turn to the novel concept of security sector reform.

What is Security Sector Reform?

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

The security sector includes all 'state institutions and agencies that have the legitimate authority to use force, to order force or to threaten the use of force'.[2] Normally these institutions are the Military (Army, Navy, Air Force), Intelligence, Border Guard and Paramilitary organisations. The reform of the security sector takes place 'in order to create systematic accountability and transparency on the premise of increased, substantive and systematic democratic control'[3]. The accent on accountability and transparency places security sector reform within the context of the good governance agenda, characterised by a substantive concern for human rights, democracy and the rule of law.

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

- Lack of transparency and flourishing corruption, especially in the arms procurement and trade sector;
- Too large an organisation and budget, both of which overburden and endanger the national economy;
- Lack of the rule of law due to a non-existing or weak legal footing;

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[2] Hans Born, Philipp Fluri, Anders Johnsson (eds.), *Handbook for Parliamentarians N°5, Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices, IPU/DCAF*, (Geneva: Belgrade, 2003) p. 16.

[3] See definition of 'security sector reform' in the Glossary of this handbook p. 244.

- Lack of professionalism: poorly trained units, amateurism, selection and promotion of servicemen on the basis of nepotism instead of merit;

- An inward looking bureaucracy, risk-avoiding, resistance to change, and organisational structures that are ill-suited to new security threats;

- The political abuse of security services by using intelligence services for domestic spying purposes such as manipulating political enemies, as well as the use of paramilitary units to intimidate or neutralise political enemies;

- A de-motivated and frustrated officer-corps due to a lack of professionalism, career opportunities, low salaries, or their low esteem in society;

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

A non-reformed security sector coincides with the concept of 'poor governance' (as opposed to good governance) which refers to 'arbitrary policy-making, unaccountable bureaucracies, un-enforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life and widespread corruption'[4].

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

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

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[4] See: The World Bank, *Governance: The World Bank's Experience*, (Washington, DC: World Bank 1994).

The Necessity of Security Sector Reform

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

Progression towards Conflict Prevention and Stability

An unreformed security sector often fails to prevent and sometimes causes violent conflicts which leads to increased suffering and poverty[5]. NGOs working in conflict zones report that an ill-functioning security sector is a key-impediment to peace-building and stability:

> Agents of security that do not play a legitimate and democratically accountable role in providing security for citizens not only are unable to prevent conflicts occurring but can also be a *source* of violence.[6]

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

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[5] Department for International Development, *Understanding and Supporting Security Sector Reform,* (London: Stairway Communications DFID, 2002) http://www.dfid.gov.uk/Pubs/files/supporting_security.pdf p.2.

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

[7] Timothy Edmunds, 'Defining Security Sector Reform'*,* in *Proceedings of the 2001 DCAF/IISS Conference*, Geneva, 23-25 April, 2001, (Oxford: OUP for IISS) pp. 3-6.

[8] See Heiner Hänggi, 'Good Governance of the Security Sector: its Relevance for Confidence Building', paper presented at the conference on "Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?", New York, October 16, 2002. http://www.dcaf.ch/news/NewYork_161002/Hänggi.pdf

Contributing to Sustainable Economic Development

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

Professionalising: Creating a Reliable and Dedicated Corps of Servicemen

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

Democratising Security

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

transparency. The relations between the political leadership and the security services should be governed by these two important twin concepts of democratising security.

Making Oversight *Democratic*: the Necessity of Parliamentary Involvement

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

When it comes to civilian supremacy and democratic governance, parliaments fulfil a crucial role. Due to parliamentary involvement and debates, civilian oversight becomes democratic oversight. It is a way to give voice to the people's needs and concerns in the debates about security. In fact, parliamentary involvement makes the difference between civilian oversight and democratic oversight, or, between good governance and democratic governance. It is important to make this distinction. Civilian oversight is a pre-requisite, but insufficient condition for democratic oversight. This is what the authoritarian regimes of 20th century teach us. For example, Hitler and Stalin had perfect civilian control over their military, but their type of oversight is not really desirable in a democratic society. In this respect, parliament plays an important role in safeguarding the democratic element of overseeing the security sector.

There are at least five reasons why parliamentary involvement in security policy and security sector reform is essential[9].

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[9] Born, Fluri, Johnsson, *Handbook*, pp. 18-19; see also Hans Born, 'Between Efficiency and Legitimacy: Democratic Accountability of the Military in the US, France, Sweden and Switzerland'*,* Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Working Papers*, No. 102 pp. 2-3 available at http://www.dcaf.ch/publications/Working_Papers/102.pdf ; and Hans Born, 'Democratic Oversight of the Security Sector: What Does it Mean?'*,* Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Working Papers*, No. 9 pp. 2-3 available at

A Cornerstone of Democracy to Prevent Autocratic Rule

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

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

No Taxation without Representation

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

Creating Legal Parameters for Security Issues

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

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http://www.dcaf.ch/publications/Working_Papers/09(E).pdf.

A Bridge to the Public

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

Balancing Security and Liberty

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

Challenges for Parliamentary Oversight of the Security Sector

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

✓ Secrecy laws may hinder efforts to enhance transparency in the security sector. Especially in emerging democracies or conflict-torn countries, laws on secrecy may limit or jeopardise parliamentary oversight of the security sector; this is also due to the absence of legislation on freedom of information.

✓ The security sector is a highly complex field, in which parliaments have to oversee issues such as weapons procurement, arms control and the readiness/preparedness of military units. Not all parliamentarians have sufficient knowledge and expertise to deal with these issues in an effective manner. Nor may they have the time and opportunity to develop them, since their terms as parliamentarians are time-bound and access to expert resources within the country and abroad may be lacking;

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

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

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CHAPTER ONE

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THE DEMOCRATIC CONTROL OF ARMED FORCES IN PRINCIPLE AND PRACTICE

Simon Lunn[1]

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

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

During the Cold War the term the democratic control of armed forces evoked little discussion or debate beyond academic circles[3]. In most NATO countries it was largely taken for granted as attention focused on the potential use of armed forces in

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[1] Secretary General, NATO Parliamentary Assembly

[2] The definition of "armed forces" can cause problems. This article will refer to forces under Ministries of Defence. However, in many countries, there are a variety of forces who bear arms and do not fall under the authority of the MOD, for example, internal security forces or paramilitaries. It goes without saying that all forces should be democratically accountable irrespective of subordination.

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

countering the threat of Soviet aggression. Since the end of the Cold War, the question of the democratic control of armed forces has gained considerable prominence. A veritable cottage industry has sprung to life around it; workshops, seminars and conferences abound; theses, studies, articles by academics and practitioners alike clutter the market. A new centre has been created in Geneva dedicated specifically to the issue[4].

There are a number of reasons for the issue's sudden rise to fame. First and foremost was the transition that took place throughout Central and Eastern Europe as former Communist countries began to develop the democratic institutions and practices that are the hallmark of Western societies. It was soon apparent during this transitional period that the armed forces were one of the residual elements of the old regime that had to undergo fundamental change. Accustomed to civilian single party control and a privileged position in terms of resources and status they had to be brought under and made responsible to the democratic processes that were being put in place[5]. The issue became more pressing when NATO made clear that the democratic control of armed forces was one of the conditions the Alliance would be looking at in assessing the readiness of aspirants to join the Alliance. Prominent among the objectives of NATO's Partnership for Peace (PfP) initiative were the facilitation of transparency in defence planning and budgeting and ensuring democratic control of defence forces.

As a result, many would-be members and other partners have looked to the Alliance for advice and assistance as to what steps they should take. Here they encountered a central paradox. While NATO placed considerable emphasis on the democratic control of armed forces, no single model existed within the Alliance by way of example. For historical, cultural and constitutional reasons each Alliance member has adopted a different approach to the issue which defies the elaboration of a "fit all" formula. A series of NATO brainstorming sessions in the PfP framework shed

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[4] The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was created through the initiative of the Swiss Ministries of Defence and Foreign Affairs jointly, with the goal of providing a specific focus on an issue of widespread and growing interest and relevance. In addition to its own research programme, it was hoped to bring a degree of much needed coordination to the many disparate activities under way in this field.

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

considerable light on the various components of democratic control; but equally on the many variations that exist and therefore the difficulty of reaching a single definition. Agreement that "we know it when we see it, or rather we recognise when it does not exist" was about as close as was achieved. As one Alliance participant noted at one such session: "As soon as we get close to agreeing on criteria, one of us has to leave the room"[6].

This reflected the dilemma facing the Alliance and would-be members alike, and indeed affected other NATO "criteria" - the problem of assessing when countries had reached the desired level as judged necessary to become Alliance members[7]. For the aspirants the absence of a specific model had both advantages and disadvantages. On the one hand they were exposed to a variety of advice, not always consistent, as to the appropriate steps they needed to take. On the other hand, they were able to select from this advice and adapt to their own needs and circumstances.

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

Collectively these factors represent a new environment and a new set of challenges to which the armed forces must respond; these adjustments in turn influence their

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[6] These formal sessions were reinforced by a plethora of workshops and seminars on the issue, many organised in aspirant countries at the initiative of Christopher Donnelly, the Special Advisor on CEE to NATO's Secretary General; another prominent player in providing assistance in the early years was the Centre for European Security Studies at Groningen, Netherlands.

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

role in society and the relationship between the military and political sides. The broader context of civil-military relations, of which the democratic control of armed forces is a part, is not a fixed process but is continuously evolving. All countries, members and partners alike, are having to rethink the consequences of the new security environment for the way their militaries operate.

These two developments - democratisation in Central and Eastern Europe (CEE) and the impact of the new security environment - have given the democratic control of armed forces issue the prominence it enjoys today. Most Alliance countries have the appropriate mechanisms in place to absorb and adjust to the changes in the new environment. For countries of the CEE, life has been more problematic. They have had to cope with these changes while developing the mechanisms, procedures, expertise and attitudes of cooperation necessary to ensure effective democratic control, and at the same time (and most difficult of all) overcome the burden of the past. This has proved a formidable challenge.

2. The Essential Elements for Democratic Control of Armed Forces

While no single model was on offer, the intense activity surrounding the democratic control of armed forces issue saw the emergence of broad guidelines concerning the basic elements that should be present in one form or another to ensure democratic control. These are:

a. Legal and constitutional mechanisms which clarify the relationships between the head of state, the government, parliament and the armed forces in terms of the division of authority, command and subordination in both peacetime and the transition to war; establish the roles of the relevant institutions and also the status and rights of armed forces;

b. an appropriate mix of military and civilian personnel within the MOD (including a civilian Minister of Defence) to ensure that military expertise is placed into the appropriate political and economic context;

c. effective parliamentary oversight to ensure democratic legitimacy and popular support;

d. maximum transparency and openness including independent research institutes and an active and inquisitive media;

e. armed forces at ease with their role in society.

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

3.   Why Defence is Different

In all areas of government a degree of tension between the executive and the legislators is inevitable, in view of their respective functions. There must be a division of power and responsibility that on the one hand ensures effective action by the executive without a potentially dangerous accumulation of power; and on the other, ensures popular support through legislative involvement but without risking paralysis of action. Establishing this balance between "efficiency" and "democracy" is crucial to ensuring effective government and is particularly salient to the field of defence.

The need to establish such a balance is both more important and more difficult in the field of defence than other fields of activity. Defence is not just another spending department. It brings with it certain characteristics and qualities that complicate the relationship between the executive and the parliament and increase the inherent potential for friction between the two branches. There are several reasons why defence makes things more difficult.

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

Second, because defence involves the maintenance of armed forces. In any society the military assume a special and distinctive position, chiefly as the principal possessor of weapons and armaments. Furthermore, the military also represent a highly-organised and disciplined group, knit together by traditions, customs and working habits; but above all, by the need to work together and to depend on each other in times of crisis and conflict - a dependence which can literally mean the difference between life and death. Such dependence builds strong bonds and

loyalties and requires a degree of cohesion and coherence that few other professionals can claim. It is these qualities - discipline, dedication and loyalty - that make the military profession different, and in some ways, distinct from society.

There are those that argue that the changing nature of war and societal trends are diminishing these unique characteristics. This is not the place to discuss this issue in detail except to suggest that these values continue to provide the core of "soldiering" and what makes the military function in the armies of most Alliance countries.

In addition the highly organised and structured character of military life tends to give military men a rather straightforward and uncomplicated view of the world, a view that contrasts and is often at odds with the more complex, and by comparison, apparently "murky" world of politics. The terms concession and compromise, essential to the balancing and reconciliation of competing interests in domestic and international politics, do not sit easily with the clarity and directness of assessment and decision which are essential characteristics of an effectively functioning military. This can lead to very different perceptions of the same problem and can represent a source of friction between the military and political sides[8]. At a minimum, such friction is constrained to grumblings in the officers' mess over the doings of 'our political masters'. At the most extreme it can lead to military interference with, or defiance of, the government of the day. When such episodes have occurred it has been frequently because the military men have suggested an allegiance to a higher calling - the nation, the constitution - than the transient government of the day[9].

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

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

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

Most of our governments have at some time in their history experienced in differing degrees a "turbulent" military. Several members of the Alliance - Turkey, Greece, Spain and Portugal - have experienced such problems in their relatively recent past[10]. Today, none of the established democracies have serious worries on this issue. The respective roles of the military and civilians are well established and understood - albeit, as will be seen later, there are some areas where the dividing line is increasingly easily blurred. The significance of democratic control lies elsewhere - in the fact that in any society the military represent a strong corporate body, capable of exerting considerable influence over policy and the allocation of resources. The significance of democratic control of armed forces is to ensure that the armed forces and their requirements occupy an appropriate place in the nation's priorities, that they do not absorb an undue proportion of the national resources, nor exert an undue influence on the development of policy.

For these reasons, it is important to ensure that defence is organised and managed in a way that maximises military professionalism and efficiency, but also guarantees political control and popular support. There is an additional dimension which makes this a difficult goal to achieve. There is a tendency for the military to believe that military things are best left to the military men. This is understandable as the business of armed forces is to prepare for conflict and the potential loss of life. This makes the intrusions of outsiders or non-professionals a sensitive issue. This aspect is discussed in greater detail later. It is sufficient here to make three points. Firstly, there are certainly many areas that are rightfully the preserve of the military

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

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

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

professionals who spend their time studying and perfecting the business of war and the management of the armed forces. Secondly, at some stage these military activities must come under the scrutiny of the political leadership to ensure that they are consistent with, and reflect, political aims and priorities. And thirdly, implicit in this situation in which the military accept the primacy of politics is the responsibility of the political side to ensure that it exercises informed judgement.

4.   The Role of the Executive

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

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

The Ministry of Defence has to reconcile military requirements with real world political and economic constraints and also to arbitrate between the various services. The Ministry must also establish the degree of autonomy of the armed forces and the degree of intrusiveness of political supervision.

4.1   The Political-Military Interface

In looking at the role and responsibilities of the executive there are three broad areas where political and military interaction is of particular interest: the question of

command; the use of civilians; and the dividing line between military and political competence and responsibility.

4.2   Command

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

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

Likewise, the French Constitution which gives the President special powers for the security of the nation and the Government responsibility for the running of defence also leaves room for uncertainty, particularly in a period of so-called cohabitation when the President and Government represent different parties. This was evident at

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[11] See Louis Fisher, 'Congressional Checks on Military Initiatives', *Political Science Quarterly*, Vol. 109, No. 5, 1994-1995 and also Joseph R. Biden Jr and John B Ritch III, 'The War Powers at a Constitutional Impasse: a Joint Decision Solution', *The Georgetown Law Journal*, Vol. 77, No 2, December 1988.

times during the recent period of co-habitation between President Chirac and Prime Minister Jospin.

There have been several cases in East and Central Europe where Presidents have attempted to interpret their roles as Commander in Chief and to develop special relations with the armed forces, circumventing the government and the Minister of Defence. The most notable of these was the situation in Poland when then President Walesa attempted to assert his prerogative over those of the Government. During a meeting in 1995 with then President of the NATO PA, Karsten Voigt, President Walesa stated that his own role as Commander-in-Chief of the Polish armed forces was a sufficient condition to satisfy the requirements of democratic civilian control. This proposition was diplomatically but firmly refuted. This problem was resolved, by the adoption of a new Defence Law and Constitution, although the President still retains considerable powers.

4.3   Role of Civilians

The second area of potential disagreement concerns the role of civilians in the Ministry of Defence. A standard feature of most Western democracies is that the Minister of Defence comes from a civilian background. There are a number of reasons for this, notably the fact that a civilian is considered better equipped to take account of broader policy issues and influences; and better able to fight the MoD's corner in the competition for resources.

This is not to say that military men cannot bring the same qualities to bear to the position of Minister. However, Western experience suggests that a civilian background is more appropriate to cover the full range of tasks required of the position[12].

Similar questions of competence concerning the inter-changeability of civilians and military men occurs in the question of the role of the former in ministries of defence. Most, but not all, Western ministries of defence employ a large number of civilians to

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[12] Again, during the first summer school for CEE parliamentarians held at Garmisch, the Western assumption that a civilian was best suited for the post of Minister of Defence was hotly contested by some of the CEE parliamentarians, indicating how deeply embedded were the norms of the previous Communist regimes in fencing off the field of defence for the military only.

work alongside military officers in the organisation and running of the ministry. The use of civilians has clear advantages as they bring skills in terms of administration, management and finance that military professionals frequently do not possess. However, many civilians also work in policy areas which take them into military territory where, without a careful delineation of boundaries, friction can occur.

The use of civilians surfaced frequently as an issue in CEE countries during the early days of transition. Most partner CEE reacting to Western urgings rather rapidly produced 'civilians' in their Defence Ministries. However, most of these personnel were former military officers[13]. This was partly due to the dearth of civilian expertise available in post Communist countries, but also to the residual belief in the primacy of the military in defence matters. The respective roles of civilians and uniformed personnel raises the broader issue of whether service life produces an exclusively military approach which permanently influences the working methods of a military officer and therefore narrows his future employment applicability. Discussion of this issue lies beyond the scope of this paper. Clearly, much depends on the individual. Many military men make the transition to civilian policy positions, for example at NATO, without apparent difficulty. However, the broader answer is that it is important to maximise the particular skills of both the civilian and the military, professional or retired, and ensure that they complement and reinforce each other.

4.4   The Political-Military Dividing Line

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

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[13] During an official NATO PA visit in 1994 to a partner country, the Minister of Defence pointed to the civilians accompanying him as proof of civilian control. It was later pointed out that these 'civilians' had been in uniform until the previous day.

a different story and suggests that few military areas are free from some form of political interference or oversight.

The final verdict has to be that all military actions are accountable at some stage to the political side. But this begs the question at what stage should politicians exercise direct influence? Or to put it more directly, when should political judgement and authority take precedence over that of the military? This is not an easy line to define and there are a number of areas where it easily becomes blurred. The following are illustrative examples of areas where political and military interests are often in collision.

4.5 Rules of Engagement (ROE)

ROE's are guidelines for the military in carrying out their mission and which define their scope of action taking full account of the political context. These cover a wide range of activities from strategic to operational and frequently give rise to frustration between the military and political sides. At the level of grand strategy, the competing tensions between military and political requirements is best illustrated by the Cuban Missile crisis. The American military sought to establish the line at which Soviet ships had to stop beyond the range of MiG fighters from Cuba, but that would have reduced the decision time for Soviet leadership. The political requirement to provide more time but which increased the risk to US forces won the day.

Admiral Sandy Woodward, leading his Task Force towards the Falklands and uncertain about the interpretation of the ROE's he has been given, provides a graphic description of a Commander's frustration:

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

Woodward also considered the question of ROE's head-on:

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[14] Again see Woodward, *One Hundred Days.*

I realised that considerable local amplification of the ROE was going to be central. I was sure they made excellent sense of the political interface in Whitehall, but they were sometimes less than crystal clear in the front line, where there was no time for debate as to the subtleties implied but not stated[15].

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

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

The experience in Bosnia during the UNPROFOR period was replete with examples of the frustration of military commanders on the ground with the ROEs given to them by New York. NATO's own peacekeeping operations in the Balkans, while a quantum improvement on UN operations, have not been problem-free in this respect with national ROE's frequently more restrictive than those of the overall force hindering overall operational effectiveness.

4.6   Multi-National Operations

ROE's are part of a larger problem posed by multinational operations, whether peace support or peace enforcement, which require a delicate balancing of military and political considerations and a further blurring of their respective roles. In peace support operations such as Bosnia and Kosovo, many of these problems on the ground stem from the reluctance of nations to cede more than tactical control to the Force Commander and to retain a final veto on decisions they do not like.[17] However, these operations also present entirely new challenges to armed forces particularly in

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[15] Ibid.

[16] See De la Billiere, *Storm Command*.

[17] KFOR and SFOR Commanders have frequently complained on the unwillingness of some nations to implement their decisions, particularly on the redeployment of forces.

requiring the military to adopt a more political role. From the Force Commander to the soldier on a checkpoint, the requirement for acute political sensitivity to local conditions and the consequences of specific courses of action are overwhelming. The need for personal initiative and judgement is ever-present[18].

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

Hence, the result of these operations will be to blur even further the dividing line between military and political areas of responsibility and competence. Likewise, the trend to a more educated military encourages greater political awareness and diminishes the traditional distinction between the military and the political side. The classical military response to questions of a political nature frequently heard during the Cold War, "I'm just a simple soldier - that's for my political masters," - and it was always a misleading statement - will now be heard far less.

The new missions require the military to act in a more political sense. However, their very nature also means greater political sensitivity to military actions while "high-tech" means that all military activity is within political reach. These developments will have direct consequences for all aspects of democratic control of armed forces and civil-military relations.

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[18] This new form of military involvement has led to the creation of specialist Civil Military Cooperation (CIMIC) officers in most European armed forces. The US was already ahead of the game in this respect. Contrary to the thinking in some quarters, this activity and other community or nation-building activities are supported by the military. Field visits to NATO forces in BiH and Kosovo have demonstrated considerable pride felt by the soldiers of all nations in helping local communities recover from the trauma and damage of war. Many of the tasks undertaken by the peacekeepers require and therefore practice basic military skills. Moreover, most military commanders believe that sensible rotation cycles should ensure that specialist military competences are not degraded. In other words, the roles currently being performed in the Balkans should not be disparagingly dismissed as "doing the dishes" after the real military work has been completed but should be seen as a fundamental and indispensable part of the spectrum of military contributions to conflict management.

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

4.7   Procurement

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

4.8   The Military and Society

Finally, there is the quite separate issue of whether military life should reflect the standards of society, for example, in the employment of women or the acceptability of gays. Recent debates in the United States and the United Kingdom indicate considerable resistance on the part of the military to political pressure of this nature. This, again raises the question of the separateness of the military and the degree to which the political side should insist on policies that the military believe are inimical to their effectiveness.[20]

Each of the areas mentioned above merits detailed study; of necessity this paper has only been able to scratch the surface. The object of the discussion here has been to indicate the potential areas of friction inherent in the roles of the military and political sides in the management of defence; and also to show that the different interests and

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

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

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

perceptions of the respective actors will continue to give rise to tensions that will require persistent adjudication and balancing.

5. The Role of Parliament

Before examining the role of parliaments in influencing the development and implementation of defence, two general remarks are appropriate. First, in an ideal world the role of a parliament is not just to support the executive, but to impose its own personality and to influence the development and the implementation of policy[21]. However, in practice many parliaments have ceded their powers of initiative to the executive. This is particularly true of security and defence policy where there is a widespread acceptance that defence and security lie rightly within the prerogative of the executive. Frequently, parliamentary influence lies in the constraints that it is able to impose on the executive; in its ability to change or reject proposals or rather in its ability to say no. Second, many of the characteristics of defence described earlier as inhibiting or complicating the work of the executive apply equally to the work of parliaments, even more so.

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

In this respect, it is worth noting that the context in which public support for the use of military force must be sustained is changing. In the absence of the direct threat present during the Cold War, armed forces are increasingly pre-occupied with crises and conflicts which demand forces for power projection and rapid deployment. This

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

has two immediate consequences. First, these missions are very demanding in terms of men and the means needed to transport and sustain them: many Alliance countries are suffering from overstretch as a result of the deployments in Bosnia and Kosovo. Second, the nature of some operations makes timely consultation with parliaments extremely difficult. These trends also have implications for public support. Many of these conflicts are "remote" in the sense that they do not appear to present an immediate threat to national security, yet the media ensures that the suffering involved is brought directly into the homes of the public. This leads to the much debated "do something" factor. While for the most part the public appear to support the use of their armed forces in such situations, it is never clear to what degree this support will be sustained in the event of casualties. This is a difficult calculation for both policy makers and politicians. Hence the need to engage parliamentary support as early as possible.

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

There is, of course, no single model - Alliance parliaments exert varying degrees of influence and in different ways[22]. The basic distinction to be drawn is between those who exert direct influence through formal powers of consultation and decision and those whose influence is indirect through their ability to hold the executive accountable albeit "after the event".

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

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[22] In 2002, in a joint cooperative project DCAF and the NATO PA carried out a comprehensive evaluation of the powers of parliament in defence and security in the nineteen NATO countries. See Annex 1.

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

At the other end of the spectrum, is the British Parliament, whose direct oversight consists of voting on the defence budget as a global figure once a year, plus various debates. The Government does not have to obtain parliamentary approval for specific expenditure decisions. Parliament exerts little influence over the development of the British defence budget, this rests firmly in the hands of the executive. Again, this relationship is a function of British history and the development of a strong executive depending on a highly-professional and relatively insular civil service.

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

Most other parliaments exert considerably more direct influence than the British but fall short of the Congressional model. The German Bundestag, the Netherlands and Danish parliaments offer more appropriate models as they enjoy formal consultative powers on issues such as equipment purchases and force deployments.

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

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

[24] For a frank assessment of the role of the British parliament, see the presentation of Bruce George MP (currently Chairman of the Select Committee on Defence) to the Rose-Roth Seminar on 'Armed Forces in Democratic Societies', Herstmonceaux Castle, 23-26 July 1996.

5.1   Accountability

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

5.2   Oversight

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

Several Alliance parliaments have the constitutional requirement to be informed on the deployment of forces abroad, a few have the right to participate through formal authorisation. The new missions will increase the demand for parliaments to be kept informed on a more time urgent basis and to be consulted on the terms of deployment[26]. This will further test the balance between democracy and military efficiency. Similarly, the use of force in conditions short of war, for example, during

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[25] Professor Dr. D.J. Winslow, 'The Parliamentary Inquiry Into the Canadian Peace Mission in Somalia', paper presented at 'The Fourth PCAF Workshop Strengthening Parliamentary Oversight of International Military Cooperation / Institutions in Euro-Atlantic Area', Brussels, 12-14 July, 2002 available via the publications section of the DCAF website (conference proceedings section) or at: http://www.dcaf.ch/pcaf/virtuallibrary/publications/cf17_.pdf   See also the report of the Belgian Parliament on the murder of Belgian UN peacekeepers in Rwanda, 'Parliamentary commission of inquiry regarding the events in Rwanda', Belgian Senate, December 6, 1997.

[26] For a comparative review of the powers of parliaments in PSO's, see Hans Born and Marlene Urscheler, 'Democratic Accountability and Parliamentary Oversight of Multinational Peace Support Operations: Powers and Practices of Parliaments in 17 Countries' paper presented at 'The Fourth PCAF Workshop Strengthening Parliamentary Oversight of International Military Cooperation / Institutions in Euro-Atlantic Area', Brussels, 12-14 July, 2002 available via the publications section of the DCAF website (conference proceedings section) or at:

http://www.dcaf.ch/pcaf/virtuallibrary/publications/CF22.HANS.BORNMARLENE.URSCHELER.pdf

the air campaign against Yugoslavia, or the recent operation in Afghanistan[27] reflect this need. However, in all Alliance countries, irrespective of the formal powers of consultation, parliamentary support is a precondition for involvement in such contingencies.

Most parliaments also have the responsibility to ratify treaties including obviously NATO enlargement. The real question is how far parliaments should intrude into the making of defence policy and the running of the armed forces, for example: should they be informed or consulted on operational matters; or on development of strategy and doctrine; or on procurement decisions?[28]

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

5.3   Transparency

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

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

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[27] Special forces from several NATO countries including Denmark, Norway, Germany, Canada, the UK, to name but a few, took part in the US-led operation against Al Qaeda, in what were evidently sensitive operations. It would be interesting to know whether and how parliaments were consulted on the deployment of their forces. Such operations highlight the dilemma of reconciling the need for timely consultation with the need for military effectiveness of the operation.

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

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

What then are the obstacles to effective parliamentary involvement?

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

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

Exclusivity in the sense of military sensitivity to civilian intrusion into "its territory" has already been discussed. This sensitivity is frequently more pronounced towards parliamentarians because of their perceived lack of expertise. In some instances, this is understandable because from the military professionals' point of view "uninformed" interference can have far-reaching consequences for the lives of service personnel. Likewise, the executive as a whole is frequently resistant to parliamentary involvement in defence and security. However, an unwillingness by the executive to cooperate with parliament is both wrong and ultimately counter productive. It is wrong because it is contrary to the spirit of democracy. It is counter-productive because no matter how irritating parliamentary scrutiny can be, parliamentary support is

indispensable. Cooperation with parliaments is as the Americans would say, a "no brainer"[29].

A successful working relationship between the three components of the democratic control of armed forces - the civilians, the military and the parliamentarians - depends on the various parties respecting the competence and professionalism of the others. However, developing this competence and understanding takes time and application. Both are available for the civilian and military professional. Not so for the parliamentarians who must first deal with a range of competing domestic pressures. Moreover, in few countries are there many election votes to be gained in being a defence or foreign policy expert. However, defence is not some form of black art comprehensible only to a privileged and dedicated elite. With the appropriate supportive infrastructure, parliamentarians can develop the competence and expertise necessary to exercise responsible judgement in holding the executive accountable.

5.4   The Supportive Infrastructure

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

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

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

national defence policy through their national parliaments; and in holding their executives to account.

The NATO PA is a policy influencing rather than policy-making body[30]. The nature of NATO's inter-governmental decision making process based on consensus means that the contribution of its inter-parliamentary counterpart lies primarily in creating greater transparency of Alliance policies and contributing to the development of Alliance-wide consensus. Direct influence on NATO policies lies through national parliaments[31]. Obviously it is to be hoped that in developing Alliance policies, NATO's member governments heed and take account of the collective parliamentary voice as expressed in Assembly debates, reports and resolutions.

From 1989, the Assembly's role expanded through the integration into its work of the countries of East and Central Europe (ECE). This 'outreach' programme now includes special seminars on issues of particular topical or regional interest a training programme for parliamentary staff[32], special co-operative arrangements with Russia and Ukraine, a Mediterranean parliamentary dialogue and a new parliamentarians initiative.

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[30] The NATO Parliamentary Assembly, founded in 1955 with a Brussels-based secretariat, brings together 214 national parliamentarians from the nineteen NATO countries. Associate delegations from seventeen nations, nine with the status of Parliamentary Observer and the European Parliament also participate in a wide range of Assembly activities and meetings. The OSCE Parliamentary Assembly and the Assembly of the Western European Union also send delegations to the Assembly. For a discussion of the role of the NATO PA, see the author's paper presented to the Fourth PCAF Workshop on Strengthening Parliamentary Oversight, July 12-14: 'The Role of the NATO Parliamentary Assembly', a paper prepared for the seminar on the parliamentary dimension of the European Security and Defence Policy, The Hague, 14 May 2001.

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

[32] The Rose-Roth initiative was named after the two members of Congress who initiated the program and secured the necessary funding through US AID. The Rose-Roth initiative was based on two factors: recognition of the complexity and magnitude of the problems facing the new democracies in developing effective democratic institutions and a determination that the NATO PA could help. The Rose-Roth outreach program has three component parts: the integration of East European parliaments into all aspects of the Assembly's work, the organisation of special seminars and of staff training for parliamentary staff. The seminars (53 to date) and staff training have focussed on providing advice and expertise on the development of democratic control. Overall the program has been successful not only in providing practical experience, but also in demonstrating political commitment and solidarity.

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

The parliaments of the three Baltic states were among the first to associate themselves with NATO PA from the moment they regained their independence. The first Rose-Roth seminar was held in Vilnius in December 1991, in what were still dark and uncertain days with Russian forces showing little inclination to return home. This was followed by similar seminars in Riga and Tallinn. Subsequently Baltic parliamentarians and staff have been enthusiastic participants in all Assembly activities. This participation allowed NATO parliamentarians to see at first hand the problems facing the new democracies: it has also allowed them to witness the impressive progress in political, military and economic terms that has been made in all three countries.

5.5 The Transition Countries

Needless to say, most of the obstacles described earlier in establishing the norms of the democratic control of armed forces have confronted the new democracies[33]. However, the transition increased the magnitude of the challenges. In several areas the problems were worse. While all transition countries faced similar problems as a result of their Communist past, each had its own specific characteristics that made the pace of change different. The Baltic States, for example, had to start from scratch in developing their own armed forces. They did not have the enormous challenge facing others in the need to reduce and restructure bloated military establishments nor in the need to deal with a top-heavy and frequently recalcitrant officer corps. Yet, no one starts with a blank sheet of paper. They, like the others, had to deal with most burdensome Communist legacy of all - mentality and attitude - and the difficulty of inculcating a sense of initiative and responsibility. This was probably the greatest problem in putting in place the necessary mechanisms and then making them work.

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[33] For a thoughtful analysis of the experiences, problems and progress made by four parliaments, see 'Comparing frameworks of Parliamentary Oversight: Poland, Hungary, Russia, Ukraine'. David Betz, presented to a seminar on 'Democratic Control of Armed Forces in Croatia', Zagreb, 26 October 2001.

Most of the aspirant countries appear well on their way to overcoming these obstacles. They have developed the appropriate mechanisms, practices and procedures for effective democratic control. The building of the trust and confidence that is the basis of effective the democratic control of armed forces will take time because it means changing attitudes and habits. Of course, problems and shortcomings remain. But that is also true in member countries because the relationship between the armed forces and society is constantly evolving.

6.   Conclusion

This article has emphasised the centrality of relations between the executive and the parliament, and between the military and political sides in providing effective democratic control. In Alliance countries, the tensions inherent in these relations have been absorbed through custom and practice and have become an essential element of the dynamic of democratic government. Likewise, the same process will have to work its way through in the countries that have made and are making the transition to democracy.

Each country has to manage this process in its own way. The final goal is the same - finding an appropriate place for defence and the military in our respective societies. In achieving this goal, ideas and experiences can be shared and lessons learned. But the precise route chosen will be determined by the forces and influences at home.

CHAPTER TWO

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LEARNING FROM BEST PRACTICES OF PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR[1]

Hans Born[2]

1.   Introduction

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

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

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[1] This paper was presented at the Parliamentary Workshop on "Parliaments and Security Sector Reform in Bosnia and Herzegovina" held from 7th to 10th March 2002, in Sarajevo, Bosnia and Herzegovina, organised by the Centre for Security Studies (Sarajevo, Bosnia and Herzegovina) and the Centre for European Security Studies (Groningen, The Netherlands). We would like to thank the Centre for Security Studies in Sarajevo for undertaking the Bosnian translation of this text.

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

when it oversees the five major aspects of these agencies, that is, the policies, personnel, finances, operations and procurement of equipment and weapons systems.

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

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

## 2.	Relevance for Old and New Democracies

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

In Europe, the issue of democratic and parliamentary control of the armed forces is undergoing a renaissance. The topic is on the political and scientific agenda of several European countries for numerous reasons. Firstly, the abolition of military conscription in several European countries (the Netherlands, Belgium, France, Italy, Spain, Portugal) raised a critical debate on the democratic control of the armed forces. Many commentators are afraid that an all-volunteer force is more difficult to control democratically than a conscript army. Secondly, during the last decade, on the one hand all European countries have been involved in the downsizing of the armed forces; yet on the other, these same countries have seen an amplification of the tasks assigned to the military with the addition of peace missions. These processes of restructuring and downsizing the military result in less budget and more

tasks for the military and consequently put the political-military relations under high pressure. Thirdly, as military activity increasingly takes place at the international level, the democratic and parliamentary control of international military cooperation and institutions is also becoming increasingly relevant. This is especially true for smaller member states of, for example, the EU and NATO. Fourthly, at the demand of international organisations such as NATO and the OSCE, post-communist countries in Central and Eastern Europe have had to restyle political-military relations according to democratic principles. Without the democratisation of the political-military relations, these countries were not permitted to become members of western international organisations. Moreover, in most transition societies, political democratic reform preceded security sector reform. Before reforming the security sector, transition societies adopted new constitutions, gave powers to legislatures and installed civilian ministerial control over the military. This was important, as security sector reform should be reformed in a democratic manner, not only meeting functional military demands but also attaining the demands of societies.

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

3. Learning From Best Practices

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

3.1. Contextuality

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

3.2.   Political Willingness of Parliamentarians

Parliamentary oversight is in many countries hampered by lack of (parliamentary) organisation, parliamentary staff and expertise. The best practices as listed in section 3, show how parliaments are dealing with these barriers to effective oversight. Here we would like to turn to the issue of political willingness as another important factor hindering effective oversight.

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

3.3.   The Meaning of 'Oversight'

Many different words refer to parliamentary involvement in the security sector. A first concept is 'oversight', referring to over viewing the government and to set broad guidelines for the government and its agencies. A second concept is 'good governance', referring to a whole system of democratic management of the security sector, in which the parliament should be playing a significant role. Thirdly, 'control' is a commonly used concept. In the English language, 'control' has a broader meaning than in many other languages. In English, control means to rule, to instruct or even to manage, as opposed to the stricter concept of 'to check'. Each concept has its own advantages: good governance refers to a systematic approach, 'oversight' stands for a broad approach and control signifies a powerful approach by the parliament as it refers to the management of the security sector. We have used the concept of

oversight in this case, because governance has too broad a meaning (referring to the entire political system). The concept of control is not used as it has the narrow connotation of 'to check'.

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

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

4.   Some Best Practices

All best practices address the main task of parliaments, which is to keep the government accountable on behalf of the people. The best practices come from various countries of the Euro-Atlantic area, from both 'old' and 'new' democracies. It is most certainly not the case that the 'old' democracies have stronger parliaments than 'new' democracies. Indeed, the new democracies in particular are afraid of previous forms of authoritarian rule and consequently take care to put substantive powers into their parliaments. The practices mentioned below constitute a catalogue

of possible practices, legal arrangements and organisational set ups which can facilitate effective oversight.

4.1. The Parliamentary Committee on Defence and Security

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

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

4.2. Making Full Use of Other Oversight Organisations Inside Government and Civil Society

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

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

4.3. Parliaments and Budget Control

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

Effective parliaments:

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

- Have the power to approve or disapprove any supplementary budget proposals presented by the Minister.

4.4.   Parliamentary Staff and Other Resources

Effective parliamentary oversight of the security sector requires expertise and resources within the parliament or at its disposal. However, the expertise found within parliament is no match for the expertise of the government and the security forces. In most cases, parliaments only have a very small research staff if any, whereas the government can rely on the staff of the Ministry of Defence and other ministries dealing with the security sector. In addition, parliamentarians are only elected for a limited term to sit in parliament, whereas civil servants and military personnel for the majority spend their entire career in the Ministry of Defence. The basic problem is, however, that parliaments mainly rely on information emerging from the government and military; yet these are institutions they are supposed to oversee. This creates asymmetrical dependency relations between parliament, government and military. The situation is aggravated by the closed nature of the security sector due to its typically military work, culture, education, and secrecy laws. Effective parliaments have developed strategies to cope with this disadvantageous situation.

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

Conclusion

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

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

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

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

Appendix

List of Powers and Problems of Parliamentary Oversight of the Security Sector: Some Examples (Work in Progress)[4]

Country	Examples of parliamentary powers	Examples of parliamentary problems
Bulgaria	• According to the constitution, parliament is responsible for passing the defence budget. • Approving military deployment overseas or the deployment of foreign troops on its territory. • Approving any declaration of war or state of emergency by the President or the Council of Ministers. • The parliamentary National Security, Budget and Foreign and Integration Policy Committees have the power to call the Minister of Defence, the Chief of the General Staff and any of their subordinates to provide evidence for their enquiries.	• Often differing parliamentary priorities mean that defence issues are not allocated the time necessary for their full consideration. • Lack of defence expertise among parliamentarians. • Need for clearer institutional arrangements.
Czech Republic	• All defence related decisions are taken by the President and must be endorsed by the parliament. • In exceptional situations, when the parliament cannot be convened, the President can order a military operation without parliamentary approval. • Approves all defence and security legislation. • Plays a central role in drafting the military budget and overseeing military expenditures. • Responsible for deploying the army in times of crisis and declaring or extending a state of emergency at the request	• It is difficult for parliamentarians to obtain information of confidential nature (e.g. related to military intelligence services) • Party politics. • Lack of expertise.

	• Approves any governmental decision on the participation of Czech troops on peacekeeping missions. • Can establish commissions of enquiry into serious problems within the armed forces. • Participates in the creation and implementation of the country's security policy. • The Defence and Security Committee runs military, police, emergency and prison services.	
Hungary	• Declares state of war and the conclusion of peace. • Decides on the deployment of armed forces both abroad and within the country. • Establishes the National Defence Council, in the case of war, or imminent danger of armed attack by a foreign power. • If the parliament is obstructed to reach the necessary decisions the President has the power to declare a state of war, a state of national crisis, state of emergency and can establish the National Defence Council.	• The parliaments role in relation to defence matters has been relatively limited reflecting the large number of other tasks requiring its attention. • Lack of experience and basic expertise in this area. • No programme budgeting means that parliamentary control of the defence budget is limited.

Latvia	• Passes legislation relating to the military. • Determines the overall size of the armed forces. • Approves the defence budget. • Appoints the commander of the National Defence Forces. • Has the power to declare a state of war and state of emergency. • Endorses international agreements on defence issues. • Approves decisions on the participation of the armed forces in peacekeeping operations. • The parliament has the role of overseeing national security and defence policy. • The parliament has 16 standing committees.	• Problems in translating these powers into effective scrutiny. • Lack of experience and knowledge of committee members.
Lithuania	• The main issues of national defence shall be considered and coordinated by the State Defence Council, consisting of the President, the Prime Minister, the Parliamentary Chairperson, the Defence Minister and the Commander in Chief of the armed forces. • The government is accountable to the parliament, which is sovereign in these matters. • The parliament assumes a growing role in terms of passing laws relating to security and defence, providing oversight of the government in this area and approving the defence budget. • The parliament and the National Defence Committee have also developed expertise on defence and security issues. • The National Security Committee has a responsibility to exercise parliamentary control of national defence, state security, civil defence, state border protection and the	

	Special Investigations Service. A team of advisers, administrative staff and the information branch of the parliament support the Committee.	
Romania	Parliamentary oversight is exercised through the defence committees of both parliamentary chambers: • Preparation of reports for legislation. • Hearing civilian defence and uniformed military leaders. • Recommend approval of the budget to the plenum. • Grant permission for participation in military exercises and operations and for transit of foreign troops.	• The parliamentary budget control is limited due to a chronic lack of financial resources. • The Parliamentary Defence Committees instruments must be re-empowered and strengthened, especially regarding their powers of independent investigation and their expertise in defence matters.
Russian Federation	• Adoption of Defence Budget. • Declaration of war. • Legislation on the military.	• Laws adopted by the Parliament are subject to mandatory consideration in the Federation Council but come into force only after presidential approval. • The power to approve the budget is undermined by a lack of detailed information on the defence budget, resistance from the Ministry of Defence and the military, a lack of civilian expertise, and the supremacy of the Presidency in Russian politics. In July 2000, a new joint committee on federal budget spending for defence, security and law enforcement activity was established.
Slovenia	• Scrutiny of defence budget. • Defence Minister's actions are exposed to scrutiny and pressure from the Defence Committee of the National Assembly, which is normally chaired by an opposition MP.	• The effectiveness of parliamentarian oversight of the military and defence policy has been limited by the relatively low level of expertise in the Defence Committee.
Ukraine	• Adoption of laws. • Approving the State Budget and controlling its implementation. • Determining the principles of foreign policy. • Declare war following a	• The powers are relatively limited compared to those of the President. • The lack of access to detailed information, limited expertise on defence and security issues, and resistance form the President, government and the

	request from the President. • Approving presidential decisions on the use of the armed forces. • Giving consent to the appointment of the Prime Minister. • Approving the Programme of the Cabinet of Ministers. • Confirming the general structure and numerical strength of the armed forces, security services and other military formations. • Confirming the introduction of martial law, the state of emergency and the mobilisation of the armed forces by the President.	military means that parliamentary oversight of the armed forces and defence policy is rather limited.

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CHAPTER THREE

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THE DEMOCRATIC CONTROL OF ARMED FORCES: THE NATIONAL AND INTERNATIONAL PARLIAMENTARY DIMENSION

Wim F. van Eekelen[5]

1.   Introduction

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

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

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

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

The second part of the paper analyses the major international organisations dealing with European security and their parliamentary dimension. The thesis of this chapter is that the multilateral work of parliamentarians in consensus-building plays an important role even if, in most cases, control as such remains with national parliaments. Each of these organisations has a role to play, although some streamlining might be welcome. The European Parliament has real powers in the budget process and co-decision on many legislative matters on which the Council of Ministers decides by qualified majority. The other organisations normally take decisions by consensus at the governmental level, but take majority votes on reports

and resolutions in their parliamentary bodies. Two of them - the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) - have a particular role in setting norms and standards for the respect of human rights and the conduct of relations among states.

2. The National Parliamentary Dimension

2.1. Parliamentary Control

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

This paper expresses the view that one should speak of democratic control of the armed forces rather than civilian control. Of course, politicians should be civilians. After Stalin and Tito only president Tudjman of Croatia wore a uniform as head of

state and even then only occasionally. The point is that civilian leadership is not necessarily democratic. Which brings us to the next question: how deeply should democratic control be applied? Intelligence and military planning often do not lend themselves to full disclosure. In a crisis, rapid decision-making is of the essence and the actual conduct of operations should be left as much as possible to the military commanders, once their terms of reference and rules of engagement have been clearly defined. In this respect, the dictum attributed to Clemenceau that 'war is too serious a matter to be left to the generals' requires some refinement. One should not construct an adversarial relationship between military and civilian, it is the primacy of politics that matters. While it is true that the military have to be under democratic control - for such as overall security policy, security requirements and the decision to use force - micromanagement is not a task for politicians. In particular, generals should be held accountable for their conduct within their terms of reference and accept the primacy of democratic politics. A successful defence policy relies heavily on a climate of mutual respect, recognition of professional competence and transparent decision-making procedures which reflect military as well as political inputs. Ultimately politics will prevail, but the military must feel confident that their views have been taken into consideration.

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

In a parliamentary democracy, the government - i.e. the Head of State and the Cabinet - functions under the control of parliament. Over the centuries parliamentary powers have greatly increased. Originally their function was to allow the princely ruler to levy taxes, which later developed into a balance - often uneasy - between the rights and duties of the sovereign and his citizens. Today, they cover a wide spectrum which varies considerably among European countries, but can nevertheless be outlined as follows:

- To provide support for the government on the basis of electoral party platforms or the agreement on which a coalition is formed. When a new government takes office and makes a policy statement (which includes defence issues), usually a vote of confidence is called or a motion of no-confidence debated

- Legislative authority on bills introduced by the government or individual members and accompanied by an explanatory memorandum. Drafts are considered in standing committees and written questions asked. Sometimes hearings are organised. Approval is granted after a debate in plenary where amendments and motions are considered and concluded by a vote. Sometimes it is allowed for oral explanations of the votes cast to be given.

- Controlling authority over the executive which can be divided into political control (does the government still enjoy the confidence of the majority of parliament), policy control (through oral and written questions or the more substantial means of interpellation to question a specific act of policy), budgetary scrutiny and finally accountability on the basis of reports from the Board of Auditors about the implementation of the budget. In cases where serious misconduct might have occurred, Parliament has the authority to hold a formal inquiry. A parliamentary inquiry resembles a court of law in so far as it can call witnesses and interrogate them under oath, seize documentation and so forth.

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

2.2. Parliamentary Practice in the Field of Security Policy

In the field of foreign affairs and defence, parliamentary practice varies even more than in the other domains of government activity. All Western parliaments have Standing Committees on Foreign Affairs and Defence, many also on European Affairs and Intelligence. Germany probably has the closest scrutiny of the defence budget. France works with a *rapporteur* whose findings are subject to a general debate. The Netherlands' legislative process contains several rounds of written

comments and questions from all parties to which the government responds extensively before an oral debate can take place.

The challenge is to devise a method by which the constitutional role of the legislature can be exercised in a purposeful and professional manner. If a rigorous method is not formalised, parliamentary control is in danger of becoming political rhetoric, leaving too many opportunities for the bureaucracy and the military to go their own way. A model for a policy-making and review cycle could be as follows:[6]

1. Research on and assessment of problems and policy options
    a) determining the entire range of external security problems facing a country; determining the need to define a policy to address those problems; and devising methods to identify priorities among the problems so defined;
    b) identifying methods, frameworks and processes for policy implementation, monitoring, review and scrutiny, and adjusting policy;
    c) building up information and data on policy options; and
    d) building up information and data on alternative methods of policy implementation.

2. Examining policy alternatives
    a) forecasts of alternative scenarios and assessment of the methods of implementing alternative policies;
    b) advanced research to examine the impact of alternative policies on each of the alternative scenarios; and
    c) analysis of the strengths and weaknesses of each policy and the opportunities they offer in advancing national security and society.

3. Decision-making and implementation
    a) deciding on policy and defining responsibilities, resources and timeframes for implementation;

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

b) selecting methods for policy monitoring and review and for carrying through a change or adjustments in policy; and

c) defining decisions that would need to be taken in order to implement the policy, and setting objectives.

4. Policy evaluation and review

a) periodical scrutiny of the objectives and results; monitoring of effectiveness in terms of costs and benefits; and evaluation of the implementation;

b) review of policy implementation, methods, resources and priorities, and assessment of the impact of policy on problems; and

c) meta-evaluation - examining the evaluation process itself, to validate the objectives of policy, methods, assumptions and supporting data and processes.

5. Policy reassessment, adjustment or termination

a) decision on continuation of policy; corrections by the executive;

b) decision on policy modification - major corrections and adjustments; and

c) decision on termination of policy. A decision to stop the policy means initiating a new policy, which involves going back to stage 2.

2.3. *The Changing Environment of Security*

During the Cold War, the West saw collective defence as the overriding priority of foreign and security policy. Fear of a communist take-over inspired the Marshall Plan and later the birth of NATO. American involvement in European security was a powerful deterrent against any attack the Soviet Union and the Warsaw Pact might have contemplated. Western defence policy focused on a massive surprise attack from the East with a warning time counted in days if not hours. In these circumstances the layer-cake defences in Germany, containing army corps sections involving seven countries, had to be able to respond quickly. This was organised through an alert system governing the transfer of command from the national level to the Supreme Headquarters Allied Powers Europe (SHAPE) and its American Supreme Allied Commander (SACEUR). Once command had been transferred, the conduct of the war would be left to him, probably without much subsequent multinational consultation. The best illustration of the role of the permanent North Atlantic Council at Evere near Brussels was the fact that its headquarters was not

designed to survive a conflict and no wartime relocation was planned. In fact, the direction of the war would be determined in Washington and communications would take place through military channels.

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

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

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

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

2.4.   The Goals of Modern Security Policy

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

In the European theatre, the main aim of the international community is the creation of a climate of stability in which economic development and cooperation can prosper.

Stability is not an easy concept to define; it is much easier to recognise instability. Nevertheless, some essential characteristics can be extracted from the criteria both NATO and EU apply in their enlargement processes. In any case, stability is not a static quality but rather an ongoing process. Elements are:

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

The widening field of security policy had a profound impact on the composition and training of military forces, but also added considerably to the complexities of policy formulation. In the Balkans, soldiers had to be jacks-of-all-trades. In addition to their traditional military skills, particularly for dealing with escalation of the conflict and self-defence, they had to be mediators, diplomats, mayors and restorers of infrastructure all at once. The Swiss author Gustav Däniker described this new role as the 'guardian soldier'. Recent experience of the grey zone between military and civilian roles, for instance for crowd control or the pursuit of war criminals, has shown the need for special units. Only a few countries possess them, like the French *Gendarmerie*, the Italian *Carabinieri*, the Spanish *Guardia Civil* and the Netherlands' *Marechaussee*. Yet, after peace has been restored, often the need for police, judges and prisons is greater than for the military, who can do little more than provide the security umbrella under which civil society has a chance of emerging.

Both NATO and EU have responded to this challenge. In NATO, a new emphasis is put on Civil-Military Cooperation (CIMIC) units containing experts in civil-military cooperation. In the EU, a parallel development is taking place with a headline goal of 50-60,000 military and 5,000 police. The EU has the additional advantage of being able to provide economic and financial assistance under its crisis management programmes as well as under its pre-accession support for candidate countries and its stabilisation and association agreements with others. The Stability Pact for the Balkans is a case in point. Obviously, all this requires close coordination - which still

is far from perfect - both multi-nationally and in capitals, in which parliaments and their committees have their role to play.

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

For the individual parliamentarian charged with defence issues, the shift towards a comprehensive security policy has made the work more interesting. There used to be few votes in being spokesman for defence. There normally is little legislation, the intricacies of defence issues require much specialist knowledge and asking for a larger budget is not popular with the voter. This may change when the parliamentarian is closely involved with the replies to the questions in the previous paragraph, because they involve the role his country is able to play in a multinational context. Its standing in Europe is affected by the responsibilities it is willing to accept. Thus, security and stability may rise on the public agenda.

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

> a broad approach to security which is multidimensional in scope; emphasises reassurance rather than deterrence; is inclusive rather than exclusive; is not restrictive in membership; favours multilateralism over bilateralism; does not privilege military solutions over non-military ones; assumes that states are the principal actors in the security system, but accepts that non-state actors may have an important role to play; does not require the creation of formal security

institutions, but does not reject them either; and which, above all, stresses the value of creating 'habits of dialogue' on a multilateral basis.[7]

2.5. Democratic Control of Security Policy

The ministries of foreign affairs and defence have in common their global view of the national interest. All other departments have responsibilities of a more sectoral character. Consequently foreign affairs and defence have to interact closely. Defence policy should be an integral part of foreign policy, but depending on the circumstances also has close links with the ministries of justice, home affairs, environment, transport and communications. In a crisis involving national independence and territorial integrity, the defence department acquires special powers, through the declaration of a state of emergency or a state of siege, which allow it to bypass most of the parliamentary procedures. Usually parliamentary authorisation is required to declare war, but today war is seldom declared, even if it occurs in practice. In any case, the special powers should be of limited duration and lapse, or be revoked when normality returns.

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

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[7] Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond*, (Sydney: Allen and Unwin, 1993).

Defence reviews indicate the level of defence spending as a percentage of Gross Domestic Product and specify the plans for personnel policy and arms acquisition. Today they also include the levels of possible participation in peace support operations. Once the review has been debated in parliament and approved, either with or without motions to change its direction, it forms the basis upon which the following yearly defence budgets will be presented and scrutinised. As defence is always a question of the long haul, long-term planning is of the essence, allowing for gradual adaptation but avoiding rapid twists and turns. In this respect, defence is much more sensitive to budget cuts than other government departments, because a structural cut in a yearly budget has a multiplier effect over a decade. For this reason, acquisition plans for the second part of a ten-year period have a tendency to shift into the future if the financial framework changes. In order to avoid upsetting the continuity of defence planning, several countries conclude political agreements for stabilising defence spending during the period up to the next parliamentary elections. For the candidate countries for NATO membership, a figure of 2% of GDP is generally mentioned as an acceptable effort provided it is maintained during the coming years. The current members of NATO provide figures and other details in their replies to the Defence Planning Questionnaire (DPQ) which covers five years but is binding only for the first year. Their strategic rationale is based on NATO's Strategic Concept (revised at the Washington summit in 1999); the composition of their forces is guided by the Force Proposals from the Major NATO Commanders, turned into Force Goals by the Defence Review Committee at NATO Headquarters and approved by ministers.

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

2.6.   How Much is Enough?

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

Parliamentary control cannot function properly without adequate internal mechanisms of inspection and of dealing with complaints within the defence establishment. Public reports by an inspector general and an ombudsman greatly assist the parliamentary committee in judging the overall situation in the services and the morale of their personnel. The same goes for reports from independent think-tanks and the media. Full transparency is the best way to build a public consensus behind the armed services by showing that taxpayers' money is well spent and that the defence department is a good employer for its personnel. If soldiers, sailors and airmen are to risk their lives, they are entitled to good equipment and support. In that respect, democratic oversight of the military sector addresses only a part of the larger problem - building up awareness in society of citizens' fundamental right to know how the state is planning and applying policies for their security.

Such transparency and the ensuing public discussion will, to a certain extent, make up for the lack of expertise available in most parliaments. With the present flood of information on all conceivable issues, a small staff of a parliamentary committee possessing an adequate database and Internet facilities should be able to cope. If necessary, hearings should be organised, either in public or behind closed doors. The obstacle of secrecy becomes increasingly irrelevant in our information age. Only very few things deserve to remain secret. Not all governments have realised this.

2.7.   Secrecy

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

Secrecy can broadly be justified for the following reasons:
  a) a need for secrecy of military holdings and stocks;
  b) a need to withhold technical information which reveals the strengths and weaknesses of a weapon system;
  c) a need to withhold operational information related to the employment and deployment of weapons; and
  d) urgency, if rapid procurement is needed.

Among the indicators given by the Chief of Defence Intelligence in the British Ministry of Defence are:
  a) imminent aggressive action against or threat to the state;
  b) activities of near neighbours pursuing a course prejudicial to the state's independence or security;
  c) disruptive forces within the society;
  d) terrorism; and

e) 'exceptional circumstances'.[8]

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

2.8. Parliamentary Defence Committees

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

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

- Military doctrines and strategies;
- Long-term planning of the security sector, including high-level documents such as the regional and national security concept, or defence planning;
- Missions, tasks and objectives of the military;
- General organisation of the defence sector, including defence reform issues;
- International cooperation and treaties in the military/security/international humanitarian law realm;

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[8] See Scilla Elworthy, 'Balancing the Need for Secrecy with the Need for Accountability', *RUSI Journal*, February 1998, p. 5, and Pal Singh, *Arms Procurement*, p. 242.

- Peace missions: decision to participate in, or accept on national territory, international peace missions (peace-making, peace-keeping or peace enforcement), mandate, rules of engagement, type of troops and equipment (armament);
- Disaster relief operations of the armed forces;
- Control of the execution of the defence budget;
- Industries involved and employment aspects;
- National service and military recruitment policy (civil and military staff);
- Gendarmerie and Paramilitary organisations, sometimes only during exceptional circumstances;
- Military justice;

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

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

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

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

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

Security policy

− To examine and report on any major policy initiative announced by the ministry of defence;

− To report annually on the ministry of defence's performance against the objectives of the national military/security strategy;

− To periodically examine the defence minister on his discharge of policy responsibilities;

− To keep under scrutiny the ministry of defence's compliance with freedom of information legislation, and the quality of its provision of information to parliament by whatever means;

− To conduct inquiries and report to the parliament on any issues raising special concern (as can happen in Belgium, Canada, Germany, Hungary, Italy, Norway, and others, though it is not in the authority of the committee in countries such as Poland and Turkey);

− To examine petitions and complaints from military personnel and civilians concerning the security sector.

Legislation

− To consider, and report on, any draft legislation proposed by the government and referred to it by the parliament (as with the committees on defence of Canada, Belgium, Germany, Italy, Luxembourg, Norway, Poland, Turkey and others);

− To consider international or regional treaties and arrangements falling within the area of responsibility of the ministry of defence, and to draw the attention of the parliament to those which raise particular questions of policy requiring debate or other consideration: ratification or adhesion, corresponding policy and legislation, budgetary appropriations;

− If appropriate, to initiate new legislation by asking the minister to propose a new law or by drafting a law itself (as with the committees on defence or national security of Belgium, Canada, Hungary, Italy, Norway, Poland, Turkey and others)

Expenditure

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

Management and Administration

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

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

2.9. Parliamentary Control Over the Budget

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

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

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

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

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

Looking at NATO countries generally, the manner of detailed scrutiny of the budget varies considerably. In principle, it should be possible to examine it line by line. In its most extensive mode it concerns both authorisation of expenditure as proposed and amendment of the figures. The latter can take the form of increasing or decreasing the line item, but usually this is done in connection with another article to effect a change in priorities. Depending on the constitutional possibilities for doing so, pluri-annual budgeting for defence projects is recommended, because it facilitates smooth implementation. Such authorisation, however, should be accompanied by reliable

reporting arrangements to ascertain whether a project is on track and the money made available for it is not diverted to other purposes.

As mentioned before, the DCAF Working Group on Parliamentary Control of Armed Forces drew up a questionnaire on the role of defence committees in all states participating in the NATO Parliamentary Assembly, the results of which are summarised in Annex I of this Vademecum.

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

2.10. *Parliamentary Control Over Equipment Decisions*

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

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

Several attempts have been made to enhance European defence equipment cooperation. In the early 1970s, the Euro-group was created partly for this purpose, partly also to show the US that the European allies were making an adequate defence contribution. It contained all European allies except Luxembourg and Ireland and was transformed first into the Independent European Programme Group to include France and, in the 1990's, into the Western European Armaments Group as part of the revitalisation of WEU (Western European Union). In addition, a French initiative to pool pre-competitive defence research in EUCLID (European Cooperation for the Long Term in Defence), as a corollary to the civilian programme Eureka, was turned into the Western European Armaments Organisation with the authority to conclude research contracts as the first element of a future European Armaments Agency. When and how this aim will be realised has become doubtful as the main defence producers - France, Germany, Italy and the UK - have formed the OCCAR (Organisation for Joint Armament Cooperation/Organisation Conjoint de Cooperation en matiere d'Armement) group to spread work-sharing arrangements over the entire number of cooperative projects instead of the project-by-project arrangements of the past. The Netherlands has applied to join this group. In addition a larger group of six countries engaged in the aeronautical industry - including Spain and Sweden - has concluded a Letter of Intent and became known as the LOI group.

European industry did not wait for governmental action and over the years undertook an impressive effort at rationalisation and consolidation. During a first phase the emphasis was on national champions, followed by a second phase of trans-border mergers and capital-sharing arrangements. Successful examples are EADS and Thales as industrial groups and Airbus with a military transport version of its A400

design. Inasmuch as European industry remains able to be both competent and competitive, a third phase of transatlantic cooperation might follow. A contributing factor will be the degree to which European research money could be coordinated or better still, commonly funded.

The involvement of parliamentary defence committees is particularly strong in cases of purchases abroad. In France and the UK, which cover most of the industrial spectrum themselves, equipment decisions are usually left to the government and provoke little parliamentary discussion. There the emphasis of the debate is on the overall composition of the armed forces rather than on individual procurement issues. In Belgium and the Netherlands, the minister of defence has to follow a prescribed procedure of first including the requirement for a weapon system in a ten year programme and subsequently explaining it, then analysing the alternatives, reporting on the negotiations and the co-production and compensation aspects (handled by the ministry of economic affairs), and finally making the decision. Belgium established an ad hoc committee for military purchases of the House of Representatives on 9th May 1996. The Netherlands follows a convention that parliament has sufficient time to consider contracts above € 50 million before the contract is signed[9]. This normally results in a green light from the Defence Committee, but members have the right to put the item on the agenda of the Second Chamber for plenary discussion and vote. In other NATO countries practice is very uneven, ranging from close scrutiny in Germany to hardly any monitoring of arms procurement in Greece. In the latter case, important decisions are made by the prime minister in a meeting with his close personal advisers. In Turkey the minister of defence ranks below the Chief of Defence and concentrates on procurement policy. In many countries cabinet decisions are prepared by ministerial subcommittees before they obtain formal governmental endorsement.

2.11. Terrorism

The terrorist attacks of 11th September 2001 on the World Trade Centre and the Pentagon - the symbols of the Western way of living and US power - have had a

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

profound impact on security policy. For the first time since its inception in 1949, NATO invoked Article V with its collective defence guarantee. Previously, terrorism had been described in NATO's Strategic Concept as a new threat, but most saw it more as an Article IV subject for consultation than an Article V issue with its connotation of military action organised and commanded by the integrated military structure. In fact, the operations in Afghanistan were predominantly American, with only a few countries being invited to contribute resources. Some measures were taken to replace US forces engaged in or around Afghanistan ('back-fill'). The coalition against terrorism, assembled remarkably quickly by Secretary of State Colin Powell, was primarily political in character in supporting these operations, or at least not impeding them, and assumed a worldwide character. The fight against terrorism will remain on the agenda of all international security organisations, but it remains to be seen whether they will take action as such, or 'coalitions of the able and willing' will continue to take the lead. During the Yugoslav crises, NATO overcame its old inhibition to act 'out of area', but that region bordered on member countries and had an immediate impact on European stability. Farther away, NATO never intervened in the Arab-Israeli conflict nor in humanitarian crises in Africa. Now the fight against terrorism has been defined as collective defence, and American evidence convinced the Allies of collusion between the Taliban regime and Bin Laden's terrorist organisation Al-Qaida. Many Americans wanted NATO to go global before 11th September, but European opinion was, and still is, reticent about putting a NATO label on operations which were not immediately connected with action to restore and maintain the security of 'the North Atlantic area' as stipulated in Article V.

Terrorism is on the agenda of all organisations. Even before 11th September 2001, the UN had taken the initiative in concluding treaties on the protection of UN personnel (9-12-1994), against terrorist bomb-attacks (15-12-1997) and the financing of terrorism (9-12-1999). The OSCE Code of Conduct on political-military aspects of security of 1994 contained in §6 the following clause:

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

The ministerial OSCE session in Bucharest on 3rd-4th December 2001 agreed an Action Plan for Combating Terrorism. The Forum for Security Cooperation should put the Code of Conduct and the document on small weapons high on the agenda.

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

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

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

The upshot of all these activities is that, at last, Europe is showing a fairly coherent picture, with mutually reinforcing organisations. In the midst of this flurry of action, it important to remember that the fight against terrorism requires more than military measures only and that in a democracy the balance between increased vigilance and individual freedom needs constant attention.

2.12. Conclusion

The foregoing analyses can be summed up as thirteen elements[10] that ensure the military play their proper role in a democratic society:

a) the existence of proper constitutional and legislative structures with clearly defined responsibilities for the executive and legislative branches and a system of checks and balances;

b) coordination between foreign and security policy-making structures and processes, the primary role being played by the former in formulating a country's external policies;

c) a clear political primacy in the ministry of defence, the military being ultimately accountable to the democratically-elected representatives of the public;

d) substantive parliamentary oversight involving members of parliament trained in the techniques for and the responsibilities of holding the military authority accountable;

e) the presence of expert professional staff in national parliaments to keep the members fully informed on key security issues and related data;

f) the development of a cadre of security policy experts in the public domain, specialising in a range of security issues in order to generate public debate;

g) statutory audit structures to prevent corruption, fraud and abuse of public resources by the military, which remain unknown to the public because of military confidentiality;

h) transparency in the defence budget-making process in order to prevent the military's threat perceptions being driven by interest groups;

i) training and education in the armed forces about the role of the military in democratic society, including respect for human and civil rights;

j) a fair and effective military justice system that enforces established standards of conduct and discipline and allows complaint procedures;

k) an open and informed national debate preceding major decisions on national security and military matters;

l) the commitment of armed force outside national borders should require broad endorsement by the elected representatives of the population;

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[10] This list is an amended form of the points raised in Pal Singh, *Arms Procurement*.

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

3.   The International Parliamentary Dimension

3.1.   *International Organisations and their Parliamentary Dimension*

The debate on the parliamentary dimension of European integration is as old as the European institutions themselves. Ever since the creation of the Council of Europe in 1949, emanating from The Hague Conference of 1948 and endowed with a Consultative Assembly, problems of competence, membership and relations with other emerging parliamentary bodies have been on the agenda. Parliamentarians complained about the lack of attention paid by ministers to their recommendations. Governments hesitatingly agreed to extend the scope of parliamentary involvement. Three aspects have to be distinguished. The first particularly applies to the European Union where nations have transferred competencies to the EU and decision-making increasingly takes place with qualified majority voting. In those cases a clear 'democratic deficit' arises if control by the European Parliament (EP) does not replace the scrutiny by national parliaments. The second deals with unanimous decisions in the EU where ministers can be held responsible in their national parliaments but the EP has a role in the budget procedure. The third is the subject of this chapter: the parliamentary dimension of intergovernmental cooperation as a necessary element of consensus-building and multinational underpinning of debates in national parliaments[11]. Parliamentary control, in the proper sense of the word, rests with national parliaments, but these cannot function properly without adequate information and a multinational backdrop.

Europe is blessed with a plethora of international organisations with overlapping competencies and activities. If one were to start from scratch, the present picture would not be repeated. Nevertheless, all organisations have a role to play and perform some functions which are not carried out by others. In comparison with other continents, Europe might be over-organised, but Asia and Africa lack comprehensive regional organisations which facilitate dialogue, crisis prevention and, where

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[5] An earlier version of this chapter, covering only the parliamentary organisations mentioned, was used at a seminar in The Hague on May 2001 and later published in the *European Business Journal*, Vol. 14 , No. 1, 2002.

possible, common action. The players on the European scene, who are analysed below in their main functions and parliamentary dimension, admit the need for mutual reinforcement, but do not always practice what they preach. Interlocking but occasionally inter-blocking!

The United Nations Security Council (UNSC) has the primary responsibility for worldwide peace and security and a monopoly in authorising the use of force. The UN Charter in Art. 51 makes an exception for the inherent right of individual or collective self-defence against an armed attack until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken in exercising this right shall be immediately reported to the Security Council.

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

The European Union with its ambition of 'ever closer Union' possesses a unique set of instruments in its three 'pillars': the European community with the supranational characteristics of its communitarian method (initiative of the European Commission, co-decision and majority voting of the Council of Ministers and European Parliament, uniform application of the law by the Court of Justice in Luxembourg), the intergovernmental Common Foreign and Security Policy (CFSP) with its High Representative who is at the same time Secretary-General of the Council, and its equally intergovernmental third pillar of cooperation in the field of justice and home affairs. The combined use of these instruments is of particular importance in the process of enlargement with now thirteen candidates and the Stabilisation and Accession Agreements with others.

3.2. The Council of Europe

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

The Assembly was the driving force envisaged by the 'Europeans' at The Hague in 1948, the Committee being the check inserted by the anti-federalists. The two bodies pursued largely independent lives, the Committee of Ministers concentrating on technical matters, the Assembly conducting wide-ranging political debates. The chief source of information is the reports of the Committee of Ministers on its activities and on the action taken regarding the recommendations of the Assembly. The Committee, however, is under no obligation to give reasons for its decisions or to explain why it has not accepted a recommendation. As a result, the Assembly's Working Party in Parliamentary and Public Relations worked hard to persuade members of the Assembly to ask questions in their national parliaments. The Assembly succeeded in intensifying the dialogue with a ministerial Chairman-in-Office at each of the four part-sessions to present the report and answer questions.

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

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

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

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

In spite of the exclusion of defence from the competencies of the Council, the Assembly obtained an amendment of the Statute as early as 1951. After Sir Winston Churchill's advocacy of a European army a year earlier, the ministers recognised the right of the Assembly to discuss the political aspects of defence, though not having the competence to address recommendations on this matter. The Assembly did not hesitate to visit trouble spots such as Albania in 1997 and the North Caucasus in 2001 and again in 2002.

3.3.   The European Coal and Steel Community

The European Coal and Steel Community (ECSC), created on 18th April 1951 for a period of 50 years, had supranational characteristics but its Common Assembly had only limited powers. Its 'representatives of the peoples of the states' should preferably be nominated from the Consultative Assembly of the Council of Europe, but the numbers of seats allotted were not identical. Minister Schuman, the initiator of the ECSC, favoured increasing the Benelux representation in the ECSC. In the end Belgium and the Netherlands got ten seats each and Luxembourg four, while Germany, France and Italy had eighteen each. In the Council of Europe, Belgium and the Netherlands had six each and Luxembourg three, together less than one of the larger countries; in the ECSC they had more than a larger member.

On substance, the Common Assembly, which held its inaugural meeting in September 1952, had real power only through a vote of censure, which could be passed during the annual discussion of the High Authority's annual report. To force the resignation of the entire High Authority a two-thirds majority of the members present was needed, representing an absolute majority of all members. The President of the High Authority or his appointee had to be given a hearing upon his request and, in turn, the High Authority was obliged to reply to written or oral questions put by the Assembly. Although the Assembly maintained a watching brief, mainly through its committees, and thus had some influence over the High Authority, it had none at all over the Council of Ministers; the most the Assembly could do was through the indirect means of attacking the High Authority when that body had the Council's backing[12]. It usually pushed the High Authority to extend its activities. The Assembly also played a role in deciding the budget through the participation of its president in the Committee of Four Presidents (High Authority, Council, Assembly and Council).

3.4.   The Eden Plan

With the entry into force of the ECSC and the signature of the treaty of the European Defence Community in 1952, the United Kingdom contemplated links with both

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[6] See Dirk Spierenburg and Raymond Poidevin, *The History of the High Authority of the European Coal and Steel Community*, (London: Weidenfeld and Nicolson, 1994), p. 61.

organisations. The 'Eden Plan' proposed to remodel the Council of Europe to serve the ECSC, the EDC and any future organisation of its kind there might be. The Consultative Assembly supported this approach and suggested an agreement enabling non-ECSC representatives to take part in the work of the Community with the right to speak but not to vote. The High Authority was wary about losing its supranational characteristics in an intergovernmental setting and was not keen on admitting observers. A committee of legal experts conformed that the ECSC treaty would have to be revised before observers could be admitted with the right to speak. Instead the Monnet-Layton agreement of January 1953 provided for joint meetings of members of both assemblies to be held on a yearly basis for an exchange of views, without a vote, on the general report on ECSC activities. Members of the High Authority would be present and answer questions. They would also be prepared to appear before committees of the Consultative Assembly. A suggestion to have joint meetings of committees also came to nothing.

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

3.5. The Western European Union (WEU)

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

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

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

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

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

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

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

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

The brevity of the text was caused by a difficult negotiation: most members did not want to give the Assembly significant powers. As a result the mandate seemed limited: consideration of the annual report, with emphasis on the control of armaments. The Assembly, however, made good use of the lack of further precision and drafted its own charter and rules of procedure. These stressed the 'parliamentary' dimension (going beyond the 'consultative' function of the Council of Europe) deriving from the application of the Brussels Treaty and extended its competence to any question relating to this treaty and to any question referred to it by the Council for an opinion. In addition the Assembly could address recommendations and opinions to the Council and would adopt a motion of disapproval, tabled by at least 10 representatives, by an absolute majority of its members. Such a motion has been introduced several times, but was approved only once: on 15th June 1967 when the 12th Annual Report was rejected by forty-six votes to nil with three abstentions.

The WEU Assembly developed into a fully-fledged parliamentary body with its independent secretariat in Paris and separate budget, two plenary sessions a year with addresses by ministers from the country holding the presidency as well as others and by the secretary-general; active committees paying visits to member countries, NATO members and trouble spots; political groups, written questions to the Council; extensive and informative reports on a variety of security issues resulting in recommendations. As a result the position of the WEU Assembly can be placed between the Council of Europe, (which lacks the same juxtaposition with the Council of Ministers), and the European Parliament, which has legislative and budgetary powers. Obviously it is not able to change the policies of the Council of Ministers except through the mobilisation of parliamentary opinion in member countries. In this respect, it suffered from the combination of membership with the Council of Europe, which focuses on different expertise of its representatives[13]. In spite of these limitations there were several instances in which the Council was influenced by Assembly recommendations:

–   the ministerial decision of 13th November 1989 concerning the setting up of the WEU institute for security studies recalled Assembly recommendation

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[7] For a detailed analysis see André Dumoulin, Eric Remacle, Erik Derycke, *l'Union de l'Europe Occidentale, Phénix de la défense européenne*, (Paris: Bruylant, 1998), pp. 52-54.

467. It also stated that the Assembly might, with the Council's approval, assign to the institute studies relating to the Assembly's own activities;

– the ministerial communiqué of 23rd April 1990 recognised that, by virtue of its activities, the Parliamentary Assembly of WEU had an important role to play in opening up contacts with the countries of Central and Eastern Europe;

– on 19th May 1993 ministers welcomed the increased contacts between the WEU Assembly and the parliaments of what were then called the Consultative Partners. Similarly, with the Kirchberg Declaration of 9th May 1994, the Assembly was invited (while recognising its autonomy) to further examine the present arrangements for the participation of parliamentarians from associate member countries (at that time Iceland, Norway and Turkey) and after NATO's enlargement in 1999 also the Czech Republic, Hungary and Poland).

3.6.1. NATO

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

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

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

Like its predecessor in Brussels, the Washington treaty was short, only fourteen articles long. Article 4 dealt with consultation 'whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened'. The commitment was embodied in Article 5, not as binding as in the

Brussels treaty but coming close to it. In 1949, the US Senate was not prepared to accept an obligation to render military assistance automatically and inserted an element of discretion. It reads in full:

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

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

Spurred on by the Korean War, the Allies decided to create a military headquarters, SHAPE, which became operational on 2nd April 1951 at Rocquencourt near Paris. For many years NATO's main concern was to build a credible defence against a possible massive surprise attack by the Soviet Union and the Warsaw Pact. In 1967, after France had left the integrated military system, the Alliance reflected on its future and adopted the Harmel report which defined the double tasks of defence and detente. At the same time a revised strategic concept - of flexible response - was adopted, replacing the strategy of massive retaliation.

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

3.6.2. Drawing in Eastern Europe

NATO rapidly engaged in a process of cooperation and subsequently enlargement with the new democracies of Central and Eastern Europe. In June 1990 the foreign ministers extended to them 'the hand of friendship and cooperation' and issued an invitation to establish liaison arrangements at NATO headquarters. A month later the London 'Declaration on a Transformed North Atlantic Alliance' assured the Soviet Union that the withdrawal of their forces from Eastern Europe would lead NATO to field smaller and restructured forces and reduce its reliance on nuclear forces. In June 1991 in Copenhagen the NATO ministers issued a statement on partnership with the countries of Central and Eastern Europe, to be followed in November at the Summit in Rome by a proposal to start a North Atlantic Cooperation Council (NACC) at ministerial, ambassadorial and committee levels[14]. The next step came in January 1994 at the summit in Brussels which launched the Partnership for Peace, open not only to all NACC partner countries but also to other OSCE states able and willing to participate. A Framework Document was issued in which NATO undertook to consult with any active partner which perceived a direct threat to its territorial integrity, political independence or security. Each partner was committed to fulfilling the objectives of the programme as a whole which were specified as follows:

–   to facilitate transparency in national defence planning and budgeting processes;
–   to ensure democratic control of defence forces;
–   to maintain the capability and readiness to contribute to operations under the authority of the United Nations and/or the responsibility of the OSCE;
–   to develop cooperative military relations with NATO, for the purpose of joint planning, training and exercises, in order to strengthen the ability of PfP participants to undertake missions in the field of peacekeeping, search and rescue, humanitarian operations, and others as may subsequently be agreed;
–   to develop, over the longer term, forces that are better able to operate with those of the members of the North Atlantic Alliance.

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[14] In 1997 the NACC was superceded by the Euro – Atlantic Partnership Council (EAPC) to stress its links with the Partnership for Peace programme.

The Framework Document also stated that active participation in the Partnership for Peace would play an important role in the evolutionary process of including new members in NATO.

After signing the Framework Document, the next step is the submission of a Presentation Document by each partner, indicating the steps it will take to achieve the political goals of the Partnership, the military and other assets it intends to make available for Partnership purposes and the specific areas of cooperation it wishes to pursue jointly with NATO. Subsequently, an Individual Partnership Programme is agreed, covering a two-year period, and based on the principle of self-differentiation, i.e. the selection of areas of cooperation from a wide spectrum of possibilities contained in the Partnership Work Programme. The 2001-2002 PWP listed twenty-three areas, including as item 6 democratic controls of forces and defence structures.

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

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

3.6.3. Criteria for Democratic Oversight

The discussion about criteria for democratic oversight was complex. Enlargement should be possible for the new democracies to the East and contribute to stability, but it should also strengthen the effectiveness of the Alliance in performing its core missions. An evaluation of the state of civil-military relations within the candidate-countries was an important issue from the outset. Among the first to analyse this aspect was Jeffrey Simon. In his study 'Central European Civil-Military Relations and NATO Expansion'[15], he posited four conditions as being necessary for effective civilian oversight of the military:

1. It is necessary either through the Constitution and/or Amendments to establish a clearly-defined division of authority between the president and government (prime minister and defence minister). The law must be clear for peacetime authority (e.g. command and control of the military, promotions of senior military officers, and appointment of civilian defence officials), and for a crisis (e.g., emergency powers), including the transition to war.

2. It is necessary that Parliament exert oversight of the military by exercising effective control of the defence budget; and also its role in deploying armed forces must be clear in emergency and war.

3. Government control of the military (General Staff and military commanders) must be exercised through its civilian defence ministry, to include effective peacetime oversight of the defence budget, intelligence, strategic planning, force structure and deployments, arms acquisitions and military promotions.

4. Military prestige must be restored in order for the armed forces to be an effective institution. Having come from the communist period when the military was often used as an instrument of external or internal oppression, society must perceive the military as being under effective national control. Also military training levels and equipment must be sufficient to protect the state.

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[15] Jeffrey Simon, 'Central European Civil-Military Relations and NATO Expansion', *McNair Papers*, No. 39, April 1995 (Institute for National Strategic Studies in the National Defence University, Washington D.C.), p.157. Simon emphasises civilian oversight, but the term democratic oversight would be better.

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

3.6.4. Towards a Membership Action Plan

In September 1995 a study was adopted that described factors to be taken into account in the enlargement process. An important point made was that ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes, must be settled by peaceful means in accordance with OSCE principles, before a state involved in them could become a member. The deciding voice, however, came from President Clinton who named three countries as suitable for entry during a campaign speech in Detroit in 1996. The Madrid Summit of 8th July 1997 invited the Czech Republic, Hungary and Poland to start accession talks and reaffirmed that NATO would remain open to new members. These countries acceded to NATO in March 1999 and participated in the Washington Summit of 23rd-25th April. To the disappointment of the other candidates no new invitations were issued.

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

a) to settle their international disputes by peaceful means;
b) to demonstrate commitment to the rule of law and human rights;
c) to settle ethnic disputes or external territorial disputes, including irredentist claims or internal jurisdictional disputes, by peaceful means in accordance with OSCE principles and pursue good neighbourly relations;
d) to establish appropriate democratic and civilian control of their armed forces;
e) to refrain from the threat or use of force in any manner inconsistent with the purposes of the UN;

f) to contribute to the development of peaceful and friendly international relations by strengthening their free institutions and by promoting stability and well-being;

g) to continue fully to support and be engaged in the Euro-Atlantic Partnership Council and the Partnership for Peace;

h) to show a commitment to promoting stability and well-being by economic liberty, social justice and environmental responsibility.

Moreover, aspirants would be expected upon accession:

a) to unite their efforts for collective defence and for the preservation of peace and security;

b) to maintain the effectiveness of the Alliance through the sharing of responsibilities, costs and benefits;

c) to commit themselves to good faith efforts to build consensus on all issues;

d) to undertake to participate fully in the Alliance consultation and decision-making process on political and security issues of concern to the Alliance;

e) to commit themselves to the continued openness of the Alliance in accordance with the Washington Treaty and the Madrid and Washington Summit Declarations.

3.6.5. The Washington Summit

The Washington Summit produced an extraordinarily long communiqué on the occasion of NATO's 50th anniversary and a new strategic concept. Like its predecessor of 1991, the latter was more political in character than military, defining NATO's tasks in the new environment and its relationship with other international organisations. It provided little guidance for military planning and emphasised the need for flexibility and mobility. Large-scale conventional aggression against the Alliance was highly unlikely, but the possibility existed of such a threat arising over the longer term. The security of the Alliance remained subject to a wide variety of military and non-military risks which were multi-directional and often difficult to predict (§20). The achievement of the Alliance's aims depended critically on the equitable sharing of the roles, risks and responsibilities, as well as the benefits, of common defence (§42). A coherent response to all possible contingencies was made possible by a set of practical arrangements: procedures for consultation; an integrated military structure; collective force planning; common funding; operational planning; multinational formations, headquarters and command arrangements; an integrated

air defence system; the stationing and deployment of forces outside home territory when required; arrangements for crisis management and reinforcement; common standards and procedures for equipment, training and logistics; joint and combined doctrines and exercises when appropriate; and infrastructure, armaments and logistics cooperation (§43).

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

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

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

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

In fulfilling its purpose and fundamental security tasks, the Alliance will continue to respect the legitimate security interests of others and seek the peaceful resolution of disputes as set out in the Charter of the United Nations. The Alliance will promote peaceful and friendly international relations and support democratic institutions. The Alliance does not consider itself to be any country's adversary.[16]

3.6.6. The NATO Parliamentary Assembly

In 1955, the North Atlantic Assembly was created. Although it was not based on the Washington Treaty, it developed into a complete Assembly structure with committees, a secretary-general with a competent staff drafting reports and resolutions, to which the Secretary-General of NATO replies with substantive comments. The following description is taken from the report of the present Secretary-General, Simon Lunn, on the activities of the Assembly and the agenda for 2001:

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

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

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

- to assist the development of parliamentary democracy throughout the Euro-Atlantic area by integrating parliamentarians from non-member nations into the Assembly's work;
- to assist directly those parliaments actively seeking Alliance membership;

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[16] See http://www.nato.int/docu/pr/1999/p99-065e.htm

–   to increase cooperation with countries that seek cooperation rather than membership, including those of the Caucasus and Mediterranean regions;

–   to assist the development of parliamentary mechanisms and practices essential for the effective democratic control of armed forces.

In addition, the important aspect of direct contacts between parliamentarians from Europe and North America should be stressed. Moreover the NPA now has seventeen associate members and maintains contacts with Cyprus, Malta and ten countries of North Africa and the Middle East.

3.7.1. European Political Cooperation

European Political Cooperation (EPC) among the members of the EEC started in 1970 after their summit meeting in The Hague had cleared the way for British entry into the Community. Public debate grew and came to an early climax during the oil crisis of 1973. A common policy on the Middle East proved hard to formulate, but in the OSCE the EPC became a major player. Equally much attention was paid to voting in the UN. The London report on European Political Cooperation adopted on 19th October 1981, contained the following paragraph 11 formalising relations with the European Parliament:

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

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

Taking account of the need further to strengthen ties with the directly-elected Parliament, the Ten envisage the possibility of more frequent reference to resolutions adopted by the Parliament in the deliberations, communiqués and declarations of the Ten, and in Ministers' opening statements at colloquies with Political Affairs Committee of the Parliament.

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

3.7.2. Stuttgart Declaration

The Solemn Declaration on European Union adopted in Stuttgart on 19th June 1983 was the outcome of the Genscher-Colombo initiative to enlarge the scope of European Political Cooperation and to cover security issues as well. Mainly on account of opposition to a military dimension by Denmark, Greece and Ireland, the declaration only referred to the 'political and economic aspects of security' which henceforth would be dealt with. It also took a further step in improving relations with the European Parliament. It stated the following in paragraph 2.3:

The Parliament

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

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

2.3.3. In addition to the consultation procedures provided for in the Treaties, the Council, its members and the Commission will, in keeping with their respective powers, respond to
- oral or written questions from Parliament;
- resolutions concerning matters of major importance and general concern, on which Parliament seeks their comments.

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

Once a year the Presidency reports to the European Parliament in plenary session on progress in the field of Political Cooperation.

3.7.3. *Revitalisation of WEU*

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

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

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

- A substantial improvement in the existing procedures for giving written replies to Assembly recommendations and questions. On this point, the Ministers consider that a leading role should be given to the presidency, making the best use of the services of the Secretariat-General.

- The development of informal contacts between government representatives and the representatives of the Assembly.

- If appropriate, a colloquium involving the presidency of the Council and the Committees of the Assembly.

- The improvement of the contacts that traditionally take place after the ministerial meeting of the Council, and more generally, the improvement of the procedures under which the Assembly is kept informed by the presidency, whose representatives could – between the Assembly sessions – keep the various committees up to date with the work of the Council and even take part in their discussions.

- The possibility that the Assembly might make use of contributions from the technical institutions of WEU.

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

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

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

3.8.1. The Organisation of Security and Cooperation in Europe (OSCE)

The OSCE (formerly the Conference of Security and Cooperation in Europe (CSCE) but referred to as the OSCE after 1994) started a political consultative process incorporating all European states and the US and Canada. It is based upon the Helsinki Final Act of 1975 which took three years to negotiate and formulated important principles for the conduct among states. In addition, it developed

confidence-building measures, especially in the politico-military field, in the midst of the Cold War and contributed to respect for human rights and fundamental freedoms. Initiated by the Soviet Union as an attempt to freeze the status quo in Europe, including the division of Germany, the provisions of the Final Act became a support for all those who wanted change and a return to democratic principles. The communist countries could no longer object to a discussion of the treatment of their own citizens on the grounds that this constituted interference in their internal affairs. Equally important was the admission by Moscow that all peoples had the right freely to decide their political status, both internally and externally.

On 21st November 1990 the CSCE summit adopted the Charter of Paris for a new Europe, establishing the Council of Foreign Ministers as the central body for regular political consultations, a preparatory Committee of Senior Officials (in 1994 renamed Senior Council), a Conflict Prevention Centre in Vienna and the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. In June 1991 the first meeting of the Council took place in Berlin and agreed a mechanism for consultation and cooperation with regard to emergency situations in the CSCE area, which was used in respect to former Yugoslavia and Nagorno-Karabakh[17]. Subsequently, all independent states emerging from the former Soviet Union were invited to join. The Helsinki Follow-up Meeting of July 1992 strengthened the CSCE institutions by establishing a High Commissioner on National Minorities (first Max van der Stoel from the Netherlands and currently Rolf Ekeus from Sweden) and developing a structure for early warning, conflict prevention and crisis management including fact-finding and rapporteur missions. A few months later, in December 1992 in Stockholm, the Council of Foreign Ministers adopted a Convention on Conciliation and Arbitration. In 1994 the Budapest Summit turned the CSCE from a conference into an organisation, to be known as OSCE. A Permanent Council was established, meeting in Vienna, as the regular body for political consultation and decision-making. Finally, in Istanbul in 1999 a Preparatory Committee and an Operations Centre were created to plan and deploy OSCE field operations.

The OSCE continued its important work on arms control and Confidence and Security Building Measures. At the opening of the CSCE Summit in Paris in

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

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

3.8.2. Code of Conduct

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

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

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

The next section, VIII, stated the obligation to command, train and equip armed forces in ways consistent with the Conventions of The Hague and Geneva and the 1980 Convention in the Use of Certain Conventional Weapons (§34), to ensure that defence policy and doctrine were consistent with international law (§35) and that internal security missions were assigned in conformity with constitutional procedures (§36). Participating states would not use their armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

The Code of Conduct came into force on 1st January 1995 as a politically binding document. Each state would provide appropriate clarification regarding its implementation. In was noted in the section on terrorism in the previous chapter that this 1994 OSCE document already contained a commitment not to support terrorist acts in any way and to take appropriate measures to prevent and combat terrorism in all its forms.

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

OSCE mounted a Kosovo Verification Mission until it was forced to withdraw from the region in March 1999.

3.8.3. *The Parliamentary Assembly of OSCE*

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

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

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

Cooperation and of the Permanent Council to the public and publishing a detailed record of their deliberations.

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

In 2002 the OSCE Chairman-in-Office is Portugal, preceded by Romania and to be followed in 2003 by the Netherlands.

3.9.1. The European Union and the European Parliament

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

The CFSP shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence … The Union requests the WEU, which is an integral part of the development of the Union to elaborate and implement decisions and actions of the Union which have defence implications.

In practice, this provision was never implemented, as the EU rarely asked the WEU to do anything, and, when it did, the actions had little to do with defence but dealt with operations outside the EU such as embargo enforcement in the Gulf, the Adriatic and on the Danube and police activities in Mostar and Albania.

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

The personal qualities of High Representative Solana and Commissioner Patten have prevented the triangle from getting unstuck, but the arrangement is far from ideal as it does not allow the EU to use all its instruments in a coherent manner. The basic problem is that some member countries, including France and the United Kingdom, do not wish to grant the Commission and the European Parliament any competence in military matters, and want to maintain the intergovernmental character of the Second Pillar. Apart from the conceptual point about sovereignty, these countries find it difficult to give the European Parliament powers which are not exercised by their own national governments. In this respect the so-called democratic deficit lies as much in national capitals as in the European Union.

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

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

the Presidency and the Commission of the development of the Union's foreign and security policy.

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

The European Parliament gave an extensive interpretation to these provisions and initiated a great number of reports and recommendations. The High Representative for the CFSP appeared frequently before the Commission for external affairs of the European Parliament.

The Maastricht Declaration of 10th December 1991, in its paragraph 3, included an encouragement of closer cooperation between the Parliamentary Assembly of the WEU and the European Parliament. Subsequently, in an inter-institutional agreement between the EU Council and the European Parliament, a lump sum was provided in the EU budget to cover CFSP expenditure.

The Maastricht Treaty also included a declaration on the role of national parliaments in the EU: governments were called upon to ensure 'that national parliaments receive Commission proposals for legislation in good time for information or possible examination'. This declaration constituted a discretionary provision without any legal binding effect. However, it became a source for political debate and conflict between governments and parliaments, between national parliaments and the European Parliament on the effectiveness of parliamentary accountability in EU affairs.

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

A second strategy for democratisation of EC/EU decision-making procedures was discussed with regard to the roles of the national parliaments. During the IGC negotiations, the national delegations of France, the United Kingdom and Denmark tabled concrete proposals arguing for a strengthened role for national parliaments in the EC/EU decisionmaking process. Proposals varied between:

1. those who opted for the introduction of direct participatory or control powers for national parliaments within the legal framework of the EC/EU,

2. the introduction of a provision within the EC/EU Treaty framework guaranteeing national parliaments some unilateral control mechanisms vis-à-vis their respective governments, and

3. the formal upgrading of existing multilateral scrutiny regimes bringing together members from both the European Parliament and the national parliaments.

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

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

The Protocol however, left the question open as to whether the governments of the Member States, the European Commission or any other European institution would provide the parliaments with these documents. Instead, the PNP simply stipulated that each Member State might ensure that its own parliament received the proposals 'as appropriate'. Thus it remains unclear whether the governments are obliged to send all legislative proposals to their parliaments or the PNP implicitly delegates these tasks to another body, institution or network.

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

1. All documents falling under the CFSP pillar and all documents concerning the entry into closer cooperation,

2. All documents prepared by Member States for the European Council, and

3. All documents falling under the procedure of the 'Protocol on integration of the Schengen acquis into the framework of the European Union'. However, once

the Schengen acquis is integrated into the EC or EU pillar, the appropriate legislative and scrutiny procedures for both the EP and the national parliaments will apply.

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

The Nice Treaty added little to the competence of the European Parliament. In the second pillar, the EP will merely be informed about cases of closer cooperation among members. The European Security and Defence Policy (ESDP) will henceforth be part of the CFSP, but will remain excluded from forms of closer cooperation. In the third pillar the EP will be consulted. In Article 7 the EP obtained the right to make a reasoned proposal that there is a clear risk of a serious breach by a member state of the fundamental principles contained in Article 6.

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

3.9.2. Which Way Ahead?

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

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

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

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

1.   Several governments do not wish to give the European Parliament more say in CFSP matters than is foreseen in Article 21 of the TEU and question the need

to extend those provisions to the emerging ESDP. Fortunately, High Representative Solana has been prepared to address committees of the EP frequently, without an obligation to do so.

2. Recently it has been suggested that a Senate should be created to represent the member states in addition to the directly-elected European Parliament. Objections to this suggestion include the arguments that the Council of Ministers represents the national interests in the communitarian process, that the decision-making process in the 'first pillar' would become more complicated and that a double mandate would become an unbearable workload (and without a double mandate it would not provide the desired link with national parliaments). The new body would provide a multinational input into national debates rather than national inputs into areas where the European Parliament has its own task and legitimacy.

3. The WEU has not been transferred *in toto* to the European Union and therefore its treaty remains valid. Its automatic military assistance obligation of Article V WEU continues to bind its members, although since 1954 it has never resulted in an organisational form of collective defence; that task was given to NATO. With the continued validity of the WEU Treaty, its Assembly will demand annual reports from the WEU Council. As this Council will probably not meet more than once every six months and has little business to conduct, those reports will not cover the topical issues of European security and defence.

4. Common actions in the field of ESDP will require funding beyond nations financing their own force contributions. These funds can only come from the EU budget, which requires the consent of the European Parliament. As a minimum the inter-institutional agreement providing a total sum for CFSP activities would have to be extended to cover some military expenditure. This is likely to militate in favour of extending the scope of Art. 21 TEU to the ESDP. The European Parliament already has a role in the funding of civilian crisis management.

5. Both the European Parliament and WEU Assembly formulate their resolutions and recommendations on the basis of extensive reports debated both in committee and in plenary sessions. These documents are essential tools in a process of information, transparency, consensus-building and legitimacy. Without this process both CFSP and ESDP would lack an international

parliamentary dimension, which has become the backdrop against which national parliaments conduct the scrutiny of their own governments. Without it, popular support for EU operations would inevitably shrink.

6.   The WEU Assembly adopted a policy of inclusiveness of all members of the EU, its candidates and all European members of NATO. It operates with twenty-eight countries and provides a link with other countries involved in European security. In addition it has made innovative arrangements with other countries from the Mediterranean and Eastern Europe, including Russia and Ukraine. Similar arrangements for associating non-members have been developed by the NATO Assembly. Both are seen as important instruments for furthering stability and democracy throughout Europe and for preparing candidates for membership. These should not be lost with the transfer of WEU functions to the EU.

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

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

9.   In addition to parliamentary debates, much more will be required to enhance public awareness of the new realities of foreign, security and defence policies, for example through open fora, symposia and hearings. This also raises the question of openness of the proceedings in the Council: effective scrutiny is not

possible without minutes of the meetings, including as a minimum the way members voted on the issues discussed.

3.9.3. Options for Parliamentary Oversight of the Second Pillar of the EU

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

1. Full competence for the European Parliament in the second as well as in the first pillar of the EU with reports, resolutions, budgetary power and written and oral questions to the Presidency and the High Representative. A lesser variant would be to bring the ESDP formally under Article 21.

2. Creation of a mixed Assembly, with the fifteen EU states as full members but with twenty-eight countries represented and including both national parliamentarians and a sufficient number of members of the European Parliament to allow representation of the political groups and of the committees dealing with all CFSP and/or ESDP matters.

3. Continuation of the present practice of the European Parliament under Article 21 with the ESDP left entirely to the WEU Assembly in its present form, possibly with some division of labour to avoid duplication. The status of the fifteen EU states would have to be synchronised.

4. Meetings of national delegations to be informed by the country holding the Presidency (the COSAC model but consisting of members of standing committees for defence and foreign affairs).

5. No multinational oversight at all.

The Hague seminar provided support for the second option but several problems remained. WEU parliamentarians stressed their mandate from the modified Brussels Treaty but failed to convince their colleagues of its concrete significance, as WEU was being emptied of its functions. Members of the European Parliament opposed the creation of a new body and tended to be satisfied with a COSAC-type model of chairmen of defence committees in national parliaments; they apparently feared an institutional arrangement which, although presented as temporary until the

conclusion of the 2004 intergovernmental conference, might become permanent, thereby preventing the development of the powers of the European Parliament in the second and third pillars. The immediate effect, however, was a step back in the security sector, where the transfer of the WEU functions to the EU was not matched by a parliamentary dimension and the link with the candidate countries was lost. The process of 'security through participation', developed in the WEU, suffered a setback.

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

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

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

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

parliamentary activities and that the participants were not representatives for their Assemblies. In most parliaments the chairmen of committees have no mandate to represent them abroad. If the meetings are to be more substantial than mere information exchanges, the membership should be more representative. On the other side of the argument, the WEU Assembly should clarify what its remaining functions could still be. In any case, it seemed superfluous to have committees in both the WEU and the *ad hoc* Assemblies.

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

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

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

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament elaborated an opinion recommending a formula very similar to the November 7th proposal by Mr De Decker and was in favour of

convening a conference of this type as early as the first half of 2002. In the meantime the Spanish EU presidency has organised meetings of chairpersons of the parliamentary committees of the EU member states in the areas of defence, foreign affairs and development assistance respectively.

There the matter rests for the time being. The problem with the Belgian formula and the Spanish practice is their insufficiently representative nature. Chairmen of committees usually have no mandate to speak on behalf of their members. Equal numbers of delegates per country pose no difficulty when the purpose of the meeting is only the provision of information. When reports are discussed and resolutions voted on, an Assembly needs a more representative composition and the possibility to form political groups. Otherwise the main function of consensus-building at international level cannot materialise.

The same considerations played a role in the third pillar of justice and home affairs. How could parliamentary oversight be organised, especially with regard to Europol? Again seminars were held in The Hague and Brussels during 2001, which came to the conclusion that the reinforcement of police and intelligence cooperation in the European Union following the tragic events of September 11th as well as cooperation over arrest warrants, prosecution and punishment required a system of control by national parliaments and/or the European Parliament. No formal resolution was adopted by these 'Parlopol' meetings, as the representatives could not yet bind their parliaments, but stress was laid on the timeliness of these measures as the Europol Convention was coming up for review. The incoming presidencies of the EU were asked to call further meetings.

The European Convention, consisting of government representative members of national parliaments and of the European Parliament, was instituted by the European Council at Laeken to deliberate on the future of the Union and met for the first time in February 2002. The members have been designated by their governments and parliaments, but function in a personal capacity. Clearly, their report will only have an impact if it shows a reasonable degree of consensus. It should be ready before the summer of 2003, well before the next intergovernmental conference. This will be convened in 2004. The parliamentary dimension is on the agenda, as well as the strengthening of the CFSP, but for the next two years no governmental decisions are to be expected. A positive aspect lies in the presence of the thirteen candidate countries (including Turkey), who elected a representative to the Bureau of the

Convention. In fact their participation is most valuable because it induces the candidate members to express their views on the future of the European Union and go beyond the ongoing negotiations for entry.

In the meantime, relations between the European Parliament and the WEU Assembly remain strained. Relations between the EP and the NATO Parliamentary Assembly are much better, with a delegation of MEP's attending the plenary and committee sessions twice a year. Paradoxically, the transatlantic forum thereby gains in significance even for the security debate among Europeans. This gain might be further extended if the increased role of Russia in NATO is also reflected at the parliamentary level. However, the NPA will not be able to move to real parliamentary control. Most, if not all, members prefer to maintain NATO as an intergovernmental body. In practice US leadership is pre-eminent.

The European Union is different. It is engaged in a process of ever closer Union, with a communication method of the right of initiative in the Commission and an expanding area of majority voting. As powers are being transferred from national capitals to Brussels, European parliamentary co-decision becomes necessary in order to avoid gaps in scrutiny. Inasmuch as foreign, security and defence issues become the subject of majority decisions parliamentary control can only be exercised at a European level.

4.   Final Remarks

The first chapter reached some conclusions on the proper role of the military in a democratic society. It also described the changing European security environment and the need for a comprehensive security policy in which the modern soldier has many tasks to perform. The emphasis on peace support needs a 'guardian soldier' who functions internationally very much like the police function nationally: he is at the scene of instability, deters by his presence, but, when necessary, is able to apply force. In addition, he has to do so in multinational formations which underline solidarity of the international community, reduce the risks involved for participating countries and provide security through cooperation.

By the end of 2002 both NATO and EU will take decisions on enlargement. So far the two processes have moved on separate tracks but both seem to aim for a 'big bang' which will determine the shape of the Euro-Atlantic security zone for several

decades. While enhancing stability within this area, enlargement obviously creates new problems in relations with those countries which are not - or not yet - eligible for membership. Here the maxim should be applied of doing more with everybody, although not necessarily the same thing. NATO should continue the method of the Membership Action Plan, now entering its fourth year, and enhance it where possible. The EU will have to draw in more closely the remaining countries of former Yugoslavia and Albania and develop a strategy for Moldova, Russia and Ukraine, as well as for North Africa. The notion of concentric circles with different forms of cooperation might appear Brussels-centric, but remains essential for moving forward.

Obviously the processes of enlargement of NATO and EU will have an impact on the other organisations. Ideally, the parliamentary assemblies of the OSCE and the Council of Europe should merge, with the necessary adjustment to enable North American participation. Every body should continually examine its own output and relevance. All this requires a great deal from national parliamentarians, who have their main duties at home. Yet every inch of consensus reached among them is progress in the building of stability and security throughout our continent.

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ANNEX I.

THE POWERS, PROCEDURES AND PRACTICES OF PARLIAMENTARY OVERSIGHT OF DEFENCE IN THE NATO MEMBER STATES[18]

Wim Van Eekelen

PART A: Committee Structure and Organisation

	1a. Original Name	1b. English Name	2. Number Members	3. Annual Budget	4.Assisting Staff	5. Regulation Source
BEL	Commissie Voor de Landsverdediging/ Commission de la Defence Nationale		17	!	1	RoP and custom
CAN	Attending Committee on National Defence and Veteran Affairs		16	!	3	RoP and custom
CZR	Vybor Pro Obrano A Bezpecnost	Committee on Defence and Security	19	!	4	RoP
DEN	Forsvarsudvalget and Det Udenrigspolitiske Naevn	Defence and Foreign Policy Committee	17	€ 33.333	3	Const, Law, RoP and customs
FRA	Commission de la Défense National et des Forces Armés	Committee for National Defence and Armed Forces	72	€ 130.000	11	Const, Law, RoP and customs
GER	Vertedigungsauss chuss	Defence Committee	38		8	Const, RoP and custom
GRE	Aiapkhs Emitpomh eonikhs amynas	Standing Committee for National	50		1	RoP

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	kai eeotepikon ymooeseon	Defence and Foreign Affairs				
HUN	Nemzetbiztonsagi Bizottsag	National Security Committee	15	€ 4000	2	Law and RoP
ICE	-	-	-	-	-	-
ITA	Commissione Difensa della Camera dei Diputati	Defence Committee (Chamber of Deputies)	43!	!	4!	Const, RoP and custom!
LUX	Commission des Affaires Etrangères et Européennes et de la Défense	Committee for Foreign and European Affairs and for Defence	11		2	RoP
NET	Vaste Kamercommissie Voor Defensie	Standing Committee for Defence	30!	Approx. € 25.000	5	RoP
NOR	Stortinsets Fursvarskomite	Standing Committee on Defence	10		1	Const, RoP
POL	Komisja Obrony Narodowej	National Defence Committee	18		3	Const, law, RoP and custom
POR	Comissao de Defensa Nacional	Committee on National Defence	26		3	RoP
SPA	Comision de Defensa	Defence Comittee	40	!	4	Const, RoP, custom
TUR	Milli Savunma Komisyonu	National Defence Committee	25	€ 130m!	3	RoP and custom
UK	Defence Committee		11	?	7	RoP and custom

PART B: Committee Procedures

	6. Public Meetings	7. Secret Meetings	8. Meeting Frequency	9. Chairman Election	10. Chairman in office
BEL	Y	Y	Once a week	C. Members themselves and political parties	19
CAN	Y	Y	Twice a week	C. Members themselves	4½
CZR	Y	Y	Twice a month	The Parliament and C. Members themselves	10
DEN	N	N	Once or twice a month	C. Members themselves and political parties	18
FRA	N	Y	Once a week	C. Members themselves and political parties!	24
GER	N	Y	Once a week	Political parties	22
GRE	N	Y	It depends	C. Members themselves	25
HUN	N	Y	3/month	The Parliament	10
ITA	N!	Y	More than twice a week	C. Members themselves	3
LUX	N	Y	1/2/month	C. Members themselves	8
NET	Y	Y!	Once a week	C. Members themselves!	12!
NOR	N	Y	Once a week	The Parliament and C. Members themselves	13
POL	Y	Y	3/month	C. Members themselves	9
POR	N	N	Once a week	C. Members themselves and political parties	22
SPA	Y	Y	Once or twice a month	C. Members themselves	12
TUR	Y	Y	1/2/month	C. Members themselves	1
UK	Y	Y	More than once a week	C. Members themselves	28
US					

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

PART C : Powers of the Defence Committee

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

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

Both: power of the Committee and the Plenary

Comm. : power of the Committee

Neither: neither a power of the Committee nor of the Plenary

Plen. : power of the Plenary

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

PART D: Budget Control of Defence Issues

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

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

Comm. : power of the Committee

Plen. : power of the Plenary

Both: power of the Committee and the Plenary

Neither: neither a power of the Committee nor of the Plenary

PART E: Powers Concerning Peace Missions

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

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

Comm. : power of the Committee

Plen. : power of the Plenary

Both: power of the Committee and the Plenary

Neither: neither a power of the Committee nor of the Plenary

PART F: Powers Concerning Procurement

Powers of Committee on Defence and/or the Plenary

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

Comm. : power of the Committee

Plen. : power of the Plenary

Both: power of the Committee and the Plenary

Neither: neither a power of the Committee nor of the Plenary

PART G: Powers Concerning Security Policy, Planning and Documents

Powers of Committee on Defence and/or the Plenary

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NET	NOR	POL	POR	SPA	TUR	UK	US
47. The security policy	Neither	Neither	Both	Neither	Both	Comm.		Plen.		Neither	Comm.	Plen.	Neither	Neither	Neither	Neither	Neither	
48. The defence concept	Neither	Neither	Both	Neither	Both	Comm.		Plen.		Neither	Comm.	Comm.	Neither	Comm.	Neither	Neither	Neither	
49. The crisis management concept	Neither	Neither	Both	Neither	Neither	Comm.		Comm.		Neither	Comm.	Comm.	Neither	Neither	Neither	Plen.	Neither	
50. The force structure/planning	Neither	Neither	Both	Neither	Neither	Comm.				Neither	Comm.	Comm.	Neither	Neither	Neither	Neither	Neither	
51. The military strategy	Neither	Neither	Both	Neither	Neither	Comm.				Neither	Comm.	Neither	Neither	Neither	Neither	Neither	Neither	

Comm. : power of the Committee

Plen. : power of the Plenary

Both: power of the Committee and the Plenary

Neither: neither a power of the Committee nor of the Plenary

PART H: Powers Concerning Military Personnel

Powers of Committee on Defence and/or the Plenary

	BEL	CAN	CZR	DEN	FRA	GER	GRE	HUN	ITA	LUX	NET	NOR	POL	POR	SPA	TUR	UK	US
52. The Committee/Parliament (the Plenary) approves: The defence human resources management plan	Neither	Neither	Neither	Neither	Both					Neither		Neither		Neither	Neither	Neither	Neither	
53. The Committee/Parliament (the Plenary) approves: The maximum number of personnel employed by the MoD and military	Both	Neither	Neither	Neither	Both	Comm.				Neither		Plen		Neither	Neither	Neither	Neither	
54. The Committee/Parliament (the Plenary) approves: High-ranking military appointments	Neither	Neither	Neither	Neither	Neither				Neither	Neither		Neither		Neither	Neither	Neither	Neither	
55. The Committee/Parliament (the Plenary) is consulted by the Minister of Defence about high- ranking military appointments	Neither	Neither	Neither	Neither	Neither				Neither	Neither		Neither	Neither	Neither	Neither	Neither	Neither	

Comm. : power of the Committee

Plen. : power of the Plenary

Both: power of the Committee and the Plenary

Neither: neither a power of the Committee nor of the Plenary

ANNEX 2.

MILITARY PREPARATIONS OF NATO CANDIDATE COUNTRIES

NATO Parliamentary Assembly

SUB-COMMITTEE ON FUTURE SECURITY
AND DEFENCE CAPABILITIES

David Price (Canada)

Rapporteur

November 2002

Contents

Introduction

1.   As NATO marked its 50th anniversary at the April 1999 Washington Summit, national leaders declared that the Alliance would revisit the subject of NATO enlargement at a summit to be held no later than 2002. The Alliance had admitted its three newest members - the Czech Republic, Hungary and Poland - just a month earlier, and allied leaders recognised the importance of keeping NATO's door open to the other nine former communist countries that had applied for membership. That summit will be held in Prague in November 2002, at which time the Alliance has pledged to offer membership to "one or more" of the nine aspirant countries. While enlargement will not be the only agenda item at what Secretary General George Robertson has called the "transformation summit", the decisions on enlargement at Prague will help define the shape of the Alliance in years to come.

2.   The decision on enlargement will be the next phase in NATO's post-Cold War transition, which began more than a decade ago. NATO was formed as a defensive military alliance, and that remains its primary role amid the uncertainty that characterises the international security environment. But NATO has also served a second purpose for over a half-century: allowing erstwhile foes in Europe to cooperate militarily and economically under a common security umbrella, enabling the peaceful integration of the region. Through NATO, European and North American countries have planned their defence jointly, removing any uncertainty about their intentions and facilitating cooperation. The applicant countries recognise that NATO can help them provide for their security against any threats that may arise, build confidence among domestic and foreign investors and facilitate the economic growth needed to overcome the legacy of communism. The latest round of enlargement - the fourth in NATO's history - anchored three countries in the Euro-Atlantic community of democracies. The next round will do the same for several nations that prove willing and able to assume the responsibilities of this collective defence organisation.

3.   The process of NATO enlargement dates back to shortly after the fall of the Berlin Wall in 1989. The Alliance's new goals were set forth in the London Summit Declaration of 1990, when NATO announced a new programme for cooperation open to the governments of the Soviet Union and Central and Eastern European countries, cooperation that was institutionalised in the form of the North Atlantic Cooperation Council (NACC) during the 1991 Rome Summit. At the 1994 Brussels Summit, allied leaders reaffirmed that the Alliance was open to new members in accord with Article 10 of the Washington Treaty. The Brussels Summit also launched the Partnership for Peace (PfP) programme, which included NACC

members and other countries of the Organisation for Security and Cooperation in Europe (OSCE) that had the capacity and desire to contribute. In September 1995 the Alliance adopted its Study on NATO Enlargement, which described factors to be considered in the enlargement process and remains the basis for future NATO enlargement.

4.   At the historic 1997 Madrid Summit, the Alliance invited the Czech Republic, Hungary and Poland to start individual talks to become full members of the Organisation. Accession Protocols were signed in December 1997 and were ratified by all 16 NATO parliaments during 1998. At the 1999 Washington Summit, three former Warsaw Pact countries participated in their first summit meeting as full members of enlarged NATO. The Washington Summit also introduced the Membership Action Plan (MAP), a programme through which the Alliance works with the other nine aspirant countries to help them reform their defence structures to operate more efficiently and to be prepared to work within the Alliance when they gain membership.

5.   In an effort to demonstrate their commitment to work cooperatively, the foreign ministers of the nine applicant countries launched a political initiative in Vilnius, Lithuania, in May 2000 that called for the invitation of all nine aspirant countries, a proposal quickly dubbed the "Big Bang". Other meetings of the "Vilnius Nine" - Albania, Bulgaria, Estonia, Latvia, Lithuania, the former Yugoslav Republic of Macedonia[1], Romania, Slovakia and Slovenia - have reaffirmed this commitment to work together toward Alliance membership. Croatia was officially accepted into the MAP in May 2002, and the renamed Vilnius Ten met in July 2002 in Riga, Latvia. NATO has said, however, that Croatia will not be considered for membership at the Prague Summit.

6.   Alliance governments have continued to reaffirm their commitment to further enlargement. In addition, the NATO Parliamentary Assembly in October 2001 adopted a Declaration on Enlargement that reiterated the Assembly's strong support for future NATO enlargement. It is becoming increasingly apparent that Alliance governments firmly intend to continue the enlargement process beyond the Prague Summit, as illustrated by the statement of US President George W. Bush in June 2001 at Warsaw University that NATO membership must be extended to all European democracies.

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[1] Turkey recognises the Republic of Macedonia with its constitutional name.

Analysis of Previous Enlargement Round

7.   Three years after the most recent round of enlargement, the process has proved largely positive for both new allies and the Alliance. While all three countries still have significant shortcomings in their militaries, notably in planning, budgets, and personnel restructuring, they are making a net contribution to the security of the Alliance. At the same time, the fears expressed by many opponents of enlargement have not come to pass. Enlargement has not isolated Russia; in fact, NATO cooperation with Russia is closer than it has ever been. Special relationships with Russia and Ukraine, as well as the work of PfP and the open door policy, have ensured that enlargement has not drawn a new dividing line through Europe. Wildly outrageous estimates that enlargement would cost the allies hundreds of billions of dollars have proven off the mark by a factor of a hundred. And the new allies have not paralysed NATO decision-making. In short, NATO enlargement is working, and the Alliance is better off as a result.

8.   A 2000 report by the US Congressional Budget Office (CBO) found that the new allies are moving toward making proportional contributions to the alliance, as measured by some indicators. Poland and the Czech Republic have increased their defence budgets relative to gross domestic product (GDP) to about the average level for the other European NATO members. All of the new allies are contributing personnel to Balkan peacekeeping operations at levels that are comparable to those of similarly sized long-standing NATO members. All three have successfully created Western-style command structures, and are taking steps to modernise their forces.

9.   The new allies share some common challenges as well, especially in restructuring their militaries and overcoming the debilitating legacy of Warsaw Pact military doctrine. While the armed forces of all three new members are firmly in the hands of civilian defence ministries, a lack of civilian defence experts in the legislative branch has resulted in minimal parliamentary oversight. Moreover, all of the new allies need to develop larger non-commissioned officer (NCO) corps and junior officer corps, and imbue these new officers with better leadership qualities in order to move away from the Warsaw Pact model of top-down, centralised authority. All three countries share a need to modernise their equipment. But this is a lesser problem that can be addressed mainly by upgrading weapons platforms and buying communications gear that is interoperable with NATO systems.

10.   Jeffrey Simon, an analyst at the National Defense University in Washington DC who briefed the Committee in January, cites seven challenges to military reform among the new allies:

1.   Force planning inadequacies;

2.   Budgetary constraints;

3.   Restructuring of military personnel, including cuts in the officer corps and building an NCO corps;

4.   Constitutional and legal inadequacies, particularly regarding the relationship between defence ministries, general staffs and parliaments;

5.   National security concepts and military doctrines that do not address the most likely security operations;

6.   Defence planning complications, including a failure to fulfil NATO Force Goals;

7.   Declining public support for the military, particularly in the Czech Republic.

11.   In preparation for NATO accession, all three countries increased defence budgets in order to allow smoother transition to NATO standards. Poland increased its defence budget from $3.2 billion (€3.28 billion) in 1996 to $3.7 billion (€3.79 billion) in 2001. (All dollar amounts in this report are US dollars; at the time of writing, €1=$0.975.) The Hungarian defence budget increased to $963 million (€988 million) in 2001from $491 million (€504 million) in 1997, and the Czech defence budget grew to $1.14 billion (€1.17 billion) in 2001 from $869 million (€891 million) in 1997. In terms of gross domestic product, Poland spent about 2% of GDP on defence in 2001, Hungary 1.6%, and the Czech Republic 2.2%. The Polish and Czech figures are near the average for NATO's European members, while Hungary is below average.

12.   Furthermore, changes are being made to overcome shortcomings in personnel and training as well as to decrease the size of militaries. Attempts are being made to build a strong non-commissioned officer corps with initiative and leadership skills and reduce reliance on top officers. Improved training, particularly in the field of language skills, is one important element to further integrate new armies into NATO, and must continue to be a priority for new members.

13.   When Poland joined NATO it had around 200,000 troops. That number dropped to 165,000 in January 2002 and is set to fall to 150,000 by 2006. Hungary, which joined the Alliance with 52,000 troops, will decrease their numbers to 37,700 by 2003, and the Czech Republic, which joined NATO with a 60,000-strong military, will reduce it to a professional force of 35,000 in six years. Over the long-term, downsizing may free resources for

modernization, although the experience of other European countries indicates that in the short-term, the transition to a smaller, professional army could lead to increased costs.

14. With respect to modernization, the new members are as yet unable to contribute significantly to technology-intensive services, such as the air force. All three new members have expressed interest in acquiring NATO-standard aircraft in the next decade, although it is not certain that they would be able to provide the necessary support and training to make the new technology effective. NATO has stated that the new members should focus on procurement of essential military equipment such as command, control, and communication equipment, and that procurement of more sophisticated equipment can be postponed for several years.

15. All three countries actively participate and cooperate with NATO members and non-members on a bilateral level as well as take part in the Balkans by committing forces to the Bosnia Stabilisation Force (SFOR) and the Kosovo Force (KFOR). The number of troops in these operations fluctuates from month to month, however, as of June 2002, Poland had 271 troops in SFOR and 633 in KFOR; Hungary had 157 in SFOR and 333 in KFOR; and the Czech Republic had 14 in SFOR and 423 in KFOR. The number of their forces in the Balkans varies but it is comparable to longstanding NATO members of similar size.

16. Of the three new allies, Poland has made the greatest progress toward integrating its military into NATO. The CBO study, which relied on interviews with experts on the region and published data, cited the nation's size (a population of almost 40 million, similar to Spain's), a defence budget relative to GDP above the average for NATO's European members, a 15-year modernisation plan, and strong political support for the alliance when it concluded that Poland is likely to make a significant, even "above-average," contribution to European security. While Poland faces challenges in modernising its forces, some observers compare the state of the Polish military favourably to less affluent, long-time NATO members. The personnel turnover that is envisioned led one scholar quoted by CBO to note, "In five or six years, we're going to see guys making lieutenant colonel and colonel be the guys that we've trained. They're going to come into their own and have the *esprit de corps* of a Western military".

17. According to CBO, experts generally rate the Czech military between its Polish and Hungarian counterparts in terms of quality and contributions to NATO. On the positive side, experts point to a larger defence budget and a greater number of professional soldiers than Hungary, specialised units and the best communications system of the new allies as indicators

that the Czech military will be able to make a small but solid contribution to NATO forces, in line with that of comparably sized allies.

18.   Potential pitfalls loom, particularly the challenge of maintaining government support for defence spending, poor allocation of resources, and a potential "brain drain" of talented young officers leaving for more lucrative jobs in the private sector.   Prior to accession, polls showed Czech public support for NATO membership to be among the lowest of all aspiring countries. A recent study by RAND accused the political elite, who feared general public distrust of the military, of sidestepping the issue of membership rather than entering into an informative public debate. The general public continues to perceive a wide gap between its opinions and the elite's decisions on security issues. Analysts are split on whether the Czech Republic will allow its defence spending to wane now that it has joined NATO or if it will make a modest contribution to NATO capabilities.

19.   CBO states that most analysts rank the Hungarian military at the bottom of the three countries that recently joined NATO.   According to Thomas S. Szayna, a RAND analyst, Hungary's membership illustrates the danger of presuming that discipline imposed on a country by the pre-admission criteria will persist once that country becomes a NATO member: defence spending remains low, despite pre-accession pledges to increase it, and personnel levels are shrinking.   In July 2002 the Deputy Defence Minister Imre Ivancsik recognised that, "while budgets have increased, capabilities have declined.   Our NATO allies have justifiably criticised us - we have failed in the majority of our commitments". In August, the Deputy State Secretary at the Defence Ministry, Jozsef Bali, admitted that Hungary took on excessive commitments at the start of its NATO membership, which could not be met due to limited defence budgets. Several analysts declare that Hungary offers little hope of making a significant military contribution to common defence in the foreseeable future.

20.   Others note that while Hungary devotes less of its national income to defence than most other NATO countries, its strategic geographic location allows the alliance to project stability into the most volatile part of Europe. Despite the limited capabilities of the Hungarian army, particularly its low levels of unit readiness, Hungary was able to play an active role in the Kosovo operations because of its host-nation support capabilities, which facilitated deployment and reinforcement of other NATO forces.   A defence review scheduled for March 2003 will examine possible areas of specialisation; for instance, nuclear, biological and chemical (NBC) defence, combat engineering and special forces.

21.   The previous round of enlargement holds lessons for the admission of current candidate countries. Prior to the ratification in 2003 of the next enlargement, parliaments represented in the NATO Parliamentary Assembly should consider the state of preparedness of candidate countries' militaries. Candidate countries should have educated the public on NATO membership through an open debate. The potential to contribute to NATO in the future depends upon compatibility, both of structures and technical capabilities; therefore, reformed command structures and training programmes should be given attention alongside higher defence budgets and modernisation plans. The parliaments represented in the Assembly should regard the ratification process as a means of encouraging deep and permanent changes in the militaries of candidate countries.

Membership Action Plan

22.   To help countries prepare for alliance membership, the Alliance at the 1999 Washington Summit developed a series of Membership Action Plans with each of the nine candidates. The MAP is designed to assist these countries with their preparation by providing advice, assistance and practical support on all aspects of NATO membership. The guiding principle behind all NATO activities in regard to MAP partners, however, is that all enlargement decisions remain political. The list of issues identified in MAP - political and economic, defence and military, resources, security, and legal issues - do not constitute criteria for membership. The MAP only defines what aspirant countries need to accomplish on the path to membership, based on the lessons learned in accession discussions with the Czech Republic, Hungary, and Poland. Each aspirant country chooses the elements of the MAP best suited to its national programme and circumstances.

23.   There are three main military criteria that aspirant countries must meet. First, they must be able to contribute to the defence of their national territory. Second, they must be able to contribute military assets and capabilities to assist in an Article 5, collective-defence mission involving an armed attack on another Alliance member. Third, they must be able to contribute to NATO peace-support operations.

24.   The military preparations of candidate countries differ according to the structure and size of pre-existing defence establishments. As inheritors of a large military establishment from the communist era, Bulgaria, Romania and Slovakia face problems of military reform similar to those faced by new members in 1999. Like the Czech Republic, Hungary and Poland, the main goals for these states should be to cut back force size and gradually make equipment

interoperable. The goals for the Baltic States and Slovenia should be to build up a NATO-compatible military establishment, more or less from scratch. In all cases, the successful achievement of goals depends upon willingness to invest resources in defence, the creation of a Western-style command structure and effective planning.

25. All of the countries with legacy armed forces face the short-term hurdle of downsizing their militaries to create smaller, better-equipped forces. Following the example of Poland, Hungary and the Czech Republic, these nations must cut the number of senior officers while building a larger corps of junior officers and non-commissioned officers with leadership skills. As noted above, this creates a short-term drain on resources, as defence ministries must spend a disproportionate amount of money on severance and retirement benefits for departing senior officers. In the long-term, however, this downsizing will free money to modernize the armed forces.

26. Consistent with the MAP guidelines, all aspirant countries submit an Annual National Programme on preparations for future membership, including objectives on all relevant issues. These national programmes are to be updated each year to record the current progress of the aspirant country. A report on the progress made by each aspirant country is presented at the regular spring meetings and discussions at the North Atlantic Council (NAC) and throughout the year at meetings and workshops with NATO civilian and military experts. In addition, an annual report on MAP is presented to NATO foreign and defence ministers at their regular spring meetings each year. Members of three NATO Parliamentary Assembly committees are briefed on the MAP in the course of their meetings with NATO officials each February, and the Assembly's International Staff regularly meets with NATO officials for periodic updates on the MAP.

27. Furthermore, the MAP provides aspirant countries with advice and feedback on their preparations for future membership. The feedback is provided in 19+1 format at the NAC level, as well as with a NATO team, and other NATO bodies if requested. A "clearing-house meeting" helps coordinate bilateral and multilateral defence assistance to aspiring countries from NATO members. The MAP does not replace Partnership for Peace or the Planning and Review Process (PARP) but anticipates full participation in PfP operations as an essential part of developing closer political and military ties as well as interoperability with NATO forces and future members. While the MAP does not constitute a checklist for membership, the progress made on each of the five chapters helps determine if an aspirant country is ready to begin

accession negotiations. The MAP also serves as the vehicle for delivering sustained reform in candidate countries through the invitation, ratification and accession processes.

28. NATO expects the aspirant countries to achieve certain political and economic progress. Progress should be made in settling any international, ethnic or external territorial disputes by peaceful means; adherence to the rule of law and respect of human rights; establishing democratic control over armed forces; and promoting stability through economic liberty. The MAP defence and military issues focus on the ability of the aspirant country to contribute to collective defence and overall NATO capabilities. Effective information-security procedures are an important component of this, including secure communication links; the ability to receive and store NATO classified material; and a system for vetting officials with access to classified information. Likewise, applicant countries must have a sufficient number of qualified military personnel with a knowledge of English who can serve on NATO staffs and work with the Alliance and their counterparts in other allied countries.

29. The aspirant countries are expected to commit sufficient resources to allow themselves to meet the commitments of NATO collective defence obligations. With regard to safeguards and procedures, aspirants are expected to have policies in place to ensure the security of classified information. And last, in the course of legal issues, the aspirant countries have to ensure that their domestic law is compatible with NATO rules and regulations as well as become acquainted with the appropriate legal arrangements and agreements that govern cooperation within NATO. This includes the ability to deploy their forces abroad and to host allied forces on their territory.

30. The latest MAP round began in Autumn 2001, when the applicant countries submitted their national programs. NATO officials assessed those reports in January through March 2002, and those findings were shared with applicants in the 19+1 format in March and April 2002. Progress reports, which were written by NATO officials in April 2002 and approved by the NAC in May 2002, represent the most recent analysis by NATO of the applicant countries' progress. While the details of these reports are classified, their broad conclusions are reflected in the analyses of individual candidate countries contained in Chapter V.

31. In addition, before the Prague Summit, NATO member nations will be able to review each applicant's PARP survey, which details what each PfP member is doing to enable its armed forces to operate together with NATO. The PARP survey also includes information on

progress made in fulfilling NATO Partnership Goals and on defence budget plans. The 2002 PARP surveys were to be submitted on October 12.

Non-Military Criteria

32.   In the structure of the NATO Parliamentary Assembly, the Political Committee has concerned itself with the non-military aspects of enlargement. In particular, its Subcommittee on Central and Eastern Europe has addressed the enlargement process through the reports of Bert Koenders of the Netherlands. Readers wishing greater detail on the non-military criteria may wish to consult Mr Koenders's spring report, *NATO Enlargement and Partnerships*, as well as the report he is preparing for this year's Annual Session. As a result, this report focuses largely on the military aspect of enlargement.

33.   The enlargement study that NATO issued in 1995 introduced a set of criteria that aspirant countries are to meet prior to accession. The criteria outlined in the study stressed the need for aspirant countries to have a democratic political system, to establish democratic civilian control of the armed forces, to adhere to the principles of the Organisation of Security and Cooperation in Europe, and to contribute militarily to the Alliance. In addition to sharing democratic values, new members must demonstrate a clear commitment to a free-market economy and economic reform, and they must enjoy public support for NATO membership. This study still represents the basic principles that any aspirant country has to fulfil in order to be recognised as a serious candidate. These principles have been further elaborated in the MAP process.

34.   In the MAP assessments, seven countries - Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia - receive generally satisfactory marks with regard to the non-military criteria of the MAP. Few concerns are cited in the cases of Estonia, Lithuania and Slovenia.   Crime and corruption are cited as concerns in Bulgaria, Latvia, Romania and Slovakia, but all are commended for progress in this area, especially Bulgaria's October 2001 judicial reforms. Romania has a legal and administrative framework in place for its anti-corruption campaign, but political will is needed to implement reforms. Likewise, while reforms are underway in Latvia and Slovakia, more work remains to be done.

35.   In Slovakia, the success of the centre-right coalition in the September parliamentary election put concerns to rest that former Slovak Prime Minister Vladimir Meciar might return to power, as the Slovak electorate voted for parties that clearly advocated NATO membership.

The Slovak Democratic and Christian Union of current Prime Minister Mikulas Dzurinda is expected to lead a four-party coalition that should keep Slovakia on the path to integration with NATO and the EU. The Movement for a Democratic Slovakia party of Mr. Meciar, whose government in the mid-1990s proved hostile to NATO and democratic values, received the largest number of votes in the election, with 19.5% of the total, but it was unable to form a ruling coalition as other parties rejected an alliance with Mr. Meciar. The showing was the worst ever for Mr. Meciar's party, and analysts indicated that it may signal the end of his political career.

36.   Albania and the former Yugoslav Republic of Macedonia are struggling to meet the political standards for both NATO and EU membership. The 2002 report of a joint EU-Balkan initiative to improve conditions in the Balkans cites Albania's principal problems as a weak and ineffectual judiciary, electoral processes that are "not yet up to international standards", political instability, poor governance, widespread corruption and organised crime. The same report states that the conflict in the former Yugoslav Republic of Macedonia in 2001 exposed severe flaws in the country's democratic institutions, while the weakness of the judiciary, inadequacy of public administration and pervasive corruption are ongoing problems.

37.   Having suffered under perhaps the most repressive communist government in the world, Albania entered the 1990s as the poorest country in Europe. A decade of friction between the Socialist Party and the Democratic Party hampered the development of a market economy and democratic institutions. In 1997, the collapse of a pyramid investment scheme sparked an economic crisis, the government was forced to resign as the country descended into anarchy, and looting of military hardware left Albania without functioning armed forces. Weak state institutions were unable to instil stability or tackle rampant criminality. The political culture remained combative and at times violent. Despite efforts to fight corruption, organised crime and trafficking of human beings, the overwhelming magnitude of illegal activity remains a challenge to the very structure of the state.

38.   Political deadlock followed the victory of the Socialist Party in the parliamentary elections of June 2001 as the opposition Democratic Party, claiming fraud, boycotted parliament for six months. The boycott ended in January 2002, due to intense pressure from the EU. A deep split within the Socialist Party further complicated the political landscape. The Democratic Party's return to parliament did not ease the political tensions; there were conflicts both within the Socialist Party and between the two parties over the choice of presidential candidate. Again EU intervention prompted a solution in the form of a joint candidate, Alfred Moisiu, who

was elected president in June 2002. Analysts speak of the "normalisation" of the political process over the past few months, fueling hope that divisive and sometimes violent competition will give way to a "politics of collaboration". A retired army general, Mr. Moisiu stated that his first objective will be to hasten the country's integration into the EU and NATO.

39. The Koenders' report states that Macedonian membership will depend on the "peaceful and sustainable solution of the conflict" that struck that country in 2001, prompting questions about the outgoing nationalist government's ability to guarantee respect for democracy, individual liberty and the rule of law, despite its official commitment to those principles. The August 2001 peace agreement is being implemented and political compromise between the ethnic Albanian and Macedonian communities is taking hold, a process that should be helped by the victory of the Social Democratic Union in the September 2002 parliamentary elections. Those elections were generally free and fair, even though they were preceded by escalated violence between ethnic Albanians and Macedonians. The 700 NATO peacekeepers in Operation *Amber Fox* are to remain at least through October 26, 2002, and will provide protection for the OSCE civilian monitors who are overseeing implementation of the peace agreement. The European Union had proposed taking over that mission after the NATO mandate ends, but arrangements had not been finalised at the time of this writing.

40. Your Rapporteur believes that seven of the applicant countries have made sufficient progress on NATO's non-military criteria, and they should be considered for membership in the Alliance at the Prague Summit. He will devote the remainder of his report to examining the state of their militaries to help evaluate whether they would be able to contribute to the security of the Alliance. As for Albania and the former Yugoslav Republic of Macedonia, despite efforts to establish stable democratic institutions, much work remains to be done. He is particularly impressed by the important steps taken by the Macedonian government and parliament in granting rights to the country's ethnic Albanian minority, and he would urge NATO and its members to continue working with the new government in Skopje to develop and solidify its democracy so it might join the Alliance in the next round. However, with NATO peacekeepers currently stationed in the country, it is clear that the country is not yet ready for Alliance membership.

Military Preparations of Candidate Countries

Bulgaria

41. In 2001, Bulgaria conducted a force structure review in close consultation with the Alliance, and as a result the previous Plan 2004 has been significantly adjusted. The updated Plan 2004 outlines projected improvements in the functional and organisational structure of the Bulgarian armed forces. According to the plan, the forces will be smaller, more capable and NATO interoperable, and fully professional armed forces are planned for 2010. The plan is compatible with financial resources, but additional personnel funding will be needed. The revised plan is expected to create a force structure more in line with NATO force structures, but its objectives are judged to be "very ambitious", and fulfilment will require continued effort.

42. Operational capabilities today are judged to be low overall, but the priority for the future will be given to developing deployable forces that could be used for NATO crisis management and Article 5 operations. The plan aims to increase the number of professional, mobile units by 50% in the next three years, which would enable Bulgaria to increase its participation in peace support operations. As of today, Bulgaria has prepared and trained 1,650 military personnel for units earmarked for participation in NATO-led peace support operations. These professional units include a mechanised infantry battalion, engineering battalion, NBC defence battalion, NBC reconnaissance company, logistics company, special operations company, and an airfield engineering company. In addition, ten helicopters, three aircraft and six ships can be deployed. Bulgaria has 309 troops in SFOR, KFOR and in the International Security Assistance Force (ISAF), the peacekeeping force in the Afghan capital of Kabul.

43. Limited defence budgets ($337 million/€346 million in 2001) have presented an obstacle to reform and greater participation in peacekeeping. However, the defence budget increased in 2002, and Bulgaria's defence spending of $445 million (€456 million) is the highest proportion of GDP among aspirant countries at 3.1%. Modernisation funding is modest because of the need to provide severance pay and training for released service members, but has increased from 4.7% of the defence budget in 2001 to about 18% in 2002, and is planned to reach 28% by 2007. Plans call for the armed forces to be cut from 77,000 in 2001 to 45,000 in 2004. The Bulgarian armed forces are stepping up the training of special forces and are in the process of developing a full brigade that would be combat-ready for special operations. Bulgaria is in the final stage of developing a modernisation plan for 2002-2015, which sets out

a long-term strategy for future equipment modernisation and rearmament. This includes upgrades of MiG-29 fighter aircraft and establishment of an air sovereignty operations centre.

44.   During the Sub-Committee's visit to Bulgaria in December 2001, officials emphasised the country's geographic position and host-nation support capabilities in describing what the country could offer NATO as a contribution to the security of the Alliance. Most notably, Bulgaria has offered its air base at Burgas, on the Black Sea, to American tanker aircraft. The US tankers based in Bulgaria met up over the Caspian Sea with attack aircraft headed for Afghanistan. Bulgarian officials made a compelling argument that they are already acting as an ally in assisting the first collective-defence operation in NATO's history, and they have pledged their support for any future operations in the war against terrorism, including a possible campaign against Iraq.

45.   Closer to home, Bulgaria borders the former Yugoslav Republic of Macedonia and Serbia, and it is near to Kosovo and Bosnia and Herzegovina, making it a key partner in helping to bring stability to the region. By increasing its KFOR and SFOR contributions since 11 September 2001, Bulgaria has freed up allied troops for operations in Afghanistan.

46.   Bulgaria has been providing host-nation support to transiting KFOR troops, and in March 2001, signed an agreement with NATO regarding the transit of NATO forces and personnel. To view an example of Bulgaria's host-nation support capability, the Sub-Committee visited the Graf Ignatievo Air Base outside of Plovdiv. Its 3,000-meter runway was completely repaved in Summer 2001, and the base hosted the *Cooperative Key* exercise in September 2001, which underscored its ability to handle all NATO fighter and transport aircraft. The base can refuel any NATO aircraft, and it could host three NATO fighter squadrons. Future plans call for adding identify-friend-or-foe capabilities and navigation aids, as well as training all personnel in NATO operating procedures.

47.   Parliament intends to keep the defence budget constant at 2.85% of GDP in 2003 and 2004, which would provide for steady growth as GDP is expected to increase by 5% annually. Projections for defence spending in 2007 are $650 million (€667 million). Plans call for personnel costs to make up no more than 30% of the budget, and for a reduction in Bulgaria's 1,200 tanks, many of which are outdated and costly to maintain.

Estonia

48.   Estonia's 2001 National Military Strategy defined the tasks for its defence forces and developed guidelines for development of military capabilities. To successfully implement this strategy, a comprehensive Force Structure Review was conducted in 2001. The Estonian defence forces are organised along land, naval and air components, with a joint operational command overseeing the component commands. The force currently numbers 4,450 professionals, and each year about 3,000 conscripts and 2,000 reservists are trained over an 8- to 11-month conscription period. Planned wartime strength is 26,500.

49.   Analysts find the Estonian plans realistic and affordable. While Estonia currently has limited capabilities for national defence and deployment of its forces, this should improve as the plans are implemented. According to the Review, the army will consist of one active infantry brigade and a territorial defence structure.   Last year, the army focused on establishing this light infantry brigade and combat support units. Included in the brigade will be one rapid reaction Estonian Battalion (ESTBAT) that could participate in NATO missions, plus a second high-readiness battalion for internal missions. The full brigade will be operational in 2006 and will include four reserve battalions and reserve support units.

50.   The Estonian navy consists of 110 professional sailors, 220 conscripts, and 55 civilians. They operate three patrol boats, two minelayers, three mine countermeasures ships, and one command and support ship. Two vessels assigned to the three-nation Baltic Naval Squadron (BALTRON) have met the relevant training requirements and are available for NATO and PfP operations as well. BALTRON brings together one vessel from each country (Estonia, Latvia and Lithuania), plus a staff and support vessel, largely for multinational exercises in the Partnership for Peace programme. The squadron focuses on mine hunting (there are still numerous mines in their waters from the two world wars) and dealing with possible environmental threats. Estonia has a small air force responsible for surveillance of national airspace and air defence. The air force has 120 professionals, 50 conscripts, and 30 civilians, with five small helicopters and three small transport airplanes.

51.   Another element of the Estonian armed forces is the Defence League, a reserve territorial defence unit that trains reservists and would provide a structure for territorial defence in wartime. The Defence League has around 16,000 members including women and youth. Military service is compulsory for all male citizens with a duration of eight months for conscripts, and 11 months for sergeants and reserve officers. Service in reserve units is also compulsory.

52.   Estonia has been active in cooperating with its neighbours Latvia and Lithuania to create multinational defence capabilities. In addition to BALTRON, Estonia contributes a company to the Baltic Battalion (BALTBAT), a peacekeeping formation to which each country contributes an infantry company; hosts the Baltic Defence College, a senior-office training programme in Tartu; and coordinates air sovereignty operations through BALTNET, an integrated air surveillance system that is an outgrowth of NATO's Regional Airspace Initiative. BALTNET monitors the country's airspace and communicates this picture to similar centres in neighbouring countries.

53.   In order to successfully develop efficient forces, Estonia's defence budget will be directed toward building military infrastructure and acquisition of equipment. Estonia's priority in enhancing its host-nation support capabilities is reflected in the reconstruction of the Amari airfield. Procurement will focus on air and sea surveillance systems, air defence weapons, anti-tank systems, navy mine-warfare equipment, and reserve mobilisation equipment. Foreign assistance has already helped Estonia procure modern communications equipment, light armament and anti-tank weaponry for its infantry units. Defence expenditure in 2002 reached $100 million (€103 million), 2% of GDP, an increase from $88 million (€90 million) in 2001 (1.76% of GDP).

Latvia

54. Having built its military from scratch after regaining its sovereignty in 1991, Latvia is working to strengthen its self-defence capabilities, develop interoperability with NATO forces, and contribute to allied collective-defence and crisis-management operations. The 1999 Latvian Security and Defence Concept makes full membership in NATO the country's main security policy goal. Future plans call for the country to develop armed forces of about 5,000 professionals as well as a high-readiness Latvian Battalion (LATBAT) by 2003 that would be able to deploy and sustain an infantry company in missions abroad. That battalion has received substantial assistance from Sweden in the form of donated equipment. In addition, as discussed above, tri-national cooperation with Estonia and Lithuania is extensive. Latvian defence plans have been judged to be realistic and affordable, but implementation will require a long-term allocation of human and financial resources.

55. The Latvian armed forces consist of about 4,000 active-duty personnel, including almost 2,500 professionals and 1,500 conscripts. Land forces consist of one mobile rifle brigade with one infantry battalion, one reconnaissance battalion, one headquarters battalion, one

peacekeeping company, an artillery unit, and one special forces team. The number of reserve self-defence forces currently stands at 20,000 and will increase to 32,000 by 2008 as conscripts are trained and moved into reserve status. In addition, the territorial National Guard, has 1,405 professional soldiers, 77 conscripts, and 82 civilian personnel, with approximately 14,000 volunteer reservists.

56.   The small navy consists of 526 professionals, 291 conscripts and 132 civilian personnel. The fleet includes 17 ships, including mine-hunters, mine-sweepers, fast patrol boats, SAR ships and support / auxiliary ships. As for the Air Force, the priority is to continue to develop capabilities for air surveillance of its territory and within the BALTNET project with Lithuania and Estonia. The Air Force has 15 airplanes and 3 helicopters with 232 professional solders and 65 civilian personnel.

57.   The foundation for the reserve force will be individuals who have successfully completed 12 months of compulsory military service in the national armed forces, in the Guard Regiment or in the Ministry of Interior. The long-term objective is a well-trained force of 50,000, equipped and capable for mobilisation on short notice in event of civil disaster or war. The mobilisation system will be designed to provide a necessary pool of reservists. Mobilisation plans will be ready by 2003.

58.   As part of the tri-national cooperation with Estonia and Lithuania, Latvia serves as the home base for the Baltic Battalion. Latvia aims to contribute to European strategic security, creating a zone of stability in the Baltic region and providing specialised military capabilities. Budgets have already been allocated toward peace-support units, an explosive ordnance support team, military medics and military police. There are further plans to provide a nuclear, biological and chemical weapons defence unit, mine-clearing divers and special operations forces. During 2001 and 2002, Latvia continued to participate with troops and personnel in all NATO-led operations in the Balkans, a contribution that has been assessed positively by the Alliance. In January 2002 the Parliament took the decision to deploy an air movement control team (as part of the Danish contingent) in Operation *Enduring Freedom*.

59.   The defence budget has doubled as a percentage of GDP from 0.84% in 1999 to 1.75% in 2002 ($150 million/€154 million). In May 2002 the Parliament confirmed that 2% of GDP will be allocated for defence and NATO integration from 2003 through 2008. The share of the budget dedicated to investment and modernisation has increased from 11% in 1999 to 23% in

2002. While defence resources have increased greatly, the Latvian military still depends on donations of equipment and training assistance.

Lithuania

60. The Lithuanian Armed Forces were re-established in November 1992, and Lithuania is working to configure its forces to be able to defend the country, respond to major crises, carry out peace missions, maintain readiness, and fulfil international commitments. Priority has been given to the development of efficient, reliable and mobile ground forces, based on a reaction brigade, as well as territorial forces deployed in two military regions for the defence of Lithuania. Lithuanian forces are to be able to conduct NATO operations outside Lithuanian territory with a NATO-compatible battalion, and to be able to conduct joint NATO operations with its reaction brigade on the territory of Lithuania, if the country were to face a threat to its territory.

61. Parliament has approved Defence Policy 2001-2004, a document that sets out plans to strengthen the armed forces to be prepared for homeland defence, collective defence and participation in NATO, EU and UN-led operations. According to this defence policy, Lithuania will have a mechanised infantry battalion operational by the end of 2002 and ready to be deployed for NATO missions. By the end of 2006, the reaction brigade will be fully operational for missions on Lithuanian territory, including Article 5 operations. This plan has been judged to be realistic, sustainable and affordable, though the focus should be on a smaller number of capable, deployable forces, rather than a large force structure. Continued implementation is essential if Lithuania is to make a fair contribution to the Alliance.

62. As of August 2001, the strength of the Lithuanian armed forces stood at 7,425 professional soldiers and 4,643 conscripts, with a reserve force of about 20,000 that receives regular training. Ground forces are the main defence forces and are structured on the brigade level. Lithuania currently has one brigade with three battalions and two military regions with four infantry battalions. Other ground forces include a special operations Jaeger Battalion, an engineering battalion, and a headquarters battalion.

63. The Lithuanian Air Force is responsible for airspace surveillance and defence, and has around 1,000 personnel in two air force bases, structured in command, surveillance and air defence units. As noted above, the air surveillance component is integrated with the tri-

national BALTNET initiative. The air force has at its disposal three transport airplanes, six auxiliary airplanes, four training airplanes and eight transport helicopters.

64. The third component of the regular armed forces is the navy, which consists of 650 personnel and is responsible for shore defence and sea coastal surveillance. It is supplemented by an air defence company and a guard company. The main elements of the navy are a combat ship squadron with two light frigates, two mine-hunters, and patrol and support ships and, as discussed above, Lithuania is a contributor to BALTRON.

65. The National Defence Volunteer Forces consisting of 11,000 personnel (1,800 fulltime) is an integral part of the ground forces in territorial defence, assistance to civil authorities in the event of natural and other disasters, and protection of inland strategic assets. The force is composed of 10 battalion-sized reserve units.

66. The size of Lithuania's population (3.6 million) has led the country to maintain conscription in order to increase the pool of reservists if needed. Compulsory military service lasts 12 months in the regular armed forces, with subsequent service in the active reserve. One of the priorities is to enhance the mobilisation reserve. In addition, Lithuania has put high emphasis on Western-style military training and English-language training for its officers.

67. According to Brig. Gen. Jonas Kronkaitis, a retired US Army officer who is Commander-in-Chief of the Lithuanian armed forces, Lithuania is focused on building military capabilities that will enable it to defend its territory against any aggressor and to operate together with NATO forces should the Alliance assist them in this effort. Lithuania has identified two military installations, one airfield and one seaport, to provide assistance to allied forces should they need access to Lithuanian territory. Additionally, three civilian airports could also be used for host-nation support. With a view to enhancing military capabilities, Lithuanian equipment procurement plans involve medium range three-dimensional radar, short-range air defence system, anti-tank weapons, tactical communication equipment, transport vehicles, logistical equipment, mine detection equipment, and night vision equipment.

68. Currently there are 32 Lithuanian military personnel serving in the NATO KFOR/SFOR missions in the Balkans. The Lithuanian Air Force has also provided a transport aircraft and its crew to the KFOR/SFOR missions. The Parliament voted to send as many as 12 Lithuanian military medical personnel to participate in the Operation *Enduring Freedom* in Afghanistan and is considering the participation of special forces.

69.   Lithuania is committed to fulfilling its MAP goals, but has found it challenging to summon the financial resources. To ensure funding for a successful build-up of military capability, the Lithuanian parliament signed an agreement that defence spending shall be 2% of GDP from 2002 until 2005. This will allow for a steady increase from the 2002 budget of $292 million (€300 million). The Lithuanian government has pledged to allocate 2% of GDP for defence at least until 2008, which would provide a firm financial footing for reforms.

Romania

70.   Romanian officials in 2002 approved an "Objective Force" plan that will reduce its active-duty force to 75,000 military personnel by the end of 2007, from the 2003 target of 112,000. Such a force will enable Romania to focus its limited, but increasing, defence resources on better training and equipping units that could be used for NATO operations. While the new force plan was approved after NATO completed its MAP assessment, the broad direction of the plan is in keeping with MAP suggestions that countries develop smaller, more capable forces. Romania is implementing NATO procedures and concepts in its military and continues to train and equip its high-readiness units so they can operate alongside Alliance forces.

71.   The Romanian military aims to have an active duty corps of about 50,000, 90% of whom will be professionals, that would be kept in high readiness (7 to 30 days). A lower readiness territorial force of about 25,000 will be deployable in 90 to 360 days. Previous reserve forces will be completely dismantled. Of the 75,000 active duty and territorial forces, 12,500 are to be officers, 25,500 non-commissioned officers, 23,500 contract personnel and 13,500 conscripts. The intention was announced to accelerate professionalisation of the armed forces, which will lead to gradual elimination of conscripts by 2007. The military will include 15,000 civilians.

72.   Romania is centering its reaction force capability on the 21st Mountain Battalion, a high-readiness unit pledged to NATO missions.   Currently, one company is ready to deploy on 30 days notice and is comprised of contract soldiers on their second or third tour of duty. Admission is competitive, with less than 25% of applicants being accepted, most of them coming from the region near the unit's base, in the Transylvanian Alps near Braşov, meaning that they are already acclimated to working at high altitude. All officers are required to speak English and are given one year to learn the language – NATO's operational language – or they are transferred out of the unit. The battalion has trained with British, American, Turkish, Greek and Italian special operations units. Brig. Gen. Ion Bucaciuc, commander of the 2nd Mountain

Brigade, which includes the 21st Battalion, said that his entire brigade will become operational in 2003 and will be able to send a complete battalion on NATO missions, rather than just a single company.

73.   Romania's focus on developing the Mountain Brigade to NATO standards is an excellent example of how a NATO applicant country can use its comparative advantage in a military specialty to make a concrete contribution to Alliance defence capabilities.   The recent experience of Allied forces in the mountains of eastern Afghanistan illustrates the need for such forces. As Romania continues its programme to equip the full brigade and make it operational for NATO missions, the Alliance will have access to a needed capability.   One cannot ignore the tremendous restructuring challenge facing the Romanian military as a whole, but the defence ministry and parliament are to be commended for concentrating their efforts on helping Romania contribute positively to Alliance capabilities.

74.   Romania has pledged more than 3,700 military personnel to be available for NATO or EU-led operations and has deployed an infantry combat battalion to Operation *Enduring Freedom* in Afghanistan. In 2002, Romania had 343 troops in the Balkans and 51 people in the ISAF peacekeeping force in Kabul. It also had an NBC company of 70 people on stand-by in the Afghan theatre. The Air Force has made available for NATO operations six MiG-21 fighters and two C-130 transport aircraft, one of which is currently deployed to Karachi, Pakistan, in support of operations in Afghanistan. The naval contribution would be seven vessels ranging in size from a frigate and a minesweeper to a river tugboat.

75.   Romania's 2002 defence spending is $1.07 billion (€1.1 billion), equal to 2.38% of GDP. Plans call for the defence budget to increase to $1.4 billion (€1.44 billion) by 2005, with a government commitment to maintain defence budgets at 2.38% of GDP.

Slovakia

76.   Last year was a busy one in terms of Slovak defence reforms, as parliament approved a new national security strategy in March, a defence strategy in May and a military strategy in October. The reform plan, known as Model 2010, supersedes a 1999 programme that was judged to be too ambitious in light of the available resources. A series of studies and reviews, with the assistance of seven NATO countries, resulted in Model 2010, which aims to establish "effective but affordable" armed forces that will be interoperable with NATO. The plan is

expected to remedy shortfalls in areas like effective engagement, command and control, host-nation support, deployability and sustainability.

77.	The landlocked country of about 5.4 million people is developing land and air forces, plus a training component, that will number 24,500 personnel, composed of about 20,000 military and 4,500 civilians. The 9,500-strong land forces will consist of a light infantry brigade, mechanised brigade, mixed artillery regiment, and several support battalions. Among the equipment of the land forces will be 52 main battle tanks and 164 armoured personnel vehicles. The air force will have about 6,400 personnel, organised in a fighter wing, a helicopter wing, an air-defence brigade, and several support battalions. Air force equipment will include 18 multi-role fighters, six to 10 trainers, about 10 transport aircraft, 18 attack helicopters and 18 transport helicopters. The training and support command will have 4,600 military and civilian personnel, organised in training, logistics and support commands, plus a garrison in the capital.

78.	One of the greatest challenges facing the Slovak military comes in the personnel field, as it moves from 42,600 military and civilian personnel today to 24,500 in 2006. Slovakia must implement a new system of ranks and career advancement as it moves toward a professional force, while helping thousands of officers transition to civilian life. Slovakia has more than 2,200 officers with the rank of lieutenant colonel or higher, a number set to drop to 622 by 2006. Plans call for creation of a volunteer reserve system to be developed as conscription is eliminated.

79.	Slovakia's planned contribution to NATO centres on a high-readiness unit, currently a battalion based in the northwestern city of Martin. One company of that Immediate Reaction Battalion will be available on a rotation basis for NATO peacekeeping and collective defence operations until 2005. At that point, Slovakia expects to be able to sustain a full battalion abroad on a rotation basis. Slovakia has also pledged an engineering company (though only a platoon until 2006), an MP platoon, four combat and four transport helicopters, an air defence battery (a platoon until 2006), and a field mobile hospital to NATO by the end of 2003. In August 2002 Slovakia sent 40 troops to Operation *Enduring Freedom* in Afghanistan and a helicopter unit with two helicopters and 21 troops to strengthen SFOR operations in Bosnia.

80.	One part of the modernisation plan that has drawn criticism from NATO officials was a proposal to purchase 18 new multi-role fighter aircraft at a cost of $356 million (€368 million). Such a large procurement program would take funding away from other programs more critical

to interoperability with NATO forces, while providing assets that NATO already has in abundance. A decision on whether to go ahead with the fighter aircraft procurement will be made by the new government, but officials expect that the program will go forward before 2008.

81.   Outside of the fighter-acquisition program, the modernisation plan is projected to cost $1.7 billion (€1.9 billion) through 2015. Over the five years from 2002 through 2006, annual defence budgets are projected to range from $455 million (€467 million) to $590 million (€605 million). The 2002 defence budget is 1.89% of GDP, with plans to increase the percentage spent to at least 2% of GDP in 2003. Between 2003 and 2008, $603 million (€618 million) has been earmarked for modernisation. Over this period Slovakia has allotted $382 million (€392 million) over six years to fulfil its 55 NATO Partnership Goals, 37 of which are related to its Membership Action Plan. Priorities include language training; a command, control and communications system; logistics; infrastructure; host-nation support capabilities; and integrated air defence.

Slovenia

82.   Slovenia has recently overhauled its defence strategy with the goal of creating a small core of professional forces that could be augmented with reserves in times of crisis. "Our focus is a capable, deployable force that will be interoperable with NATO," Defence Minister Anton Grizold said. "We've been successful in streamlining our force structure, we're developing interoperable command, control and communication systems, and we're developing deployable and professional reaction forces." The long-term plan runs through 2007, with some procurement plans running through 2010. It was approved by the parliament in November 2001, along with the funding plan.

83.   The latest Slovenian reform plans call for a professional active-duty military of 6,100 personnel by 2010. The current force numbers 5,346 personnel. The reform plan calls for a reduction of the military from a wartime strength of 47,000 today to 18,000 by the time of the country's accession to NATO. In September 2002, the Slovenian parliament adopted a law phasing out conscription in the active force by the end of 2003. Compulsory service in reserve forces will be phased out by the end of 2010.

84.   Main defence forces will consist of two army brigades, air and air defence units, and support units. Slovenia will not purchase fixed-wing combat aircraft, instead focusing on its

eight transport helicopters, a fixed-wing training unit and air defence equipment. The small naval detachment focuses on port defence and has divers trained in defusing mines.

85.   The all-professional 1st Brigade, which the Sub-Committee visited, will be responsible for territorial defence, NATO collective defence, peace support operations, and disaster relief. The leading unit is the 10th Motorised Battalion, which plans to deploy a 110-strong company to the SFOR mission in Bosnia in January 2003 as part of a battalion led by Portugal. That battalion will rotate three companies on that mission, with each spending six months with SFOR.   Plans call for the current 182nd Infantry Battalion to be reconstituted as the 20th Motorised Battalion in 2005, a unit that would additionally be pledged to the tri-national Italian-Hungarian-Slovenian Brigade. The 1st Brigade also contains a military police battalion and a special operations detachment. The 350-strong MP unit also maintains two platoons in Bosnia that serve with Italian Carabinieri, a total of about 50 personnel. (In addition, medic and helicopter units from other formations are in Bosnia.) Planned end-strength in 2005 is 2,300, but the brigade currently has only 1,100 troops.

86.   Defence budgets are expected to rise as the Slovenian economy grows, Mr Grizold said. Expenditures in 2001 were $266 million (€304 million), 1.42% of gross domestic product, and the 2002 budget is $300 million (€308 million), 1.55% of GDP. Mr Grizold said defence should consume 1.6% of GDP through 2006, with a target of 2% in 2008, which would result in a projected defence budget of $616 million (€632 million). While Slovenia spends less of its GDP on defence than several other candidate countries, its relatively high per capita GDP (about $12,000 / €12,300) generates a defence budget in absolute terms that is roughly comparable to or exceeds those of all candidates except Romania, whose population is more than 10 times larger. Personnel costs account for more than half of the budget, while 17% is earmarked for modernisation. Operations and maintenance make up the remainder.

Conclusion

87.   Your Rapporteur believes that seven of the nine candidates for NATO membership have made sufficient progress in reforming their societies and their militaries, and the Alliance should issue them invitations to join at the Prague Summit. Furthermore, he believes that those seven countries have all developed reasonable, affordable, and sustainable plans to be able to work within the Alliance structure and to contribute forces to NATO collective-defence and crisis-management operations. In the past 18 months, he has had the opportunity to visit five of those countries -- Lithuania in May 2001, Romania and Bulgaria in December 2001, and

Slovenia and Slovakia in March 2002 – to see their elite units at work in the field and to meet with top defence officials and military commanders. Based on those visits and additional research, he believes that those countries, plus Estonia and Latvia, will make a net contribution to the security of NATO if they fully implement their defence reform plans.

88.   In addition, all seven of those countries have offered their complete support for the war on terrorism, the first collective-defence operation in NATO's history. Most notably, Romania and Bulgaria have contributed troops to the ISAF force in Kabul, Bulgaria has granted basing rights to American tankers participating in the operation, and Romania has offered a unit from its mountain battalion for combat operations in Afghanistan. As noted above, Romania's decision to emphasise development of this mountain unit is an excellent example of how an applicant country can offer NATO a specialised capability that will make a positive contribution to the defence of the Alliance.

89.   At the same time, Albania and the former Yugoslav Republic of Macedonia do not yet meet the political criteria for Alliance membership, despite the progress they have made toward establishing stable, representative democracies. Because these countries do not meet the Alliance's standard for political stability, it would be difficult to evaluate their defence plans. One important aspect of evaluating long-term defence planning in applicant countries is having confidence in the stability of the political system, so that one can be reasonably certain that plans will be implemented over the long term. Such an assurance is lacking in these two countries, though the election of a new president in Albania and a new Macedonian government could contribute significantly to political stability in both countries. NATO must continue to work with them, as well as Croatia, to help them gain membership in the next round of enlargement.

90.   Your Rapporteur cautions that the Prague Summit is only the beginning of the formal accession process. In 2003, the parliaments represented in the NATO Parliamentary Assembly will consider whether their countries should ratify the protocols that would allow invited countries to join the Alliance. While seven candidate countries are on track to meet the criteria for membership and contribute to Alliance security, none of them meet the criteria today. Should any country falter in its commitment to reform, parliaments may decide to delay or even reject its accession to the Washington Treaty, judging that the country may not be a dependable ally.

91. Based on their progress so far and the plans they are working to implement, your Rapporteur finds that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia are well on their way to meeting the criteria for NATO membership. If NATO member governments in November offer membership to any or all of those seven countries, and if reforms proceed as promised, it appears today that parliaments would be well-advised to give their consent in 2003 to ratification of the necessary treaty protocols. As we move closer to the ratification debate, your Rapporteur stands ready to discuss this issue further with any member of Parliament from the Alliance who might desire more information on enlargement and the qualifications of the candidate countries.

ANNEX 3.

NATO ENLARGEMENT AND PARTNERSHIPS
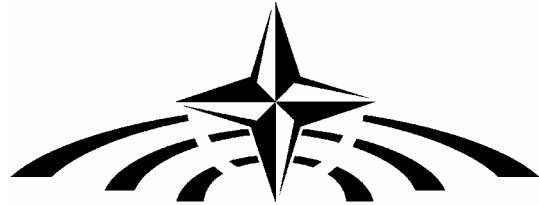
NATO Parliamentary Assembly

SUB-COMMITTEE ON
CENTRAL AND EASTERN EUROPE

Bert Koenders
(Netherlands) Rapporteur

January 2003

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Introduction

1.   In the first half-century since its inception, NATO has grown from an organisation of 12 in 1949 to 16 during the Cold War. As NATO continued to adapt to the changing security environment after the demise of the Warsaw Pact, it opened up to new members and partners. At the 1997 Madrid Summit, NATO offered membership to the Czech Republic, Hungary and Poland. At the 50th anniversary Washington Summit, NATO Heads of State and Government decided to revisit enlargement at a summit no later than 2002. Continuing the enlargement process remains central to the transformation of the Alliance.

2.   From the parliamentary perspective, the NATO PA has voiced strong support in favour of further developing Alliance partnerships, and especially to continue the enlargement process. The Political Committee, and its Sub-Committee on Central and Eastern Europe in particular, have been at the forefront of this discussion and closely followed preparations for NATO membership by the candidate countries. The Committee and this Sub-Committee have initiated several reports and resolutions on this subject. In addition, the Sub-Committee has visited nine of the now ten applicant countries between 2000 and 2002, thereby obtaining important insights into the status of preparations from senior government officials and parliamentary interlocutors.

3.   At its meeting in Sofia in May 2002, the NATO PA called for a broad and regionally balanced enlargement and recognised that Bulgaria, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania have proved their progress towards NATO membership through successful programmes of reform at home and their contributions to NATO operations in the Balkans. Each of the applicant countries is already making a distinctive contribution to the stability and security of the Euro-Atlantic region. As applicant countries continue participation in the Membership Action Plan (MAP), they must sustain their reform efforts to meet the criteria as laid out in the 1995 *Study on enlargement* and the MAP.

4.   As the November 2002 Prague Summit approaches, when NATO Heads of State and Government decide upon which candidate countries to invite joining the Alliance, the need for internal adaptation to an enlarged Alliance that could include up to 26 member countries becomes more pressing.

5.   This paper provides an update on events concerning NATO enlargement after the Committee adopted the 2001 report. It looks at the continuing efforts of candidate countries to

meet criteria for Alliance membership, primarily focusing on non-military areas. Moreover, by addressing NATO partnership programmes, this report takes a broader look at NATO's Open Door policy. It thus looks at the increasingly relevant contributions of Partnerships for stabilising NATO's Southern, South-Eastern and Eastern neighbourhoods and concludes that developing even better and more structured relations with Russia and Ukraine, as well as with other countries, will be pivotal in further deepening and broadening security in the Euro-Atlantic area.

6.   The paper will lead to the conclusions as formulated in chapter VI, namely that NATO should invite seven of the candidate countries, if they continue and conclude reform processes under way to meet membership criteria. Moreover, your Rapporteur will conclude by stressing that the "Open Door" policy must continue and that Parliaments have to play an important role in this.

Discussions in NATO Member Countries

7.   Prior to 2001 there was no or little public debate about further enlargement, as NATO was occupied by a number of important security issues, including, among others, the situation in the Balkans, the Defence Capabilities Initiative (DCI) and the European Security and Defence Policy (ESDP) as well as missile defence. However, the June 2001 NAC Summit and US President George W. Bush's keynote speech in Warsaw shortly thereafter have reaffirmed NATO's commitment to enlargement and advanced the public debate in and among member countries. Although the September 11 attacks initially appeared to eclipse NATO enlargement, the debate picked up steam again at the end of the year, with indications for a larger group of countries to be invited.

8.   In America, "September 11 (2001) changed the way we looked at enlargement," according to senior government officials. Suddenly, the United States realised that "we need as many allies as we can get" to fight terrorism. US leaders have consistently called for a "robust enlargement". At the Foreign Ministers meeting in Reykjavik in May, the US Secretary of State, Colin Powell, said that conditions for a "big bang" enlargement were "better than ever". In July 2002 President Bush and President Kwasniewski of Poland issued a joint statement expressing "the desirability of a broad round of enlargement" to include "all European democracies ready to share in the responsibilities of NATO membership". The British Prime Minister, Tony Blair, echoed these sentiments in a message to candidate

countries at the Riga summit in the same month. In April 2002, the then-Defence Minister of Germany Rudolf Scharping said that NATO could grow from 19 members to "26 or more".

9.   With regard to the parliamentary dimension of the debate, some Parliaments of NATO member states have also at times addressed NATO enlargement. The NATO PA continues to put NATO enlargement high on its agenda. In addition to the activities and reports of the Political and the Defence and Security Committees, the NATO PA's Resolutions adopted at the Amsterdam, Berlin and Ottawa Sessions argue for an ambitious enlargement. The NATO PA's May 2002 Sofia declaration confirmed the PA's unanimous support for "a robust enlargement of NATO", stressing the importance that "aspirant countries continue their reforms well beyond the Prague Summit". In response to NATO PA Declaration 306, adopted at the 2001 Spring Session in Vilnius, and Resolution 312, adopted at the Annual Session in Ottawa in 2001, Lord Robertson, the NATO Secretary General has reaffirmed to the Assembly that the enlargement process "continues to be a key Alliance policy to which NATO remains fully committed".[2]

NATO Enlargement in a Changing Security Environment

10.   While enlargement has been declared a priority and though the 1999 Washington Summit has established important instruments, especially the MAP, to help prepare applicant countries for membership, the debate of the "how" has been affected by changing perceptions of the general security environment.   Most significantly, as mentioned above, the 11 September 2001 attacks in the United States had a profound impact on the debate. Initially reactions by security analysts, as well as a few government officials, gave the impression that not only was further enlargement of NATO off the agenda, but that the future of the Alliance was in doubt. Some observers maintained that the US decision not to ask NATO to conduct the military operation in Afghanistan, even though the Alliance invoked Article 5, called into question the very *raison d'être* of the Alliance. Many criticised the fact that invoking Article 5 did not lead to the use of the NATO consultation process or further NATO involvement in the politico-military sphere. Other critics pointed to US frustrations about the growing capabilities gap and the only partial success of the Defence Capabilities Initiative (DCI). They also said that Washington did not want a "war by committee". Some American observers even went so far as to argue that if NATO did not undertake to fight terrorists, it would be soon "out of

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[2] See the Comments of the Secretary General of NATO, Chairman of the North Atlantic Council, on the Policy Recommendations adopted in 2001 by the NATO Parliamentary Assembly.

business". Another group has suggested that NATO's military role is diminished in the new security environment, as it is no longer needed for territorial defence and is not capable of supplying the out-of-area expeditionary forces that are now needed.

11.   Changed perceptions of the threat posed by international terrorism also briefly brought the question of "whether" to enlarge back on the agenda. Some argued that because Russian cooperation in the "war on terrorism" was crucial, and as Alliance priorities had dramatically changed, enlargement was no longer necessary or desirable. To obtain Russia's support in the international anti-terror coalition, it was suggested that NATO, and the US in particular, would be prepared to make concessions to Moscow on, for example, strategic arms reductions, missile defence, membership of the World Trade Organisation (WTO), and especially on NATO enlargement.

12.   While your Rapporteur agrees that changes in the international security environment require an in-depth discussion about the future of NATO, he wants to stress that the "war on terrorism" is only one element in the discussion on the future of NATO. NATO still remains the sole institutional link between the US and Europe and prevents re-nationalisation of defence. NATO enhances close military and diplomatic links between the Western world and Russia, Central Asia and Ukraine and, through the Mediterranean Dialogue, with the Muslim countries of the Middle East and North Africa as well. Through its partnerships with Central Asian partners, including, for example, Uzbekistan, NATO has contributed and is contributing to the international coalition that the United States needs to win this campaign. Moreover, in addition to the Allies' military contributions to the "war on terrorism", European NATO Allies provide more than 90% of the International Security Assistance Force (ISAF) in Afghanistan and almost half of the civil reconstruction aid. In the future, tough choices will have to be made on NATO's goals and missions, as well as on its structure.

13.   As preparations are under way for the Prague Summit, NATO is already addressing these issues and the summit, originally dubbed an "enlargement summit", will deal with a much broader agenda. In November 2002, NATO member countries will be presented with a package of measures aimed at strengthening NATO's preparedness and ability to take on the full spectrum of security challenges. NATO member countries are set to produce a number of new measures, including a new military concept for the defence against terrorism; new military tasks for the strategic commanders; a stronger emphasis on counter-terrorism in NATO exercises and training policies; and adaptation of the Euro-Atlantic Partnership Council and Partnership for Peace to contribute in this fight. Your Rapporteur however would like to stress

that this Summit should continue to put enlargement and its consequences on top of the Agenda.

14. With regard to the debate on enlargement, the issue is no longer Russia's potential response but rather applicant countries' preparedness and ability to co-operate in anti-terrorist activities. Russia's opposition to the three Baltic candidates has in fact softened as relations with the Alliance have improved. The establishment of the NATO-Russia Council (NRC) in May 2002 demonstrated NATO's role in cementing growing east-west cooperation. As to contributions of candidate countries, it is important to emphasise that those countries that merit invitation at the Prague Summit must be net producers of security. The experience with the previous enlargement round has shown that the military contributions of the three newcomers have been limited, and that the pace of necessary military adaptation and modernisation, especially in the Czech Republic and Hungary, is too slow. In fact, experts at NATO Headquarters believe that full military integration into NATO may take up to ten years. However, Poland, Hungary, and the Czech Republic have made important contributions to Alliance security, including, for example, peacekeeping operations in the Balkans. As to the military contributions of candidate countries, it is worth noting that the seven that appear, at present, most advanced have a combined population that is just slightly above that of Poland, the largest of the three new members that joined the Alliance in 1999.

15. Against the backdrop of the perceived new security demands in the "war on terrorism" there has been some debate whether military or non-military criteria weigh more heavily in the assessments. Addressing the October 2001 Rose-Roth seminar in Bucharest Ioan Mircea Pascu, the Romanian defence minister, said that the emphasis on accession criteria had shifted from political to military criteria. He argued that the MAP might have to be adjusted to allow the military to play a part in fighting terrorism and that increased emphasis should be placed on military intelligence and on training special operations. At the same time, as applicant countries' military contributions to combating terrorism are rather limited, non-military means, namely political influence and support, by which they can contribute will receive more attention. Your Rapporteur would argue that the level of internal security in an applicant country, especially the ability to control its borders, to apprehend terrorist suspects and disrupt terrorist financial networks without disrupting human rights, deserves close attention. Other non-military criteria for membership have also become more important, especially fighting corruption. The issue of bilateral agreements between the US and some applicant countries on the International Criminal Court (ICC) is a complicating factor.

16.   In the "war against terrorism", NATO candidate countries swiftly declared their solidarity with the US and commitment to contribute in combating this new security challenge. When the heads of State of the "Vilnius Group" of NATO applicant countries met on October 5, 2001 in Sofia they declared the September 11 attacks an attack on "all of us" and affirmed their commitment to full support for the war against terrorism. Two months later, at the Euro-Atlantic Partnership Council's (EAPC) Foreign Ministers Meeting, NATO applicant countries fully associated themselves with the North Atlantic Council's Statement "NATO's Response to Terrorism". In March 2002, the Vilnius Group's Foreign Ministers asserted their determination "to fight terrorism and its financial links with trans-national organised crime". The enlargement process has encouraged candidate countries to take firm steps against trafficking, corruption and money laundering, thereby reducing systematic weaknesses which have previously enabled terrorist networks to operate. In the international campaign against terrorism, NATO applicant countries have acted as *de facto* US and NATO Allies. Many have granted unrestricted overflight rights for aircraft taking part in "Operation Enduring Freedom". Moreover, aspirant countries have provided intelligence, access to bases, and public diplomatic support. Most have contributed troops or pledged to do so in the international fight against terrorism. Candidate countries with smaller militaries have focused on developing specialist forces in order to make value-added contributions to future anti-terrorist operations. As General Joseph Ralston, the Supreme Allied Commander Europe, said "NATO remains relevant and viable in the post-September 11 world, and the aspirant nations offer limited but improving military capabilities and infrastructure to the Alliance".

17.   With regard to NATO enlargement, the terrorist attacks appear to have primarily strengthened the consensus on both sides of the Atlantic in favour of a large round. One year ago, a NATO invitation to Bulgaria and Romania appeared unlikely. However, attention has since shifted to the Black Sea, due to the region's strategic value, both for the US-led anti-terrorism operations and as a transit route for Caspian oil. Bulgarian and Romanian accession would also facilitate closer partnerships with Ukraine and Georgia, promoting stability in the South Caucasus-Caspian regions and providing vital connections with Central Asia. It remains to be seen if, and if so in what respect, new members' geographic location has an impact on NATO's security perception. Whether this strengthens the momentum towards a development that leads to NATO increasingly taking on a role of power projection or whether it remains "merely" a security organisation tasked with the territorial defence of its members is one of the questions likely to be raised.

Update on Status of Preparations of the Nine Application Countries

18.   As stated in the 2001 Sub-Committee report, there are no established formal criteria for accepting new members.   However, as an organisation of members that share common values, NATO has stated that only democracies with market economies and proven human rights records can join. The Sub-Committee's previous report already provided a general overview of applicant countries that were recognised as candidates for NATO membership at the 1999 Washington summit.   Building on this Sub-Committee's 2001 assessment, the Rapporteur of the Defence and Security Sub-Committee's Report on Future Security and Defence Capabilities, Mr David Price (Canada), has produced an update on the military preparations of candidate countries that concludes that seven of the applicant countries for NATO membership, namely Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, "have made sufficient progress in reforming (...) their militaries" to merit an invitation.[3] Readers who wish to obtain more specific information on the military preparations should consult his 2002 Draft report on "Military Preparations of NATO Candidate Countries" [AV 182 DSC/FC (02) 5]. Those interested in a more general synopsis of candidate countries' achievements should look up the 2001 report of the Sub-Committee on Central and Eastern Europe entitled "NATO enlargement" [AU 214 PC/CEE (01) 5 rev 1]. In addition, the Committee and Sub-Committee trip reports provide further insights into issues related to NATO enlargement.

19.   Candidate countries' preparations for NATO membership continue unabated.   Their foreign and security priorities remain accession to NATO, as well as to the European Union. With regard to non-military preparations, candidate countries have made further progress in reforming and strengthening the judicial system, as a vital element in ensuring respect for the rule of law. This includes adopting basic legislation, though efforts in this area need to be further stepped up, with particular attention to ensuring the independence of the judiciary. The European Commission's 2002 accession assessment concluded that Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia continued to fulfil the political criteria, and that the overall record in strengthening democratic institutions, in respecting the rule of law and in protecting human rights had improved since the previous year. However, the EU report also concluded that reform of the judiciary should be accelerated and that corruption, fraud and economic crime remained a serious problem, even though anti-corruption bodies have

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[3] Based on the information obtained during the visits of the Sub-Committee to candidate countries, your Rapporteur agrees with this assessment.

generally been strengthened. Your Rapporteur considers sustained public support in candidate countries to be a pivotal prerequisite for joining the Alliance. Without sufficient public support, necessary political, military and economic reforms are likely to falter sooner or later. Strong domestic pressures to give social and employment spending priority over defence-related expenditures is part of the political reality in any democracy. Candidate governments need to explain to their people why investing in security matters, even when financial resources are scarce. While NATO should assist in promoting strategies to inform the public about the Alliance's values and goals, it is the task of national governments to generate public support for membership.

20.   Albania continues to experience slow, albeit stable, economic progress. However, the economy remains fragile with approximately 30% of the population living below the poverty line. Albania struggles to fulfil the political criteria for NATO membership. Negotiations for a Stabilisation and Association agreement, as decided by the EU at the 2001 Gothenburg summit have been delayed. In an April 2002 report, the European Commission stated that the conclusion of a SAA is conditional on a sustained reform effort by Albania. The report cited democratic standards, strengthening of the judiciary and improvement of public administration as crucial areas for reform. According to the report, widespread corruption and organised crime, particularly illegal trafficking of all types, remain very serious problems.

21.   The US State Department's 2001 Report on Human Rights Practices and the 2002 Human Rights Watch World Report stated that the country's human rights record was poor in many areas, despite some improvements. Organised crime and corruption and a weak judicial system that is subject to political pressure and corruption remain challenges that need to be overcome. Albania scored 2.5 in Transparency International's (TI) 2002 Corruption Perceptions Index (10 representing highly clean and 0 representing highly corrupt). This makes Albania the most corrupt of all candidate countries surveyed by TI. Albania is attempting to counter organised crime. The national Strategy against Trafficking of Human Beings was approved in November 2001 and an international Anti-Traffic Centre was established in the city of Vlora. The first phase of anti-trafficking operations was recently completed at sea and is due to be followed by operations on land. There is hope that the election of a 'consensual' president, Alfred Moisiu, in June 2002 will mark the end of a period of political deadlock and instability. A retired army general, President Moisiu has stated that his first objective will be to hasten the country's integration into the EU and NATO, and a draft mandate for opening the negotiations for a SAA may be approved this autumn. Public support for the country's membership in NATO remains at a high level, around 95%, according to the

Albanian Mission to NATO. Defence spending for 2002 was approximately US$61 million, with a view to gradual increases in 2003 and 2004. Albania participates in ISAF and has sent a platoon of 28 soldiers to Afghanistan in August 2002.

22.   The new Bulgarian government under Prime Minister Simeon Saxe-Coburgotski and President Georgi Parvanov remains committed to joining NATO and, as President Parvanov said, also to reviving Bulgaria's relations with "Russia, Ukraine, and other strategic partners." Current public support for joining the Alliance stands at 62.9%. In its negotiations on EU enlargement, Bulgaria has closed 21 of the 31 chapters at the end of July 2002. Bulgaria fulfils the political criteria for NATO membership, although there are serious weaknesses in its legal system.   The country scored 4.0 in Transparency International's 2002 Corruption Perceptions Index, a rating which demonstrates that corruption continues to pose a serious challenge. The European Commission's 2002 regular report on Bulgaria's called for progress on the effective enforcement of a legal framework, prevention of corruption and protection of the Roma minority. Recent and future steps to combat these problems include anti-corruption amendments to the Law on the Judiciary (July 2002), the establishment of a Public Training Centre for magistrates (planned for January 2003) and a pending Anti-discrimination Law. In September 2002 Bulgaria's Parliament set up a special commission to curb corruption, and the Interior Minister proposed a law that would make it easier to confiscate the property of people or companies convicted for crimes including terrorism, drug trafficking, smuggling, money laundering, fraud and embezzlement. These must remain priority areas for government action if planned reforms are to have tangible effects.

23.   Bulgarian defence spending was US$ 445 million, or 3.1% of GDP, in 2002. Parliament intends to keep the defence budget constant at 2.85% of GDP in 2003 and 2004, which would provide for steady growth as GDP increases at an expected 5% annually.   Bulgaria is contributing to the ISAF peacekeeping force in the Afghan capital of Kabul and has pledged support for future Allied actions in the war against terror.

24.   Croatia has been accepted to MAP in May 2002, only two years after it joined the Partnership for Peace. In March 2002 the Croatian Parliament signed a package of legislation in the area of defence and national security. Croatia signed a Stabilisation and Association Agreement with the EU in October 2001. The 2002 Stabilisation and Association process (SAP) annual report recognised significant improvements in the political environment since the advent of the new leadership in 2000. The new government has shown determined efforts to establish a fully-fledged democracy and end Croatia's political and economic isolation. The

SAP report stated that the continuing weakness of the judiciary and resulting problems in law enforcement represented a significant obstacle to the achievement of economic, political and social reform. Despite substantial improvements in human rights, de facto discrimination against the Serb minority continues. Corruption remains a problem, and Croatia scored 3.8 in Transparency International's 2002 Corruption Perceptions Index. Nationalistic pressures affect the attitude of the government towards regional co-operation with its neighbours, and have delayed the solution to a border dispute with Slovenia over the Bay of Piran. However, after an agreement on the disputed area was reached between Slovenia and Croatia in summer 2002, this contentious issue appears to be settled in the framework of a negotiated settlement. Moreover, cooperation between Croatia and the International Criminal Tribunal for the former Yugoslavia (ICTY) has faced some difficulties. For example, Croatia has not yet complied with a request by the ICTY immediately to hand over General Janko Bobetko, the wartime army Chief of Staff, who was indicted in August for failing to prevent, investigate and punish the killings of civilians and destruction of property committed when Croatian troops withdrew from rebel Serb-held territory after a brief incursion in September 1993. Croat government officials have suggested that full co-operation with the ICTY is hampered because of limits imposed by the Croat constitution - *an argument not shared by the ICTY*. When the Sub-Committee visited Zagreb in mid-September 2002, the President of Croatia, Stipe Mesic, stressed that he supported Croatia's full co-operation with the ICTY. In the view of your Rapporteur, it will be important to follow up how the Croatian authorities implement their pledge for full co-operation. The 2002 defence budget is approximately US $519 million, or 2.4% of GDP, with US$7.5 million allocated to the implementation of NATO partnership goals. Croatia has stated its full support for the international campaign to combat terrorism. Josef Broz, head of the Croat delegation to the NATO PA, told members of the Sub-Committee during the visit in September 2002 that public support for NATO membership was strong, reaching approximately 76 % in autumn 2001.

25.   There has been a change in government since the Sub-Committee visited Estonia in November 2001. President Arnold Rüütel nominated Siim Kallas to be the country's next prime minister after the break-up of the coalition of Mart Laar, the prime minister at the time. Agreement has been reached with the EU on 28 chapters out of 31, and Estonia is determined to finalise the EU accession negotiations by the end of 2002. Estonia fulfils the political criteria for NATO membership. Estonia scored 5.6 in Transparency International's 2002 Corruption Perceptions Index, placing it above a number of NATO member countries. The 2001 US State Department and the 2002 European Commission country reports on human rights practices state that the Estonian government generally respects the human rights of its citizens and the

large ethnic Russian non-citizen community. Like the two other Baltic candidate countries, Estonia has signed a border agreement with Russia, though the ratification of the agreements is still pending in the Russian Duma. The next meeting of the Inter-Governmental Commission (established in 1998 and co-chaired by the prime minister of Estonia and the deputy prime minister of the Russian Federation) is scheduled for November 2002.

26.   According to an opinion poll in June 2002, 69% of Estonian citizens and 58% of all respondents support NATO membership; 72% of the Estonian population support the current level of defence expenditure. The poll also shows that the Armed Forces belong to the group of most reliable state institutions, enjoying the support of 79% of all respondents. Defence expenditure was US$130 million or 2 % of GDP in 2002, and the Estonian government has pledged to maintain that percentage level for the following years. Estonia pledged its support for "Operation Enduring Freedom" and contributed a small Estonian logistics unit in Kyrgystan.

27.   Latvia has completed 27 of the 31 chapters in the negotiations with the EU. Although it needs to improve legislation on the integration of the non-Latvian, primarily Russian, minority, Latvia fulfils the political criteria for joining NATO. The EU's 2002 Regular Report stated that Latvia continues to fulfil the Copenhagen criteria and has a functioning market economy, though it adds, as stated in the 2001 US State Department Human Rights Report, that inefficiency in the judicial system still hampers the fair administration of justice. Latvia scored 3.7 in Transparency International's 2002 Corruption Perceptions Index, a substantially lower rating than either of its Baltic neighbours. When he visited Latvia in 2002, the NATO Secretary General stressed the importance of stepping up anti-corruption efforts. In April 2002, the Corruption Prevention and Combating Bureau was established in order to centralize anti-corruption efforts. According to the Latvian Mission to NATO, the latest public opinion survey in July 2002 showed that 66.1% of respondents favoured Latvia's accession to NATO, an increase from 57% as reported in the Sub-Committee's October 2001 report.

28.   The defence budget has doubled as a percentage of GDP. from 0.84% in 1999 to 1.75% in 2002 (which represents 154,15 million EUR0); 2% of GDP will be allocated for defence and NATO integration from 2003 until 2008 inclusive. This fixes the nation's defense budget for 2003 at roughly $184 million, up from $150 million in 2002. In making contributions to the war against terrorism, Latvia has focused on developing explosive ordnance disposal units, mine-clearing divers and military medics, areas in which it would provide value-added contributions.

29.   The EU 2002 Regular report states that Lithuania fulfils the Copenhagen political criteria and that it has a functioning market economy. Concerning the accession negotiations with the EU, the country had closed 28 chapters in June 2002. Lithuania fulfils the political criteria for NATO membership. It scored 4.8 in Transparency International's 2002 Corruption Perceptions Index; ranking it below all current NATO members except Poland and the Czech Republic. In January 2002 the Parliament approved the National Anti-Corruption Programme, aimed at reducing the level of corruption in Lithuania, promoting democracy, encouraging welfare development and strengthening national security. Amendments to the Criminal Code in July 2002 increased criminal responsibility for financing terrorism.

30.   According to the latest opinion poll conducted in July 2002, 68.4 % of Lithuanian residents support the country's membership of NATO. The 2002 defence budget is approximately US$ 292 million, and Lithuania is committed to spending 2% of GDP on defence from 2002 until 2005. Lithuania supports international anti-terrorism measures, and sent military medical personnel to participate in "Operation Enduring Freedom", as a part of a Czech field hospital. In late September 2002 the Lithuanian Parliament approved a plan to send a platoon of 40 special intelligence troops to Afghanistan to join the US-led war against terrorism.

31.   As reported last year, the former Yugoslav Republic of Macedonia[4] came under attack from insurgents that infiltrated from Kosovo in early 2001. The August 2001 Ohrid agreement has put an end to the conflict and the situation stabilised further in March 2002, when the country's parliament adopted an amnesty law for those who participated in the 2001 fighting. Nevertheless, tensions between ethnic Macedonians and Albanians still exist, as members of the Sub-Committee were told during their visit in April this year. The delicate security situation worsened in August 2002, when hostages were taken in protest at the arrest of Albanian suspects, following the murder of two Macedonian policemen.

32.   The continued presence of a NATO-led peacekeeping force is deemed necessary. NATO Operation *Essential Harvest* was originally put in place to help disarm the so-called National Liberation Army (NLA). The 700 or so troops of Operation *Amber Fox*, which succeeded *Essential Harvest* in late September 2001, protect international monitors from the EU and the OSCE, who are overseeing the implementation of the peace plan in the former

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[4]   Turkey recognises the Republic of Macedonia with its constitutional name

Yugoslav Republic of Macedonia. *Amber Fox'* mandate has been extended until 15 December 2002. The EU has proposed taking over this mission afterwards; however, as this report is being drafted, no agreement has been reached. To help rebuild the country, international donors pledged US $515 million.

33.   The former Yugoslav Republic of Macedonia[5] struggles to fulfil the political criteria for NATO membership. The International Crisis Group recognises that, while corruption plagues all transition countries, in the former Yugoslav Republic of Macedonia it is endemic at high levels of government and threatens the viability of the state. (Macedonia was not included in Transparency International's 2002 Corruption Perception Index). The parliamentary elections held in mid-September are a positive sign and represent "a victory for the democratic process", as the OSCE ambassador to Skopje stated. The outcome of the elections, which were generally considered free and fair, is likely to further political compromise between ethnic Macedonians and Albanians; a change of government alone will not solve the problem of corruption. The Macedonian government and political parties must commit to anti-corruption training programmes and legal reforms.

34.   Public support for NATO, which had been as high as between 64 and 84% in the 1994 to 1997 period, fell to around 25% after the 2001 crisis, members of the Sub-Committee were informed. An investigation of public opinion found that improved ratings were dependent on a positive portrayal of NATO peacekeepers in the local media and awareness of NATO's contribution to the suppression of global terrorism. The defence budget for 2002 is set at US$85 million, 2.6% of GDP. As members of the Sub-Committee were informed during their visit in April, the former Yugoslav Republic of Macedonia plans to spend US$152 million on defence reforms over the next five years.

35.   In early April this year, the government of Romania adopted a new reform action plan, addressing the various critical steps of the reforms that it is committed to undertake prior to and after the November summit in Prague. As of August 2002, Romania has provisionally closed 13 of the 31 chapters of the negotiations with the EU. An oversized bureaucracy continues to make the country unattractive for international investors, though Romania has continued to make progress towards becoming a functioning market economy, as the EU's 2002 Assessment report states. Due to weaknesses of the legal system, organised crime,

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[5] Turkey recognises the Republic of Macedonia with its constitutional name

corruption, and trafficking in women and girls continue to pose serious problems. Romania scored 2.6 in Transparency International's 2002 Corruption Perceptions Index, a score that is only marginally higher than Albania's. The Romanian government's anti-corruption office started functioning in September 2002, and this will hopefully invigorate policing and prosecutions. The US State Department's 2001 Report on Human Rights observed that the Roma minority was subject to police brutality and experienced discrimination in housing, employment and access to goods and services. The Romanian government has adopted a National Strategy for Improving the Condition of the Roma Community and has recently implemented measures in the fields of education, health protection, police co-operation, public administration and employment. Further concrete measures need to be implemented and long-term funding for the National Strategy must be guaranteed. Overall, however, the country meets the political criteria for NATO membership.

36.   Romania has enjoyed one of the highest levels of public support for NATO membership among all candidate countries, reaching approximately 85% according to Romanian government sources. The 2002 defence budget was US$ 1,066.4 million, representing 2.38% of GDP. The government has pledged to maintain defence spending at 2.38% of GDP until 2005. Romania has signalled its willingness to cooperate in the war against terror. In 2002 it deployed one infantry battalion to Operation Enduring Freedom in Afghanistan, contributed 57 military personnel to the ISAF and had a C-130 transport aircraft based in Karachi, Pakistan.

37.   Slovakia has closed 27 of the 31 chapters in its negotiations with the EU and meets the political criteria for NATO membership. The EU's 2002 Regular report said that Slovakia fulfils the Copenhagen criteria, and that progress has been achieved in overcoming deficiencies in political and judicial institutions. In 2001, suspicion of public procurement corruption led to the suspension of EU pre-accession financial assistance, demonstrating an urgent need to clarify and simplify the legal system. Slovakia scored 3.7 in Transparency International's 2002 Corruption Perceptions Index, ranking it alongside Latvia and the Czech Republic. Some progress in the fight against corruption which, according to the EU's 2002 Regular report, remained a serious concern, has been made. According to the 2001 US State Department Human Rights Report, Slovakia generally respects human rights, but has problems in areas such as discrimination against the Roma population. An important step was taken in March 2002, with the election to parliament of a human rights ombudsman, who can act on an appeal or on his own initiative. A public opinion poll conducted in June 2002 shows that 59.8% support NATO membership, up from 52.2% in June 2001. The success of the centre-right coalition in the 21 September elections is considered by many Western observers as a

positive sign for political stability and continued, sustained commitment to meet requirements for Alliance membership

38.   The 2002 defence budget is US$ 455 million or 1.89% of GDP, with plans to increase the defence spending to at least 2% of GDP in 2003. Slovakia is contributing to the "war against terrorism" by sending 40 troops to Operation Enduring Freedom in Afghanistan in August 2002.

39.   According to the EU 2002 Assessment Report, Slovenia fulfils Copenhagen political criteria and has a functional market economy. With 28 chapters closed in its negotiations with the EU, Slovenia is one of the front-runners among all EU applicant countries. Slovenia meets the political criteria for NATO membership. The 2001 US State Department report on Human Rights Practices indicates that Slovenia has no problems in respecting human rights of its citizens. Slovenia scored 6.0 in Transparency International's 2002 Corruption Perceptions Index, the highest ranking of all NATO applicant countries.   Relations with neighbouring Croatia have been tense due to disputed borders in the Bay of Piran.   After the border incidents of August 2002 the Slovenian Prime Minister said that relations between the two countries were at their worst level since 1991.

40.   Public support for NATO represents a potential problem; it has hovered around 50% in recent years, but declined in 2002. A July 2002 poll by *Politbarometer* showed 39% in favour of NATO membership. Slovene defence spending reached approximately US$300 million, or 1.55% of GDP, in 2002. It is projected that spending will increase to US$336 million, or 1.6% of GDP in 2003 and gradually progress to US$616 million, or 2% of GDP, by 2008.

NATO Partnerships

41.   As NATO continues its Open Door policy, it also advances co-operation with countries in the Euro-Atlantic area. Responding to neighbouring countries' increasing desire to collaborate, NATO has established a comprehensive set of outreach programmes. In addition to its special relationships with Russia and Ukraine, the Euro-Atlantic Partnership Council (EAPC) and the Enhanced Partnership for Peace (PfP) Programme, as well as the Mediterranean Dialogue, have dramatically altered the Euro-Atlantic security landscape.   In addition to NATO partnerships, the NATO PA has itself established several programmes to closely monitor progress in relationships between the Alliance and its partners, thereby providing an important parliamentary perspective. Besides the creation of its Mediterranean Special Group (MSG),

the Assembly has established Joint Monitoring Groups with the Ukrainian and Russian Parliaments to monitor progress on NATO's relations with Ukraine and Russian Federation, specifically the Founding Act and the NATO-Ukraine Charter.

Partnership for Peace (PfP)

42.   NATO's Partnership for Peace (PfP) was launched in 1994 and designed to complement the North Atlantic Cooperation Council (NACC) focus on multilateral, political dialogue. The PfP's principal goal is to promote transparency in national defence planning and military budgeting, the democratic control of the national armed forces, as well as to develop the capacity for joint action,   for example for peacekeeping or disaster response operations between NATO and partner countries' forces.   By developing tailored PfP programmes according to each partner-country's individual needs and abilities it offers the opportunity for each partner-country to develop its own bilateral relationship with NATO at its own pace. The process of self-differentiation and inclusiveness is the key principle of the PfP programme, and the degree of partners' involvement is completely voluntary. Though PfP does not include any security guarantee by NATO along the lines of Article 5 of the Washington Treaty, NATO consults with any partner-country if it feels that its security, political independence or territorial integrity is endangered.

43.   Recognising the value and success of PfP and the experiences of NATO-led peacekeeping operations such as the Implementation Force (IFOR), NATO Allies approved an "Enhanced and More Operational PfP" at the 1999 Washington Summit.   The three main initiatives to reinforce and improve PfP are the Planning and Review Process (PARP); the Operational Capabilities Concept (OCC); and the Political-Military Framework for NATO-led PfP Operations.   The PARP, which increasingly resembles the Alliance's own defence-planning process, lays down interoperability and capability requirements for participants to attain and includes an extensive review process to measure progress. The OCC provides NATO commanders with reliable information about potential partner contributions for actual operations by providing information about these forces' availabilities and capabilities.   The Political-Military Framework for NATO-led PfP Operations has replaced *ad hoc* consultations on partners' possible military contributions to complicated and potentially dangerous operations by establishing a mechanism for institutionalised consultations between NATO and partner countries.

44.   At the time of writing, further improvements for PfP are being discussed and could be adopted at the Prague Summit. For example, improvements are feasible in the co-ordination of Individual Partnership Programmes (IPP).   NATO considers introducing a "Partnership Action Plan" which would serve as an umbrella and replace Individual Partnership Programmes (IPP). The "Partnership Action Plan" under discussion could allow focusing on functional areas, such as combating terrorism.

The Euro-Atlantic Partnership Council (EAPC)

45.   Succeeding the NACC, the Euro Atlantic Partnership Council (EAPC) was established in 1997 to increase Partners' contribution to Alliance decision-making processes as well as involving Partners more closely in consultations for the planning, execution and political oversight of NATO-led PfP Operations. The EAPC expanded NACC's original focus on practical political and security-related consultations to include crisis management, arms control, international terrorism, defence planning, civil-emergency and disaster preparedness, armaments cooperation and peace-support operations.

46.   The EAPC's minimum of institutional rules provides partner countries with many opportunities to initiate discussions on major issues of concern. At the 1999 Washington Summit, an Ad Hoc Working Group on Regional Cooperation in South-East Europe was set up under the EAPC to support NATO's South-East Europe Initiative (SEEI), which aims at long-term regional security and stability. Two initiatives that stood out in this initiative are the South-East Europe Assessment Paper on Regional Security Challenges and Opportunities (SEECAP) as well as the South-East Europe Security Cooperation Steering Group (SEEGROUP) established in 2000.   The former was established to bring together neighbouring countries for exchange of information and perceptions of security challenges, while the latter was established to strengthen practical cooperation among neighbouring countries of the region.

47.   Partnership has developed into one of the most important instruments for fostering regional security and stability by developing crisis management capabilities and instruments. Today partner countries provide approximately 10% of the SFOR troops and some 18% of the forces deployed in KFOR. The structure of participation in such operations varies from partner countries contributing troops to be integrated with NATO units (Polish-Ukrainian battalion, Czech-Slovak unit) or to form joint units such as BALTBAT, or the Southeast European Brigade (SEEBRIG). Reflecting its success and its importance, Partnership was included in the

NATO Strategic Concept at the 1999 Washington Summit as a fundamental security task of the Alliance.

48.   As the Alliance adapts to a changing security environment that features new threats, partnerships will evolve as well. Today's agenda for PfP and EAPC already include improving co-operation and capabilities to address terrorism and other non-conventional security threats. Nevertheless, Allies and partners should consider how to enhance training and exercises to carry out missions related to combat international terrorism and peacekeeping operations. To that end, Finland and Sweden have suggested to integrating anti-terrorist activities into the work of the EAPC and PfP. More generally, Allies and partners should devise a strategy to widen and strengthen partner countries' involvement in the main decision-making process, especially in the areas of PfP operations, anti-terrorism, crisis management and prevention as well as civil emergency planning.

49.   As Lord Robertson has said, "Enlargement will fundamentally change the nature of partnerships". In fact, your Rapporteur anticipates that NATO partnerships will become even more important after the next Enlargement round. For one thing, PfP activities remain an essential instrument in building interoperability and the capability of partner countries to contribute to NATO-led PfP operations, but more importantly, the accession of new members will have an impact on security issues beyond Central and Eastern Europe.

50.   Jan Erik Enestam, the Finnish defence minister, announced that Finland is considering whether to intensify its relations with NATO under the Partnership for Peace (PfP) programme, stressing, however, that Finland has no intentions to reconsider its non-aligned status in the near future. Participants in the NATO PA's October 2001 Rose-Roth seminar on "The Role of NATO in the Security of the Black Sea Region" anticipated that countries in the Caucasus and Central Asia, in particular, will be affected by further NATO enlargement. As a consequence, the Alliance should enhance its partnerships with Ukraine and Georgia to promote strategic stability and development in the South Caucasus-Caspian area.

51.   On the political level, the EAPC can give those countries that have not applied for membership or will not be included in the next enlargement round a firm sense that they belong within the broader NATO family. As former US Ambassador to NATO, Robert Hunter, has argued that, as Partners demonstrate their capacity to take on additional responsibilities, NATO should consider giving the EAPC true decision-making powers beyond the capacity to help shape decisions of the North Atlantic Council. Moreover, Allies and partner countries

may want to consider whether the EAPC should gradually take on a role in "out-of-area" dispute and conflict management. Areas of concern to NATO members increasingly include or border EAPC member states. What is more, the relative balance between partner countries and Allies in the EAPC will progressively shift towards the latter after the Prague summit. With non-Allied membership of the EAPC increasingly dominated by countries east of Turkey, there is a good argument to be made for the EAPC to emphasise dispute and conflict resolution and to help countries in the Caucasus and Central to develop their politics and economies, as well as to reform their militaries.

The Mediterranean Dialogue

52.   Though the Mediterranean has always played a significant part in the European security equation, the Gulf War, the break-up of former Yugoslavia and, most recently, the threat of terrorism have reinforced the interest in this region. NATO's Mediterranean Dialogue was launched in 1994 and aims at contributing to regional security and stability and achieving better mutual understanding. In February 2000 Algeria joined the six countries that initially signed on to the Dialogue, namely Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. The Dialogue provides for political discussions with the participating countries. Its work is organised through an annual Work Programme focusing on practical cooperation in security and defence-related areas, information, civil emergency planning and science.

53.   In October 2001, NATO and the seven Mediterranean Dialogue countries conducted a fifth round of political consultations on the security situation in the Mediterranean, notably in the aftermath of the attacks against the United States on 11 September. It was also an occasion to assess cooperation undertaken in the framework of the Dialogue and to look at areas where this could possibly be developed further. The Mediterranean will be increasingly important for European security, not only because of existing regional tensions, especially the unresolved Middle East crisis, whose conflict potential goes far beyond its point of origin. Other pressing security issues include terrorism, which is linked to a lack of democratic and economic reforms and a lack of fundamental freedoms and human rights, the proliferation of weapons of mass destruction by some countries along the Mediterranean shores and the rift between Europe and the Mediterranean region in terms of their democratic and economic development.

54.   Reflecting the need for increased cooperation between NATO and Mediterranean countries, the North Atlantic Council decided at the May 2002 Reykjavik meeting of foreign

ministers to upgrade the political and practical dimensions of the Mediterranean Dialogue. Improved cooperation will include consultation on security matters of common concern, including terrorism-related issues. NATO and its Mediterranean partners should focus on practical cooperation where concrete results could be quickly achieved. In addition to counter-terrorism, Lord Robertson identified military education, training and doctrine, defence reform, defence economics, border security and civil emergency planning as areas of possible cooperation.

Relations with Russia

55.   Relations between NATO and the Russian Federation have developed very positively over the last 12 months, due to President Vladimir Putin's "pro-Western" approach and the terrorist attacks of 11 September 2001. Russia had raised objections to the previous enlargement round and, with few exceptions, Russian government officials had voiced strong criticism, if not outright rejection, of NATO's Open Door policy. However, last year's terror attacks in the US have led to a rapprochement between NATO and Russia with improved relations, primarily due to growing cooperation between the US and Russia over the war on terrorism in Afghanistan. This was already indicated on 13 September 2001 when the NATO-Russia Permanent Joint Council (PJC) issued a communiqué stating that the PJC has agreed to strengthen cooperation in the fight against international terrorism.

56.   A new quality in relations was reached when NATO and Russian Heads of State and Government established the new NATO-Russia Council (NRC) in Rome on 28 May. The creation of the NRC provides opportunities for consultation, joint decision and joint action on a wide range of issues. The NRC will focus on specific, well-defined projects where NATO and Russia share a common goal. The initial work plan, as identified by the Rome Declaration, includes projects in the following areas: assessment of the terrorist threat, crisis management, non-proliferation, arms control and confidence-building measures, theatre missile defence (TMD), search and rescue at sea, military-to-military cooperation and defence reform, civil emergencies, as well as new threats and challenges. Other projects may be added as the NRC develops.

57.   The NRC replaces the PJC, that was set up in 1997 but never adequately used because of disputes over Kosovo and other issues. The NRC is chaired by the NATO Secretary General. It will meet at least once a month at ambassadorial and military representative level, twice a year at foreign and defence minister level and, on relevant occasions, will summon a

Summit. The first meeting of NRC "at twenty" at defence minister level took place on 6 June at NATO Headquarters. Unlike the PJC, the Council gives Russia an equal voice on decisions in the areas listed above. However, the NRC does not affect NATO's existing responsibilities as a political and military alliance based on collective defence. The NRC does not give Russia a veto over NATO decisions or action. NATO Allies retain the freedom to act, by consensus, on any issue at any time. NATO Allies will decide among themselves on the issues they will address in the NRC, as well as the extent to which they will take a common position on these issues.

58.   If used to the maximum extent, closer NATO-Russian cooperation will be crucial for improving European security. Though we are still at a very early stage in the new NATO-Russia Council, prospects for a genuine cooperation appear bright. Senior NATO officials describe the atmosphere at the meetings are very open and productive. The NATO Secretary General reported at the Warsaw meeting of 20 defence ministers in late September that NRC progress in the field of defence was "already remarkable". More specifically, NATO and Russia had "already produced impressive results" in areas like TMD and Peacekeeping, according to Lord Robertson. Your Rapporteur sees the reinvigoration of the Alliance's partnership with Russia as an important development. There should be no taboo subjects between the partners, and the NRC allows for addressing sensitive issues. This includes the situation on Georgia's northern border, where groups of Chechen rebels are operating. The Allies consider that "Georgia's territorial integrity must be respected", but they also share "Russia's concerns faced with the use of Georgian territory by the rebels as a relative safe hinterland", stressed by the NATO Secretary General.

59.   Russian acquiescence to the presence of US military advisers to Georgia and the use of bases in countries of the CIS for American and Allied aircraft reflects the new spirit of partnership endorsed by President Putin. A lot of work needs to be done, however, to overcome old stereotypes that continue to exist in large parts of the Russian public that views NATO sceptically. According to opinion polls taken in early 2002, i.e. before the NRC was established, approximately 60 % of Russians "totally distrust" NATO. It is hoped that those in Russia who are critical of the West will develop a more realistic understanding of what NATO is and what it stands for. Members of the Political Committee learned during the recent visit to Moscow that President Putin, though enjoying high public approval ratings, lacks the necessary support in the bureaucracy, where many senior and lower-level officials remain deeply critical of NATO. In the meetings with the Committee, some experts took the view that Mr Putin may have already "overextended" himself, thus making himself vulnerable to criticism.

60.   Providing a parliamentary dimension for the newly created NRC, the NATO PA decided at the Spring Session 2002 in Sofia to create a parliamentary counterpart to the Council. This Parliamentary dimension will take the form of a NATO-Russia Parliamentary Standing Committee that will cover the same issues as the NATO-Russia Council and will provide an overall co-ordination role concerning relations between the Assembly and the Russian Federal Assembly.   Like the NATO-Russia Council, the members of the Parliamentary Standing Committee will work as equal partners in areas of common interest. The first meeting of this Committee will take place at the Assembly's Annual Session in Istanbul in November 2002.

Relations with Ukraine

61.   NATO's special relationship with Ukraine, the "Distinctive Partnership" established 1997, has generated a closer political engagement between the partners, which in turn has led to more substantial and effective cooperation in a number of areas. It has made significant contributions to international peace-keeping operations in South-East Europe. As members of the Political Committee were informed during the joint visit to Kiev in November 2001, NATO assists Ukraine in its efforts to reform its military from a Soviet-legacy force into one that is smaller, more professional, and capable of defending Ukrainian security while contributing to international missions.   More specifically, the Alliance provides assistance in implementing realistic planning and budgeting, and matching its plans to its resources. NATO-Ukraine co-operation in defence reform includes ongoing consultations on revising the national security concept, military doctrine and the transition of military personnel to the civilian sector.   In addition, enhancing transparency in decision-making, work on reforming the armed forces to include border security, involving areas like stopping drug-trafficking, arms smuggling, and terrorism. NATO-Ukraine co-operation also extends to the civilian sector, where Ukraine is gaining technical expertise and learning how to work with NATO countries in areas such as search and rescue operations and emergency management.

62.   The 11 September 2001 terrorist attacks had led the Ukrainian National Security and Defence Council to decide on further revision of the national security concept that is being prepared in Ukraine, members were told in Kiev in November 2001. Shortly thereafter, NATO and Ukraine issued a joint statement condemning "in the strongest possible terms" the terrorist attacks in the US. Ukraine pledged to contribute fully to finding and punishing those who committed the atrocities. For example, responding to a request by NATO, Ukraine granted rights for seven NATO planes to fly over the state's territory to participate in the anti-terrorist

operations in Afghanistan. Moreover, it has given permission for American planes to land at airfields in Kiev, Lviv, and Odessa, in emergency.

63.   Though it had earlier expressed fears of becoming a "buffer zone" between NATO and Russia, Ukraine had gradually come to see NATO as a collective security organisation that does not threaten its security. In fact, Ukraine welcomed the last enlargement round of the Alliance. Government officials from Kiev add that they welcome the continuation of NATO's Open Door process if it does not reproduce new separation lines or "zones of influence" in the Euro-Atlantic area. Volodymyr Shkidchenko, the Ukrainian minister of defence, reconfirmed this at the Munich Security Seminar in early February 2002, stating that Ukraine "considers NATO enlargement as expansion of the security, stability and democracy zone in Europe".

64.   Ukraine has also welcomed the rapprochement between NATO and Russia. Improving relations between Russia and NATO would benefit Ukraine by reducing tensions between two of its important neighbours, members of the Political Committee were told during the Kiev visit early November 2001. Lord Robertson, the NATO Secretary General, told Anatoliy Zlenko, the Ukrainian foreign minister, on 6 December that an enhanced NATO-Russia cooperation would in no way disrupt NATO-Ukraine relations. At the same time, it appears that Ukraine's southern flank is exposed to a relative deficit of security and stability, owing among other things to the unresolved Transdnistria conflict and the possible unravelling of Moldova, with ripple effects on Ukraine and other countries in the region.

65.   NATO-Ukraine cooperation, which has already been very successful under the Distinctive Partnership, will therefore intensify. At their meeting in Reykjavik on 15 May, Allied and Ukrainian foreign ministers underlined their desire to take the NATO-Ukraine relationship to a qualitatively new level. Ukraine's Security and Defence Council declared on 23 May that it would start the process to seek NATO membership. Though setting a date for starting membership negotiations would be premature at this early stage, the alliance is prepared to help Ukraine draw closer to Europe on condition that Ukraine respects democratic norms, said NATO Secretary General Lord Robertson at the North Atlantic Council's meeting in Kyiv in early July. At the time of writing, discussions are under way to forge closer cooperation between NATO and Ukraine by establishing an "action plan" that would set annual target plans for cooperation. Such an "action plan" could be modelled on the MAP, and would provide both increased transparency as well as benchmarks against which progress in reforms could be evaluated.

Enlargement and the Future of NATO

66.   Estonia, Latvia, Lithuania, Slovakia, Slovenia, and also Bulgaria and Romania, have made great strides towards political stability, democracy and a market economy. They have managed to achieve levels of preparedness in all five chapters of the MAP or are about to do so, enabling them to assume the obligations and responsibilities of membership to contribute to the security of the North Atlantic area. Your Rapporteur would therefore suggest that NATO Heads of State and Government should invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to join the Alliance.

67.   If NATO Heads of State and Government extend an invitation at Prague, and if these candidate countries continue to implement their plans, parliaments of NATO member countries should ratify the necessary treaty protocols without delay.

68.   NATO applicant countries already contribute to Euro-Atlantic stability and security as they participate in NATO-led peace operations, establish good relations among themselves and with their neighbours, and transform their defence and civilian structures to be compatible with NATO. In 2001, seven of the nine NATO aspirants made force contributions to NATO operations in Kosovo, and eight of the nine contributed to NATO operations in Bosnia. What is more, NATO applicant countries actively support the "war on terrorism" by military and non-military means. They act as *de facto* NATO allies.

69.   Candidate countries have invested heavily in preparations for NATO membership and continue to do so. They have committed to NATO's objectives and operations and comply with NATO's guidelines for defence reform.   Their continuing commitment of considerable resources to security issues to comply with MAP is especially noteworthy as they need to reform on many fronts. Their people, who have been under communist rule for decades, are eager to see their living conditions improve soon. Not surprisingly, during the Sub-Committee visits to candidate countries, host speakers often conveyed the need for a "breakthrough" at the Prague summit to honour reform commitments, as well as to counter the "reform-fatigue" some countries are beginning to experience after over a decade of strenuous reform efforts.

70.   Arguments against NATO enlargement - that is, that it needlessly antagonises Russia, costs too much, weakens the Alliance politically and militarily, and distracts NATO from its original mission - ring even more hollow after 11 September 2001. As the previous round demonstrated, enlargement has made NATO both politically and militarily stronger and has

further contributed to stabilising Europe by, *inter alia*, improving relations between Russia and the three NATO newcomers.

71.   Your Rapporteur concurs with an editorial in the Washington Post on 7 April that argued that "the real benefit of NATO expansion lies in the leverage it offers to shape the political and economic development of European countries where democracy and free markets are not yet taken for granted". To achieve this, NATO must retain its military viability and therefore resolve its capabilities challenges. As Reykjavik and subsequent NAC meetings demonstrate, NATO applies the "lessons learned" from the previous round. Past experience has shown that new member countries need several years before they can contribute fully to Alliance security. This is why it is so important to continue the MAP process after an invitation has been issued, as stated in the Reykjavik communiqué.

72.   The Prague Summit provides an historic opportunity to reaffirm the importance of NATO to the collective security of the Euro-Atlantic region by addressing new threats, developing new capabilities, and by inviting new members. With regard to the latter, it is not the end, but rather the beginning, as invitees must continue reforms to meet the full responsibilities of a NATO member, including the completion of issues identified by the MAP. Moreover, the enlargement process will continue with remaining candidate countries progressing their reforms unabated. NATO Partnerships will be further strengthened as the Alliance further adapts its to the changing security environment. As perceptions of security are changing, NATO transformation is both desirable and necessary. New members and improved partnerships can play an important role in enhancing overall security and stability in the Euro-Atlantic region. If done properly, inviting new members will strengthen the Alliance NATO enlargement therefore deserves both parliamentary support and attention, both during and after the ratification process.

73.   Parliaments should closely follow and monitor implementation of commitments by the current candidate countries. Upon candidate countries meeting accession criteria as laid out in the MAP, NATO parliaments should quickly ratify accession agreements. As to NATO's parliamentary dimension, the NATO Parliamentary Assembly should include parliamentary representatives in its Standing Committee, once the accession protocols have been signed. The next round of the enlargement process must not create "dividing lines"; the NATO PA's continuing commitment to dialogue and partnership forms a crucial part of NATO's inclusion of its neighbours. Thus, Parliaments and the NATO PA can play a proactive role in ascertaining

the sustained commitment of NATO member countries to assist and support all candidate countries, both those that will be invited at the Prague Summit and those that will not.

ANNEX 4.

DECLARATION ADOPTED ON NATO ENLARGEMENT

NATO Parliamentary Assembly

May 2002

DECLARATION ON NATO ENLARGEMENT

1.   The NATO Parliamentary Assembly, meeting in plenary in Sofia on Tuesday 28 May, confirms that NATO's purpose is to safeguard the freedom and security of all its members by political and military means. Therefore,

The Assembly,

2.   *Recalling* that under Article 10 of the Washington Treaty, "the Parties may, by unanimous agreement, invite any other European State in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area to accede to the Treaty";

3.   *Recalling* its strong support for NATO enlargement expressed during its meetings in Vilnius and Ottawa;

4.   *Stressing* that enlargement has a dominant political rationale through the projection of security and stability throughout the Euro-Atlantic area. It emphasizes the benefits to be gained in the light of changing circumstances from broadening the Alliance so that NATO can act as a forum for political consultations among democratic nations as well as for co-operation in and co-ordination of military and security activities;

5.   *Stressing* that terrorism and the proliferation of weapons of mass destruction pose a significant threat to NATO countries, enlargement is part of a broader policy to build an alliance that ensures security in the Euro-Atlantic area. The Alliance is open to tolerant, democratic societies, embracing values that terrorism seeks to destroy. At the same time, enlargement promotes military and security efforts to combat threats to stability;

6.   *Emphasizing* that the military dimension of the Alliance remains an indispensable component of NATO's new role through the provision of the appropriate capabilities and a framework for military co-operation, co-ordination and interoperability;

7.   *Agreeing* that a broad and regionally balanced enlargement of NATO is an essential part of the transformation of the Alliance;

8.   *Recognizing* and *appreciating* the efforts made by all aspirant countries towards NATO membership and *expressing* gratitude to these countries for the solidarity shown and for their contribution to the fight against terrorism and NATO efforts following 11 September;

9.   *Noting* that Bulgaria, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania have proved their progress towards NATO membership through successful programmes of reform at home and their contributions to NATO operations in the Balkans;

10.   *Stressing* to aspirant countries the importance of maintaining their current efforts aimed at meeting the criteria for membership outlined in NATO's 1995 study on enlargement, upon which the Council will decide in Prague; and *reminding* each invited country that if it should falter in its commitment to reform, the member parliaments of the Assembly may decide to delay or even reject ratification of the treaty protocol needed for that country to join the Alliance;

11.   CALLS UPON Alliance Heads of State and Government at their next summit in Prague, on 21 and 22 November:

a.   to invite to commence accession talks those aspirant countries assessed to be ready for Alliance membership and whose accession is judged to strengthen security and stability in the Euro-Atlantic area;

b.   to continue the "open door" policy after the Prague Summit, and in particular to assist aspirant countries on their way towards NATO membership;

c.   to accelerate and intensify co-operation and partnership programmes with aspirant countries and to continue and strengthen the Membership Action Plan in order to assist them in meeting NATO's requirements for eventual entry into NATO;

d.   to indicate an approximate timeframe for the consideration of these candidate countries, if there is no deterioration in their respective progress in meeting the NATO criteria for membership;

e.   to declare that the NATO Alliance remains open to all European democracies, regardless of geography, which are willing and able to meet the responsibilities of

membership, and whose inclusion would enhance overall security and stability in Europe;

12.   CALLS UPON the constituent parliaments of the NATO Parliamentary Assembly to give their consent to and/or campaign for ratification of the necessary treaty protocols;

13.   BELIEVES that a substantially enlarged NATO, together with the adoption of other fundamental changes and improvements, will ensure the future relevance of the North Atlantic Alliance with Article 5 as its essential part.

ANNEX 5.

POLICY RECOMMENDATIONS

NATO Parliamentary Assembly

Spring Session - Sofia, Bulgaria May 2002

Forty-eighth Annual Session – Istanbul, Turkey, November 2002

November 2002

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Declaration (Sofia)

Declaration (Istanbul)

DECLARATION 315

on

NATO ENLARGMENT[∗]

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3.   *Recalling* its strong support for NATO enlargement expressed during its sessions in Vilnius and Ottawa;

4.   *Stressing* that enlargement has a dominant political rationale through the projection of security and stability throughout the Euro-Atlantic area. It emphasizes the benefits to be gained in the light of changing circumstances from broadening the Alliance so that NATO can act as a forum for political consultations among democratic nations as well as for co-operation in and co-ordination of military and security activities;

5.   *Stressing* that terrorism and the proliferation of weapons of mass destruction pose a significant threat to NATO countries, enlargement is part of a broader policy to build an alliance that ensures security in the Euro-Atlantic area. The Alliance is open to tolerant, democratic societies, embracing values that terrorism seeks to destroy. At the same time, enlargement promotes military and security efforts to combat threats to stability;

6.   *Emphasising* that the military dimension of the Alliance remains an indispensable component of NATO's new role through the provision of the appropriate capabilities and a framework for military co-operation, co-ordination and interoperability;

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f.   to indicate an approximate timeframe for the consideration of these candidate countries, if there is no deterioration in their respective progress in meeting the NATO criteria for membership;

e.   to declare that the NATO Alliance remains open to all European democracies, regardless of geography, which are willing and able to meet the responsibilities of membership, and whose inclusion would enhance overall security and stability in Europe;

12.   CALLS UPON the constituent parliaments of the NATO Parliamentary Assembly to give their consent to and/or campaign for ratification of the necessary treaty protocols;

13*.*   BELIEVES that a substantially enlarged NATO, together with the adoption of other fundamental changes and improvements, will ensure the future relevance of the North Atlantic Alliance with Article 5 as its essential part.

DECLARATION 316

on

KALININGRAD[*]

The Assembly,

1.   *Acknowledging* that peace and security are important to NATO and therefore *encouraging* agreements that establish good relations between the European Union and Russia;

2.   *Recognising* the unique situation of Russia's Kaliningrad region;

3.   *Understanding* the importance Russia attaches in particular to the movement of Russian citizens between Kaliningrad and the rest of Russia after EU enlargement;

4.   *Taking due account of* the EU's safety and security concerns about its frontiers, and of its insistence that the future transit of persons to and from Kaliningrad *Oblast* be in line with the Schengen *acquis*;

5.   *Recalling* that co-operation on Kaliningrad forms part of the broader EU-Russia Partnership and Co-operation Agreement, which will become even more important for both the EU and Russia after EU enlargement;

6.   *Insisting* on the necessity to strike a balance between national interests and international constraints and to work out a solution on the transit to and from Kaliningrad which should not prevent or in any way delay full participation of the new EU Member States in the Schengen regime;

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[*]   Presented by the Committee on Civil Dimension of Security.

7.   WELCOMES the decisions of the European Union-Russia Summit in Brussels of 11 November 2002 on the transit between Kaliningrad *Oblast* and the rest of the territory of Russia, including those regarding the elimination of concerns of both parties about the future transit of people and cargo between Kaliningrad *Oblast* and other regions of Russia and the stepping up of their co-operation to accelerate the socio-economic development of the whole *Oblast* in general;

8.   CALLS UPON the European Union:

a.   to speed up accession talks with EU candidate countries on joining the Schengen area as soon as possible;

b.   to pursue with its offer to assist in implementing the package on movement of people, including with additional costs and the opening of additional consulates in Kaliningrad;

c.   to discuss without delay the measures which Russia is putting in place to strengthen the rule of law, to intensify the fight against organised crime and ensure effective border security;

d.   to enhance practical co-operation on border management, as an essential instrument in tackling trans-border crime and illegal immigration and in preventing the free movement of criminal and terrorist elements;

e.   to forge a long-term, concerted and comprehensive strategy with Russia for the economic and infrastructural development of Kaliningrad, with accompanying measures in tackling social, health and environmental problems;

9.   CALLS UPON the Russian authorities:

a.   *to implement without delay the arrangements agreed upon at the EU-Russia Summit on 11 November 2002 in accordance with all parties concerned;*

b.   *to show a sustained commitment to investing in securing Russia's borders, to reducing criminal activity in Kaliningrad* Oblast *and making headway with law-enforcement, legal, social and economic reforms;*

c.   to start without delay negotiations on the signing of readmission agreements with the EU, Lithuania and Poland as well as on the ratification of border agreements between Russia and all three Baltic States;

d.   *to inform Kaliningraders and the rest of the Russian population about the EU's package on movement of people to and from the enclave, in an open and co-operative manner.*

DECLARATION 317

on

NATO STRUCTURAL REFORM AND ESDP[*]

The Assembly,

1.   *Declaring* that allied countries remain committed to defend one another against all threats to our security from any hostile governments or non-state actors;

2.   *Finding* that terrorism constitutes a grave threat to the security of the Alliance today, which requires a comprehensive approach involving all means at our disposal;

3.   *Recalling* that the NATO Allies invoked Article 5 of the Washington Treaty for the first time in response to the 11 September 2001, terrorist attacks on the United States;

4.   *Observing* that while military personnel from many allied countries contributed to *Operation Enduring Freedom*, NATO as an institution played a limited role;

5.   *Recognising* that NATO must reform its structures in order to be able to command missions outside of the Euro-Atlantic region if so directed by its member governments;

6.   *Aware* of discussions to transform the NATO command structure to create a streamlined organisation that would be capable of deploying headquarters and forces wherever they are needed to combat threats to the security of the Alliance;

7.   *Commending* work on NATO's force structure review, which is developing a set of high-readiness headquarters able to command out-of-area operations at the corps level;

8.   *Pointing out* that more deployable forces are needed for such missions;

9.   *Supporting* the new capabilities initiative agreed by NATO Defence Ministers that will focus on a small number of capabilities essential to the full range of Alliance missions;

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[*]Presented by the Defence and Security Committee.

10.   *Reasserting* our determination to strengthen the European pillar of the Alliance and to support the building and strengthening of the European Security and Defence Policy in such a way that it will add to the strength of the Alliance;

11.   *Remembering* that the European Union's Helsinki Headline Goal calls for the EU to develop by 2003 the ability to deploy a corps-sized rapid reaction force, with appropriate air and naval assets, to enhance the credibility of common foreign policy objectives and, if necessary, to manage crises when NATO as a whole chooses not to be engaged;

12.   *Recognising* the progress made to conclude the Berlin Plus agreements between NATO and the EU to ensure access by the EU to NATO assets and capabilities;

13.   *Disappointed* that ongoing disagreements obstruct the conclusion of the Berlin Plus agreements between NATO and the EU despite all progress already achieved, stopping the EU's ability to conduct crisis management operations;

14.   *Supporting* efforts to overcome the current impasse concerning permanent arrangements between NATO and the EU;

15.   URGES member governments and parliaments of the North Atlantic Alliance:

a.   to make the fight against terrorism and against proliferation of weapons of mass destruction a central mission of the Alliance;

b.   to reform NATO structures to enable the Alliance to carry out this mission;

c.   to ensure that the new command structure enables NATO to deploy headquarters wherever the Alliance needs to perform its missions;

d.   to develop national armed forces that can be deployed and sustained wherever they are needed to combat threats to the security of the Alliance;

e.   to fulfil their NATO Force Goals, and to make these goals transparent so that parliaments and publics can monitor compliance;

f.   to work out appropriate arrangements with the European Union to enable it in the spirit of genuine partnership to draw on NATO assets and capabilities for its Rapid Reaction Force whenever NATO as a whole chooses not to be engaged;

g.   to work to ensure coherence between the proposed NATO Response Force and the EU Rapid Reaction Force and to ensure complementarity of NATO and EU capability initiatives;

16.   URGES member governments and parliaments of the North Atlantic Alliance that are also members of the European Union to fulfil the Helsinki Headline Goal by the 2003 target date.

DECLARATION 318

on

IRAQ*

The Assembly,

1. *Recalling* that after the liberation of Kuwait in 1991, Iraq agreed to United Nations Security Council Resolution 687, which requires Iraq to unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of its nuclear, biological and chemical weapons programmes. In addition, Resolution 687 also requires Iraq to unconditionally accept the destruction, removal, or rendering harmless of its programme to develop or acquire ballistic missiles with a range of more than 150 km. In accordance with that resolution, Iraq undertook unconditionally not to develop weapons of mass destruction or prohibited ballistic missiles thereafter. On numerous occasions since 1991, the UN Security Council has reaffirmed Resolution 687, most recently in Resolution 1441, adopted unanimously by the Security Council on 8 November 2002;

2. *Remembering* that Iraqi non-compliance with Resolution 687 led UN weapons inspectors to leave Iraq in 1998, ending international efforts to monitor its compliance with UN resolutions;

3. *Citing* evidence presented by the government of the United Kingdom and by non-governmental organisations that demonstrates that Iraq has continued to develop weapons of mass destruction and prohibited ballistic missiles, despite UN resolutions;

4. *Declaring* that the possibility of terrorist groups obtaining weapons of mass destruction constitutes the gravest security threat today to the countries of the North Atlantic Alliance and many other countries around the world;

5. *Asserting* that Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction programme and prohibited ballistic missile programme, its record of using weapons of mass destruction, its record of using force against

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*Presented by the Defence and Security Committee.

neighbouring states, and its support for international terrorism require a strong diplomatic and, if necessary, military response by the international community;

6. *Noting* the acceptance of UN Security Council Resolution 1441 by the Iraqi authorities;

7. URGES the member governments and parliaments of the North Atlantic Alliance:

a. to act together to fully implement UN Security Council Resolution 1441, which requires that UN weapons inspectors return to Iraq;

b. to work through the United Nations to ensure Iraqi compliance with all relevant UN Security Council resolutions in order to secure the dismantlement of the Iraqi weapons of mass destruction programme and prohibited ballistic missile programme;

c. to ensure that UN weapons inspectors have immediate, unconditional and unrestricted access to all sites, records, officials and other persons within Iraq in order to determine whether Iraq is in compliance with UN resolutions;

d. to declare that failure by Iraq at any time to comply with and co-operate fully in the implementation of all UN Security Council resolutions on Iraq shall constitute a further material breach of Iraq's obligations, and that Iraq will face serious consequences as a result of its continued violations of its obligations;

e. to prepare, if Iraq does not comply with UN Security Council resolutions on Iraq, for the political and economic reconstruction of Iraq following any possible use of force, particularly to ensure that any Iraqi government respects the principles of representative government and rule of law.

DECLARATION 319

on

TERRORIST FINANCING[*]

The Assembly,

1.   *Conscious* that terrorism represents a threat to global security, economic well-being and democratic development;

2.   *Concerned* about the direct and indirect burdens terrorism imposes on Western economies including higher insurance premiums, the need to defend enterprises and make critical economic infrastructure more robust;

3.   *Recognising* that governments and central banks played a critical role in limiting the macro-economic impact of the 11 September 2001 attacks;

4.   *Aware* that increased government spending associated with the broad response to the threat has the potential to generate costly economic distortions if not properly managed;

5.   *Noting* that the private sector has been and will remain a key player in helping our societies manage the cost of terrorism in an efficient and comprehensive manner;

6.   *Acknowledging* both the advantages and the increased vulnerabilities associated with our societies' ever-mounting reliance on highly complex and integrated communications, energy, water, food, and information networks;

7.   *Applauding* the steps taken by international organisations and governments to promote greater financial transparency and to counter money laundering as laid out in UN Security Council Resolution 1373; yet,

8.   *Troubled* that terrorist organizations are nonetheless still positioned to exploit the vulnerabilities within the international financial system and are continuing to funnel financial resources to terrorist cells;

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[*]Presented by the Economics and Security Committee.

9.   *Noting* that international terrorism is closely linked to international organized crime and increasingly funds acts of violence through drug smuggling, fraud, illegal gem sales, and human trafficking;

10.   *Welcoming* the recognition on the part of many Western governments that development assistance can be one tool in fighting the conditions that make terrorism possible;

11.   *Supporting* the commitments in the Monterrey Consensus on financing for development on the need to improve the volume and effectiveness of development assistance;

12.   *Lamenting* the West's failure to open up certain commercial markets to developing countries, a policy which would bring greater levels of prosperity to many unstable and impoverished regions of the world;

13.   URGES member governments and parliaments of the North Atlantic Alliance:

a.   to focus on uprooting and destroying the financial networks of terrorism by better co-ordinating efforts to eradicate money laundering and illicit fund transfers, strengthening national and international regulations and harmonizing relevant aspects of financial legislation;

b.   to use the power of intervention judiciously in order to ensure that liberal financial and commercial markets will continue to flourish and provide a foundation for broader social welfare;

c.   to encourage both the public and private sectors to review continuously the vulnerability of crucial economic infrastructure to acts of terrorism and, where necessary, develop more robust systems better able to resist attack;

d.   to encourage international banks to adopt strong "know your customer" rules and to monitor carefully the activities of their subsidiaries;

e.   to blacklist and sanction countries and institutions which do not comply with international money laundering standards;

f.   to demand stricter controls for non-standard traditional banking and financial structures, religious charities and other organisations which have either facilitated terrorist fund transfers or directly underwritten terrorist activities;

g.   to press ahead in the development of alternative energy sources and the promotion of energy conservation in order to reduce Western energy dependencies on unstable regions of the world;

h.   to implement further increases in aid to less developed countries as well as greater access to Western markets to promote global economic development and stability;

i.   to develop a comprehensive security concept that includes access to education and health care and the alleviation of poverty through national foreign aid programmes for developing countries;

j.   to implement the standards and guidelines of relevant international financial "watchdogs" like the Financial Action Task Force and Interpol to combat illegal financial activities, to encourage those "watchdogs" to improve the exchange of information among them, and to encourage NATO to track the efforts of international "watchdogs" so that the Alliance is positioned to make accurate assessments of terrorist capabilities and threats.

DECLARATION 320

on

STRENGTHENING THE TRANSATLANTIC SECURITY PARTNERSHIP*

The Assembly,

1.   *Declaring* that close transatlantic policy co-operation and co-ordination has been pivotal in securing peace, prosperity and stability in the Euro-Atlantic area and that NATO remains indispensable to achieve this goal;

2.   *Anticipating* and *welcoming* the intention to invite seven states to join the Alliance as a major contribution to the transformation of NATO and the strengthening of stability and security in the Euro-Atlantic area;

3.   *Recognising* the substantial efforts and reforms as well as their contributions to peace and stability in South-East Europe of the three other applicants: Albania, Croatia and the former Yugoslav Republic of Macedonia**;

4.   *Reaffirming* that the Alliance is open to any democratic European country that is willing and able to further the principles of the Washington Treaty and to contribute to peace and stability in the Euro-Atlantic area;

5.   *Considering* that the promotion of the Alliance's common values is one of the driving forces behind NATO's co-operation with its partner countries;

6.   *Stressing* the critical importance of co-operation with Russia in the fight against terrorism and in maintaining security in the Euro-Atlantic area and *commending* the establishment of the NATO Russia Council on 28 May 2002 at the Rome Summit;

7.   *Asserting* that NATO needs to tackle the threats of international terrorism and the proliferation of weapons of mass destruction (WMD) at the Prague Summit;

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*Presented by the Political Committee

**Turkey recognises the Republic of Macedonia with its constitutional name

8. *Recalling* that one of NATO's primary contributions in the fight against terrorism lies in assisting in the formation and maintaining the cohesion of a broad coalition, apart from military contributions, including the resolution of regional conflicts, the defence of forces and populations against attacks by NBC weapons and the co-ordinated use of intelligence;

9. *Stating* that in the context of the fight against terrorism, strengthening co-operation between the US, Canada, the European Union and other NATO Allies on internal security issues is needed, in particular between the police and judicial prosecution in order to effectively deal with terrorist networks as well as their overlap with organised crime and the illegal trade in drugs, human beings and arms;

10. *Reflecting* that cutting-off terrorist financing and that a common legal framework for dealing with international terrorism calls for stronger co-operation with the United Nations and international financial institutions on the basis of the provisions of the UN Security Council Resolution 1373, which creates a solid legal basis for effective counteraction against international terrorism;

11. *Emphasising* that international diplomacy can contribute significantly to preventing proliferation of WMD, and that strengthening arms control, particularly the Nuclear Non-Proliferation Treaty, as well as arms export control regimes, should be a priority of all NATO member countries;

12. *Praising* the G8 for making a substantial and long-term financial contribution to the "Global Partnership" programme for the former Soviet Union, and in particular Russia, as a means of encouraging effective implementation of international safety, security and verification standards for fissile materials;

13. *Reaffirming* that NATO's core tasks remain relevant and critical to the security of the Alliance:

a. Collective defence: the commitment to collective defence and the integrated force structure have prevented a re-nationalisation of defence policies among member countries, and play an important role in dealing with applicants and other partners;

b. Partnerships: NATO has developed a broad network of relations with partner countries, - including Russia and Ukraine - as well as international organisations, making it a key factor in co-operation on international security;

c. Crisis management: over the last decade NATO has become one of the most important actors in international crisis management, the resolution of regional conflicts and peace missions;

d. To take steps that would allow the use of NATO's Integrated Air Defence System where the threat of imminent terrorist attacks is directed against civil targets used for NATO purposes, upon the request of the country concerned;

14. *Recognising* that collective defence is the core of the Alliance and that sufficient military assets remain absolutely essential, but that non-military tools, including diplomacy, economic and financial assistance can play an important part in defending security and projecting stability beyond NATO's borders;

15. *Reminding* that a strengthening of the European pillar and a successful implementation of the EU Headline Goal are key factors in strengthening NATO's military capabilities;

16. *Declaring* that all Member States of the Alliance remain committed to bringing long-term peace, stability and prosperity to South-East Europe;

17. URGES member governments and parliaments of the North Atlantic Alliance:

a. to invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to start accession talks and to keep supporting them and the other aspirants in their efforts to meet NATO standards within the context of the Membership Action Plan (MAP);

b. to reiterate the commitment to NATO's open door policy after invitations to new members have been extended and to continue to recognise and support the efforts Albania, Croatia and the former Yugoslav Republic of Macedonia** are undertaking towards meeting NATO standards within the context of MAP;

c. to continue interaction with Russia in practical co-operation and carrying out joint projects and operations in order to build mutual trust, establish interoperability, and subsequently, broaden the agenda of the NATO-Russia Council;

d. to intensify and expand the existing partnerships of the Alliance, in particular the Distinctive Partnership with Ukraine in the form of the Action Plan, the Mediterranean Dialogue, the Partnership for Peace as well as co-operation in the Euro-Atlantic Partnership Council (EAPC);

e. to seek closer co-operation between NATO and the OSCE, and - where appropriate - the Council of Europe, in preventing internal instability as well as promoting democratic governance and the rule of law;

f. to strengthen co-operation between the States party to the Convention on the International Criminal Court and non-party States in dealing with crimes against humanity, new crimes and genocide;

g. to strengthen NATO's role as the primary forum for consultations among the US, Canada and their European partners for addressing crucial security issues;

h. to strengthen and support existing arms control regimes as well as develop new mechanisms and provide financing for regimes to prevent the proliferation of WMD, for effective monitoring, for implementation and for the sanctioning of non-compliance;

i. to discuss as a matter of urgency whether - and if so, under which conditions - pre-emptive action might be a complement to the strategy of deterrence and containment, and compliant with international law;

j. to consider making maximum use of NATO's integrated structures in leading ISAF in Afghanistan;

k. to seek closer co-operation between NATO and the European Union, especially in the areas of conflict prevention, peacekeeping and the international fight against terrorism;

l. to overcome any remaining reservations and contribute constructively to the establishment of permanent arrangements for co-operation between NATO and the EU;

m.   to ensure the continuation of a peacekeeping operation in the former Yugoslav Republic of Macedonia** beyond 15 December 2002 either as a NATO- or a EU-led mission;

n.   to consider the adaptation of the mandate of operation Task Force Fox (TFF) in the former Yugoslav Republic of Macedonia** according to the request of the new Macedonian Government to include monitoring of the border.

RESOLUTION 321

on

TERRORISM WITH CHEMICAL, BIOLOGICAL, RADIOLOGICAL

AND NUCLEAR WEAPONS*

The Assembly,

1.   *Persuaded* that the events of 11 September 2001 have confirmed the existence of a kind of terrorism driven by religious motivations or other ideological objectives, which strives to inflict mass casualties on their enemies;

2.   *Recognising* that these terrorist groups have a variety of financing, information resources, weapons and illicit material at their disposal;

3.   *Extremely concerned* that terrorist groups such as al-Qaeda are actively engaged in efforts to acquire chemical, biological, and radiological weapons for use in terrorist attacks;

4.   *Conscious* that the anthrax attacks in the United States in 2001 signalled that we have entered a new, dangerous era in biological weapons terrorism;

5.   *Convinced* that fast advances in science and technology - notably in biotechnology - as well as their rapid diffusion in a globally networked world, are creating new vulnerabilities;

6.   *Concerned* that terrorists, taking advantage of the poor security conditions at some sites, might illegally acquire chemical and biological agents, nuclear material or other weapons technologies stemming from programmes of the former Soviet Union;

7.   *Persuaded* that effective measures to deter and defend against terrorism using chemical, biological, radiological or nuclear weapons, as well as cyber attacks, should be accomplished through a co-ordinated, multilateral effort to the extent practicable;

8.   *Convinced* that to maximise effectiveness in reducing the scope of the threat, the international response firstly requires an integrated transatlantic approach, particularly in the

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* Presented by the Science and Technology Committee.

areas of law enforcement, intelligence sharing, norm building, defence/preparedness, lessons learned analysis, research and development;

9.   URGES member governments and parliaments of the North Atlantic Alliance:

a.   to make all non-military attempts at resolving, moderating and containing conflicts that would reduce the danger of anyone wanting to use chemical, biological, radiological or nuclear weapons;

b.   to advance a global legal and moral proscription on the possession and use of chemical, biological and radiological weapons; and eventually establish an international agreement to make the possession and use of chemical, biological and radiological weapons a crime against humanity;

c.   to reinforce the system of nuclear safeguards established by the Nuclear Non-Proliferation Treaty and to continue work on ratification by all countries of the Comprehensive Nuclear Test Ban Treaty;

d.   to encourage the Governments of Russia and the United States to work co-operatively to assure the security of their arsenals of tactical nuclear weapons; refrain from expanding their existing arsenals, work towards an agreement regarding future reductions of such weapons; and work together to discourage or prevent the acquisition of such weapons by other nations;

e.   to widen the membership of the Biological Weapons Convention and strengthen its obligations, possibly including mechanisms for compliance and verification;

f.   to include in the work of the NATO-Russia Council the question of the former Soviet Union's biological weapons programme, with a view to dismantling completely any remaining facilities and preventing them from falling into the hands of terrorist groups or countries;

g.   to strengthen the Organisation for the Prohibition of Chemical Weapons by maintaining the principle of independent, transparent and sound management, and increasing emphasis on verification of non-compliance, which should include the use of challenge inspections;

h.   to control the transfer of classified information that could be used for chemical and biological weapons and to restrict access to genetic information on dangerous pathogens while remaining sensitive to legitimate scientific, medical, or other research that could potentially be used on weapons of mass destruction;

i.   to take concerted national actions to tighten bio-security regulations and consistently increase physical protection of highly lethal biological agents;

j.   to reinforce all international (multilateral and bilateral) initiatives to assist Russia to destroy, dismantle and secure nuclear weapons in accordance with arms control agreements ratified with the United States; and to assist partner countries to secure nuclear material and facilities stemming from programmes of the former Soviet Union;

k.   to amend the 1980 Convention on the Physical Protection of Nuclear Material and expand it to cover civil nuclear material in domestic use, storage and transport and nuclear facilities;

l.   to intensify international police co-operation to properly address the threat of illegal nuclear trafficking;

m.   to be prepared to take, within the boundaries of international law, police operations or multilateral military actions against preparations for all varieties of mass casualty terrorist acts;

n.   to create a continuously updated database of terrorist groups and incidents involving chemical, biological, radiological and nuclear weapons;

o.   to enhance the capabilities of the World Health Organisation to monitor global infectious disease trends and unusual outbreaks;

p.   to enhance the Alliance's defences against chemical, biological, radiological and nuclear attacks, including better training, improved protective equipment, and the development and procurement of mobile air sensors for early warning;

q.   to device nationally integrated responses to terrorist attacks, which include public information strategies and the preparation and training of first responders and medical staff in recognising and responding to unfamiliar agents and adapting to new medical conditions;

r.   to develop arrangements for swift and effective international assistance to complement and support national defensive and treatment capacities.

DECLARATION 322

on

NATO TRANSFORMATION*

1.   NATO's Founding Purpose

1.1.   NATO was created to safeguard the freedom and security of its members through political and military means; its core role is the commitment to collective defence in Article 5 of the Washington Treaty. As the embodiment of the transatlantic relationship, NATO has provided the foundation for the peace and prosperity of the Euro-Atlantic community of nations. NATO's success has been due to the consistent unity of purpose of its members bound together by common values and principles. The mechanisms for consultation, co-operation and co-ordination of policy, for the harmonisation of defence and operational plans, and the development of common habits and working practices have made NATO the unique organisation it remains today.

2.   The Need for Alliance Adaptation

2.1. Since 1989 and the end of the Cold War, the challenges to the collective security of Alliance members have changed profoundly. NATO has responded by adopting new roles and missions, namely the projection of stability and security throughout the Euro-Atlantic area through a policy of partnership and co-operation with former adversaries, the incorporation of new members and the deployment of armed forces for peace support operations outside its formal boundaries. As a result of the changes in the security environment and the assumption of new missions, the Alliance updated its Strategic Concept in 1999 and set in train profound changes to its command and force structures.

2.2.   As we move into the twenty-first century, NATO must again adapt to new threats to our collective security. The purpose of the Alliance remains the safeguarding of the security of its members. This will continue to require the projection of stability and security, the participation in crisis response operations in the Euro-Atlantic area, and the maintenance of adequate

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*Presented by Rafael Estrella (Spain), President of the NATO Parliamentary Assembly, on behalf of the Standing Committee, amended and adopted during the plenary sitting of the 48th Annual Session in Istanbul on Tuesday 19 November 2002.

levels and types of armed forces necessary to fulfil the wide spectrum of NATO's commitments.

2.3. However, NATO's approach to collective security must now take account of, and respond to, the new threats of terrorism and the proliferation of weapons of mass destruction (WMD). As the atrocities of 11 September 2001 and subsequent developments have shown, these new threats know no boundaries and cover a wide spectrum of activities, military and non-military.

2.4. NATO has already demonstrated political and military solidarity with the invocation of Article 5. Members and partners have also contributed to the operations in Afghanistan. The Alliance must build upon this co-operation in future operations and as a contribution to world peace and stability.

2.5. Terrorism and the proliferation of WMD together pose a qualitatively new threat to our societies. Dealing with them will require action on a wide range of fronts: military, political, economic, social, financial, technological and judicial. NATO provides a unique forum for co-ordination and co-operation in several of these areas. It is essential that NATO identify and accord priority to those areas where it has a comparative advantage and where it can assume a leading role. It should also identify those areas where it needs to co-operate and co-ordinate with other organisations, especially the European Union which possesses unique instruments in the field of justice and home affairs. Maintaining a proper balance between freedom and security will be a major challenge for our societies.

2.6. The emergence of these new threats will have consequences for the roles, missions and capabilities of NATO's armed forces. NATO members' forces must therefore be capable of taking action wherever the security of the members is threatened, upon the basis of the United Nations Charter. The declared willingness to undertake such actions will strengthen the deterrent element of Alliance strategy by making clear that there is no safe haven for those who would threaten our societies or for those who would harbour such people. The need for Alliance action, based upon unequivocal evidence should be decided on a case-by-case basis by the North Atlantic Council and, as always, will be based on consensus. Where NATO as a whole is not engaged then Allies willing to take action should be able to make use of NATO assets, procedures and practices.

2.7.   While guidance in the 1999 Strategic Concept remains relevant and continues to provide an appropriate basis for Alliance policies, greater priority must now be accorded to defence against terrorism and the proliferation of WMD.

2.8.   We believe that NATO remains uniquely equipped to play a primary role in the new security environment and in dealing with the most immediate challenges.   However, harnessing the Alliance's full potential will require substantial adjustments to capabilities and structures.   This includes the internal structures within NATO itself. The profound changes required are urgent.

2.9.   We are aware that threats and challenges the Alliance faces require continuous modernisation of the Member States' armed forces. Therefore, defence expenditures must be effective and well directed; research in the field of defence should be co-ordinated with particular emphasis on balanced exchanges of technology between the United States and the other Members of the Alliance. There is a need to consider an increase in defence budgets.

3.   Enlargement

3.1.   The enlargement of NATO is central to the transformation of the Alliance.   The admission of new members to the Alliance will strengthen NATO, increase the security and stability of Europe and provide a further impulse for reform and reorganisation. At its Session in Sofia in May 2002, the NATO Parliamentary Assembly called for a broad and regionally balanced enlargement and recognised that Bulgaria, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania have proved their progress towards NATO membership through successful programmes of reform at home and their contributions to NATO operations in the Balkans.

3.2.   Therefore, on the understanding that the reform processes in these countries will be vigorously pursued, the Assembly recommends that invitations be issued to these seven countries at the Prague Summit; and further calls upon NATO national parliaments to ensure the smooth passage of ratification. The Assembly's Standing Committee is ready to include in its work the representatives of the new member countries as soon as the protocols of accession have been signed.

3.3.   Each of the applicant countries is now making a distinctive contribution to the stability and security of the Euro-Atlantic region. The Assembly urges all applicants to continue their

efforts in implementing their Membership Action Plans (MAPs) as outlined in the Reykjavik communiqué.

3.4. The open door policy must continue. Those countries not invited to join the Alliance at the Prague Summit are expected to join in the future. NATO should consider the issue of enlargement no later than 2007. Assistance in the context of MAPs should be increased.

4.   The Revision of NATO's Roles and Missions

4.1. In the struggle against terrorism, NATO is the most effective organisation for the use of military forces, for the sharing of appropriate intelligence, for defence against WMD, and for the protection of both military forces and civilian populations against biological, chemical, nuclear or radiological attacks.

4.2. NATO should now endorse defence against the threat of terrorism and weapons of mass destruction, and particularly the threat of biological, chemical or radiological agents, as a priority for the Allies.

4.3. This priority must be acknowledged in NATO's Strategic Concept and in the military concept for defence against terrorism which is currently under development. It should acquire appropriate prominence in guiding the development of Alliance capabilities. In this context, defence against WMD should be given priority at all levels: arms control, counter-proliferation and disarmament, and the appropriate military capabilities. NATO's Civil Emergency Planning aimed at the protection of civil society should also be given an enhanced role.

4.4. This new mission should not detract from NATO's current role of extending the zone of stability throughout the Euro-Atlantic area. NATO's enlargement and Europe's stability are of paramount relevance in the face of the new challenges. NATO must continue to be collectively involved in crisis response operations and remain actively engaged with transition countries, particularly in helping partners implement and consolidate defence reforms.

5.   Reform of NATO's Military Structures

5.1. NATO's existing structures should be further improved to facilitate force projection.

5.2.   NATO's integrated command structure should be subject to further reform so that it can support and sustain such campaigns or new missions in the future. The ongoing review of the existing command structure should result in the development of flexible and highly deployable headquarters, ready to move at short notice and with the ability to deal with major regional crises. This review should also take account of the latest and future enlargement of the Alliance.

5.3.   The Alliance must encourage the development of multinational, rapidly deployable response forces, as well as the means to transport and sustain them.

5.4.   A particular emphasis should be placed on the further development of special forces.

5.5.   Noting the problems of recent years in deploying forces in the Balkans, nations must increase substantially the proportion of combat and support forces that are available for deployment in NATO-led missions.

5.6.   The Alliance must encourage a degree of role specialisation where countries focus on their particular strengths and existing and planned investments.

5.7.   As NATO Defence Ministers recommended at their meeting on 6 June 2002, the Defence Capabilities Initiative must now focus on a small number of high priority goals essential to the full range of Alliance missions including the defence against terrorism. This new initiative should be based on firm national commitments with specific target dates.

5.8.   These national commitments should be made transparent for parliamentary monitoring and oversight.

5.9.   Priority should be given to projects that maximise multi-nationality and which have the potential to become common NATO assets.

5.10.   Every effort should be made to ensure that the NATO and EU capabilities initiatives are mutually reinforcing and thoroughly harmonised through permanent co-ordination mechanisms and procedures in a spirit of openness.

5.11. In view of the potential threat of chemical and biological weapons, priority must be given to the development of the capabilities needed to defend NATO forces and populations against terrorism, WMD and their delivery systems, and other unconventional threats.

5.12. The measures should include the creation of an NBC Event Response Team to be immediately available in the case of an attack and the sharing of technical and material resources in order to assess and mitigate the effects on both military forces and civilians of an NBC attack.

5.13. Priority should be also given to the prevention and countering of cyber-terrorism.

5.14. NATO must redouble its efforts to reduce the fragmentation of defence procurement efforts through the pooling of military capabilities, co-operative acquisition of equipment and common funding. It should reduce to a minimum the obstacles for the sharing of technology.

6. Relations with the European Union

6.1. NATO and the European Union are evolving from their respective origins and goals towards a common strategic endeavour in European security and stability. This provides a compelling rationale for the closest possible interaction and collaboration between both organisations in all areas, particularly the struggle against terrorism, the proliferation of WMD, the Petersberg missions and all crisis response operations.

6.2. The "Berlin Plus" formula should be implemented to allow the effective use of NATO assets and capabilities for EU-led operations when NATO itself is not involved.

6.3. The EU and NATO must work closely together on the improvement of capabilities.

6.4. Timely and effective consultation and co-operation should be ensured by the establishment of permanent representation in each others' headquarters.

6.5. In view of the need for a comprehensive response to international terrorism, the closest possible co-ordination and harmonization with the European Union will be essential.

6.6. NATO and the EU should consider and pursue all areas of potential co-operation and co-ordination in crisis management and the fight against terrorism.

6.7.   The plans and resources of NATO and the EU in the area of civil emergency planning should be fully co-ordinated to avoid duplication and ensure maximum efficiency.

6.8.   Consultation and co-operation between NATO and EU members' internal security agencies in the areas of counter-terrorism and the proliferation of WMD should be intensified and improved.

7.   Alliance Engagement

7.1.   The engagement in the Balkans of forces from Alliance and other contributing nations under NATO co-ordination has been a crucial factor in restoring peace and security to the region. Significant positive results have been attained, but the situation remains volatile.

7.2.   Therefore the Alliance commitment to peace support operations in the Balkans must be sustained in conjunction with the European Union.

8.   NATO and Russia

8.1.   The deepening of NATO's relationship with Russia and the creation of the NATO-Russia Council provide a solid basis for meeting Euro-Atlantic security challenges while safeguarding NATO's cohesion and freedom of action.

8.2.   NATO must increase its efforts to convey to all sectors of Russian society the role that NATO plays and the co-operative nature of the partnership between NATO and Russia.

8.3.   The NATO Parliamentary Assembly will work to that same end by continuing to strengthen its relationship with the Russian Federal Assembly through a new NATO PA-Russian Federal Assembly Standing Committee.

9.   NATO and Ukraine

9.1.   The Assembly welcomes Ukraine's contribution to NATO missions in the Balkans and to the struggle against terrorism.

9.2.   The Assembly supports the deepening and broadening of the relationship between NATO and Ukraine to bring it to a qualitatively new level.

9.3.   Ukraine must redouble its efforts in the field of defence reform and must ensure that its defence exports are conducted within appropriate national and international regulatory frameworks.

10.   Partnership and Co-operation

10.1.   NATO has a key role to play in assisting countries in transition through programmes of partnership and co-operation, particularly in implementing much needed defence reforms. This role will become even more important after the enlargement decision in Prague to avoid the emergence of grey areas of instability and insecurity.

10.2.   Particular attention and encouragement should be given to endeavours for regional co-operation and to those countries in the Caucasus and Central Asia seeking closer relations with NATO.

10.3.   All partners must be involved in the struggle against terrorism and a Partnership plan should be formulated to provide appropriate guidance for the development of contributions and capabilities in that specific area.

10.4.   The Alliance's transformation should include a deepening of the Mediterranean Dialogue in order to strengthen mutual understanding and promote peace and stability in that region.   NATO should develop a Partnership for Mediterranean Dialogue with countries that seek a closer relationship with the Alliance.

10.5.   Encouragement should be given to Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) in their efforts to implement reforms and to take steps towards a full range of positive relationships with NATO.

11.   NATO's Internal Structure

11.1.   NATO enlargement and the adoption of new roles and missions will affect the internal functioning of the Alliance. NATO's internal structures should be further streamlined. NATO's Secretary General should be given a mandate to overhaul the internal organisation, under the

guidance of the North Atlantic Council, with the aim of streamlining and reducing the number of committees and ensuring that resources are devoted to supporting the revised political and military priorities.

11.2. Every effort must be made to maximise the speed and effectiveness of the NATO decision-making process while preserving the consensus-building principle.

11.3. The work of NATO on science and environment should be directed specifically towards supporting projects that are relevant to current security challenges.

12. NATO and the NATO Parliamentary Assembly

12.1. NATO should work more closely with the NATO Parliamentary Assembly in developing partnership programmes, strengthening and broadening the transatlantic relationship, and ensuring that NATO's roles and missions are better appreciated and understood by the populations in the Euro-Atlantic region, through greater transparency and openness. To this end, the Alliance must continue, and if possible increase, its efforts in public information and outreach policies.

12.2. Carrying through the changes needed to sustain NATO's relevance will require the engagement and active support of public opinion throughout the Alliance. Members of Parliament have a key role in reflecting public concerns and in providing the necessary resources. Public support must be sustained through full transparency, accountability and effective parliamentary oversight.

12.3. As the collective parliamentary voice of the Alliance, the NATO Parliamentary Assembly plays a central role in making Alliance policies more transparent and accountable.

Membership of the Assembly

Member Delegations	Delegates
Belgium	7
Canada	12
Czech Republic	7
Denmark	5
France	18
Germany	18
Greece	7
Hungary	7
Iceland	3
Italy	18
Luxembourg	3
Netherlands	7
Norway	5
Poland	12
Portugal	7
Spain	12
Turkey	12
United Kingdom	18
United States	36

Associate Members

Associate Delegations	Delegates
Albania	3
Armenia	tbc
Austria	5
Azerbaijan	tbc
Bulgaria	5
Croatia	3
Estonia	3
Finland	4
Georgia	4
Latvia	3
Lithuania	3
Moldova	3
Romania	6
Russia	10
Slovenia	3
Slovakia	4
Switzerland	5
the former Yugoslav Republic of Macedonia	3
Ukraine	6

The European Parliament is entitled to send 10 delegates to Assembly Sessions and can participate in most Committee and Sub-Committee activities.

Parliamentary Observer nations are entitled to send three delegates to Assembly Sessions. Parliamentary Observer nations are Australia, Bosnia and Herzegovina, Egypt, Israel, Japan, Morocco, Sweden, Tunisia, and the Federal Republic of Yugoslavia.

Committees, Sub-Committees and Working Groups

- **Committee on the Civil Dimension of Security**
- *Sub-Committee on Democratic Governance*
- **Defence and Security Committee**
- *Sub-Committee on Future Security and Defence Capabilities*
- *Sub-Committee on Transatlantic Defence and Security Co-operation*
- **Economics and Security Committee**
- *Sub-Committee on East-West Economic Co-operation and Convergence*
- *Sub-Committee on Transatlantic Economic Relations*
- **Political Committee**
- *Sub-Committee on Central and Eastern Europe*
- *Sub-Committee on Transatlantic Relations*
- **Science and Technology Committee**
- *Sub-Committee on the Proliferation of Military Technology*
- **Mediterranean Special Group**
- **Joint Monitoring Group on the NATO-Russia Founding Act**
- **Joint Monitoring Group on the NATO-Ukraine Charter**

Officers of the Assembly

President
Mr Doug BEREUTER (United States)
Vice-Presidents
Mr Pierre LELLOUCHE (France)
Mr Mario PALOMBO (Italy)
Mr Longin PASTUSIAK (Poland)
Mr John TANNER (United States)
Treasurer
Mr. Lothar IBRÜGGER (Germany)
Secretary General
Mr. Simon LUNN (United Kingdom)

NATO PARLIAMENTARY ASSEMBLY

Solidarity

Dialogue

Transparency

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6 GEN-E (03)   January 2003

The Role of the Assembly

Bringing together members of parliaments throughout the Atlantic Alliance, the NATO Parliamentary Assembly has for almost half a century provided an essential link between NATO and the parliaments of the NATO nations, helping to build parliamentary and public consensus in support of Alliance policies.

At the same time, it has facilitated parliamentary awareness and understanding of key security issues and provided greater transparency of NATO policies. Crucially, it has also helped to maintain and strengthen the transatlantic relationship which underpins the Alliance.

Since the end of the Cold War the Assembly has assumed a new role by integrating into its work parliamentarians from those countries in Central and Eastern Europe (CEE) and beyond who seek a closer association with NATO. This integration has provided both political and practical assistance and has contributed to the strengthening of parliamentary democracy throughout the Euro-Atlantic region, thereby complementing and reinforcing NATO's own programme of partnership and co-operation.

The Assembly is directly funded by member parliaments and governments, and is financially and administratively separate from NATO itself.

The headquarters of the Assembly's 30-strong International Secretariat is in central Brussels.

How the Assembly works

The NATO PA is made up of 214 members from the nineteen NATO countries; 80 (approx.) delegates from nineteen associate member countries; and a delegation from the European Parliament. Delegations from a wide range of countries, including those in the southern Mediterranean region, also participate as parliamentary observers.

Its leadership consists of the President, four Vice-Presidents and the Treasurer. The Standing Committee is made up of the heads of each member delegation.

The International Secretariat under Secretary General, Simon Lunn, is responsible for all administration and the bulk of research and analysis that supports the Assembly's Committees, Sub-Committees and other groups.

The Committees are: the Civil Dimension of Security; Defence and Security; Economics and Security; Political; Science and Technology. They are charged with examining all major contemporary issues in their fields. Other Assembly bodies include: joint groups with the Russian Federal Assembly and the Ukrainian Rada to monitor together the implementation of the NATO-Russia Founding Act and the NATO-Ukraine Charter respectively; and the Mediterranean Special Group to enhance parliamentary dialogue and understanding with nations of the Southern Mediterranean region.

The Committees and Sub-Committees all produce reports which are discussed in draft form at the Assembly's Spring Session. The reports are then revised and up-dated for discussion, amendment and adoption at the Assembly's Annual Session.

At the Annual Session, the Committees also produce policy recommendations - resolutions – which are voted on by the full Assembly and forwarded to the North Atlantic Council and/or to member governments.

As well as meetings during Sessions, the Committees and Sub-Committees meet several times a year in member and associate nations where they receive briefings from leading government and parliamentary representatives, as well as senior academics and experts.

The Rose-Roth Programme

A central part of the Assembly's work is the Rose-Roth programme of partnership and co-operation - initially with CEE countries but subsequently throughout the Euro-Atlantic region. This programme seeks to assist the countries of CEE through a challenging transition process which involves the implementation of difficult political and economic reforms.

The Rose-Roth programme involves a series of seminars focused on regional and topical security issues and training programmes for parliamentary staff.

The aim is to enhance parliamentary awareness, build contacts and provide experience and expertise. Particular attention is paid to promoting the principle of the democratic control of armed forces and to the development of the practices and mechanisms essential for effective parliamentary oversight of defence and the military.

The New Parliamentarians Programme

In July 2000, the Assembly launched its "New Parliamentarians Programme". This Programme is intended to provide parliamentarians, who are new to parliament or to international functions within their parliament, with a grounding in the role and rationale for today's NATO. The first orientation course involving 42 parliamentarians from 26 nations took place at NATO headquarters in July 2000. Subsequent courses in 2001 and 2002 have attracted similar participation.

This Programme has now become an annual fixture on the Assembly's agenda. Along with certain events in the Rose-Roth programme, the New Parliamentarians Programme benefits from the generous support of the Geneva Centre for the Democratic Control of Armed Forces (DCAF)

The Transatlantic Parliamentary Forum

With concerns growing about a developing transatlantic 'drift' in attitudes and policies, the Assembly's Standing Committee in 2001 decided to organize a "Transatlantic Parliamentary Forum" to help to determine the nature of transatlantic divergences, and perhaps develop ideas for redressing them.

The first Forum, which was held in Washington, DC on December 3 and 4 2001 in cooperation with the Atlantic Council of the United States and the National Defense College, brought together 58 parliamentarians from NATO PA member and associate states to meet US policy makers and discuss with them a broad range of issues and assess their impact on transatlantic relations.

The second Forum was held in Washington, DC on December 9 and 10 2002.

Members of DCAF Foundation

Albania

Germany

Romania

Austria

Hungary

Russia

Bosnia and Herzegovina

Ireland

Slovak Republic

Bulgaria

Italy

Slovenia

Croatia

Latvia

Sweden

Czech Republic

Lithuania

Switzerland

Estonia

Macedonia

Ukraine

Finland

Netherlands

United Kingdom

France

Nigeria

United States

Geneva

Poland

Yugoslavia

GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)

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Mission

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The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was established in October 2000 at the initiative of the Swiss government. The Centre encourages and supports States in their efforts to strengthen democratic and civilian control of armed and security forces and promotes international cooperation in this field, with an initial focus on the Euro-Atlantic area.

To implement these objectives, the Centre:

- **collects information, undertakes research and engages in networking activities** in order to identify problems, establish lessons learned and propose best practices in the field of democratic control of armed forces and civil-military relations;
- **provides its expertise and support** in a tailor-made form to all interested groups, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

Partnerships

—

DCAF works in close cooperation with national authorities, international and non-governmental organisations as well as relevant academic institutions and individual experts. In its operational and analytical work, DCAF relies on the support of 30 governments represented in its Foundation Council, on its International Advisory Board comprising some 40 renowned experts, its own Think Tank and its working groups. The Centre has established partnerships or concluded cooperation agreements with several research institutes as well as international organisations and inter-parliamentary assemblies.

Work Programme

In order to be able to thoroughly address specific topics of democratic control of armed forces, DCAF have established or plans to establish twelve dedicated **working groups** covering the following issues**:**

- **security sector reform**
- **parliamentary control of armed forces**
- **legal dimension of the democratic control of armed forces**
- **transparency-building in defence budgeting and procurement**
- **civilian experts in national security policy**
- **democratic control of police and other non-military security forces**
- **civil-military relations in conversion and force reductions**
- **military and society**
- **civil society building**
- **civil-military relations in post-conflict situations**
- **criteria for success or failure in the democratic control of armed forces**
- **civil-military relations in the African context**

Planning, management and coordination of the working groups is centralized in the Centre's Think Tank.

DCAF is providing expertise on bilateral and multilateral levels as well as for the general public.

A number of bilateral projects in the areas of security sector reform and parliamentary control of armed forces have been initiated in support of the Federal Republic of Yugoslavia, the Republic of Serbia, Bosnia and Herzegovina, Ukraine.

At the multilateral level, DCAF implements several projects in the framework of the Stability Pact for South Eastern Europe and the Organisation for Security and Cooperation in Europe.

To reach specialized and general audiences, the Centre regularly organizes conferences, workshops and other events, produces publications and disseminates relevant information by means of information technology, including its own website (http://www.dcaf.ch).

Organization and Budget

DCAF is an international foundation under Swiss law. Thirty governments are represented in the Centre's Foundation Council. The International Advisory Board is composed of the world's leading experts in DCAF's areas of interests, acting in their personal capacity and entrusted with advising the Director of DCAF on the Centre's overall strategy. DCAF staff comprises 30 specialists from 15 nations, who work in four departments: Think Tank, Cooperation Programmes, Information Resources,

Administration / Logistics.

The Swiss Federal Department of Defence, Civil Protection and Sports finances most of the DCAF budget, amounting to 7.1 million Swiss Francs in 2001. Another important contributor is the Federal Department of Foreign Affairs. Certain member States support DCAF by seconding staff members or contributing to the Centre's specific activities.

COMMONWEALTH OF INDEPENDENT STATES (CIS) MODEL LAW ON THE PARLIAMENTARY OVERSIGHT OF THE STATE MILITARY ORGANISATION[1]

Adopted by the 18th Plenary Session of the Inter-Parliamentary Assembly of the Participant States of the CIS (Resolution No. 18-13 of 24th November 2001)

The present Law[2] specifies forms of implementation of powers and functions of the Parliament in the field of democratic civilian oversight of the military organization of a CIS participant state. The present Law is a recommendation and serves as a basis for the legislative activities of CIS participant states regarding the establishment and the implementation of this oversight.

The parliamentary oversight is regarded by the present Law as the central component of a broader democratic civilian oversight of the state military organization.

The present Law regulates the nature, objectives, forms, and methods of the parliamentary oversight of the state military organization.

Article 1. Terms and Definitions

1.   The *state military organization* is the aggregate of bodies and organizations of the executive power established and operating in compliance with the Constitution

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[1] The Model Law "On the Parliamentary Oversight of the State Military Organization" was drafted and submitted to the Inter-Parliamentary Assembly of the Participant States of the Commonwealth of Independent States jointly by the Geneva Centre for Democratic Control of Armed Forces (DCAF), Switzerland, and the Centre for Political and International Studies, Moscow, Russia.

[2] Here and hereinafter, the expression *"the present Law"* means the Model Law "On the Parliamentary Oversight of the State Military Organization", adopted by the 18th Plenary Session of the Inter-Parliamentary Assembly of the Participant States of the Commonwealth of Independent States (Resolution No.18-13 of 24th November 2001).

and laws (of the CIS participant state); aimed at providing the security of individual, society, and state; authorized to use force and military action and/or to conduct special operations within the framework and in cases established by law. The composition and the structure of the state military organization shall be specified by law and shall be brought into accordance with the state's international obligations. Depending on the nature and the details of the constitutional system of specific CIS participant states, the state military organization may include:

a) armed forces, troops, para-military units and bodies aimed at repelling external aggression and other threats associated with the use of external military force against the given state or with the implementation of the state's international obligations;

b) internal troops, other para-military units and bodies aimed at protecting constitutional order, putting an end to disorder, providing and ensuring public order and internal security, fighting terrorism, and protecting state secrets;

c) border troops;

d) bodies and para-military units aimed at fighting crime;

e) bodies of state intelligence and counter-intelligence;

f) bodies and para-military units aimed at providing government communications;

g) bodies and troops of civil defense, military transport, as well as bodies and troops aimed at dealing with emergency situations of an environmental / ecological, and social / humanitarian nature;

h) special units established for wartime.

Para-military organizations and units that are not part of the state military organization, as specified legislatively (by the CIS participant state), shall be declared as illegal by law.

2.   The *parliamentary oversight of the state military organization* – a key component of democratic civilian oversight - is regarded in the context of the present Law as activities aimed at the establishment and the insurance of the adequate application of the system of legal provisions and administrative measures put in place by the Parliament in cooperation with other bodies of state power and institutions of the civil society pursuing the following goals:

a) to ensure effective oversight of armed forces, troops, para-military units and bodies that are part of the state military organization, by the supreme institutions

of civilian political power in order to ensure security and protection of national interests;

b) to ensure political neutrality (de-politicization) of armed forces, troops, para-military units and bodies that are part of the state military organization;

c) to ensure de-ideologization of armed forces, troops, para-military units and bodies that are part of the state military organization;

d) to shape the state military organization as an integral part of a law-abiding state, of the protection of civil rights and social interests of individuals active within the state military organization and their family members, of the adaptation to civilian life of servicemen released from active duty and of the protection of their rights and interests;

e) to ensure maximum permissible transparency of the state military organization; to ensure a constructive exchange of information between the state military organization and the mass media and public organizations aiming to assist in the protection of civil, social, and personal rights and the interests of individuals active within the state military organization and their family members, as well as of servicemen released from active duty;

3.   The *political neutrality* (de-politicization) of armed forces, troops, para-military units and bodies that are part of the state military organization, in the context of the parliamentary oversight, implies the insurance of the respect of the following norms by legislative means:

a) political parties, public movements and organizations shall be prohibited from involving servicemen and personnel of armed forces, troops, para-military units and bodies in their activity, nor shall they establish para-military and armed units and organizations under their own control;

b) servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, shall unconditionally obey the instructions and orders of the legitimate state leadership which has been elected, approved, or formed in compliance with the procedures specified by the Constitution and laws (of the CIS participant state), irrespective of the political and ideological orientation of this state leadership;

c) servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, shall not have the right to engage in any political activity that exceeds the limits specified by the terms of their service; nor shall they have the right to be directed, in their service activities, by

incentives, instructions, and decisions of political parties, and public movements; nor shall they be members of political parties and political movements, nor shall they cooperate with them, assist them in their activities, or participate in political propaganda and agitation;

d) the establishment of political organizations and activities of political parties and movements shall be forbidden within armed forces, troops, para-military units and bodies that are part of the state military organization;

e) servicemen and civilian personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, shall not be restricted from being posted to positions, nor shall they be dismissed therefrom due to political motives, provided that the requirements of political neutrality specified by the present Article have been met.

4.   The *de-ideologization* of armed forces, troops, para-military units and bodies that are part of the state military organization, means the prevention, by legal and administrative measures, of servicemen and personnel of these forces, troops, units and bodies from being directed in their service and professional activities by ideological, political, personal, and religious views and beliefs, when these views and beliefs contradict the Constitution and laws, service instructions, orders or directives specifying the terms of their service.

5.   The *political activity* in the context of the present Law is regarded as:

a)   individual or collective actions aimed at influencing institutions and bodies of state power for implementing individual, group, and institutional interests that are beyond the limits specified by the terms of the military service;

b)   individual or collective actions aimed at forming and changing the political will of citizens;

c)   participation in the work of bodies of state power or local self-government in elected positions;

d)   assistance to individuals, political parties, public movements, organisations and associations participating in the elections to bodies of state power or local self-government and in conducting political propaganda and agitation;

e)   membership in an organization conducting political activities, in accordance with the definition given in the afore-mentioned paragraphs of the present Article, cooperation with such an organization, or providing assistance to it.

Article 2. Forms of Execution of the Parliamentary Oversight of the State Military Organization (of the CIS Participant State)

1.   The Parliament (of the CIS participant state) shall execute oversight of the military organization (of the CIS participant state) by means of:

a)   adoption of laws specifying mechanisms and procedures of administration of the state military organization, its functioning, and cooperation with civilian institutions of state power, public organizations, and mass media; guaranteeing the protection of civil, social, and personal rights of servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, and ensuring their social interests;

b)   approval of the budget of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as oversight of its execution and of the use of non-budgetary sources for financing activities of the state military organisation;

c)   approval of the composition, structure, and manpower of servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization;

d)   ratification and denunciation of international agreements and treaties which contain obligations on the restriction and reduction of arms and of armed forces, as well as on the use and restriction of the use of armed forces, troops, para-military units and bodies that are part of the state military organization;

e)   assessment of key issues in ensuring the security of individual, society, and state, as well as the functioning of the state military organization and its constituent parts in the form of parliamentary hearings, deputies' inquiries, and investigations;

f)   legislative regulation of the respect of civil, social, and personal rights and the interests of servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as assessment and implementation of proposals given by citizens, public organizations, mass-media, relating to activities of the state military organisation, respect of civil, social, and personal rights of servicemen and personnel of forces, troops, units and bodies that are part of this organization;

g)   assessment and evaluation of military and political situations, approval of imposition and lifting of the state of emergency and martial law, declaration of the state of war and the conclusion of peace;

h)   legislative regulation of the use of armed forces, troops, para-military units and bodies beyond national borders (of the CIS participant state) and of the presence of armed forces of other states within national borders (of the CIS participant state).

Article 3.   Implementation of Legislative Functions of the Parliament on Exercising Oversight of the Military Organization (of the CIS Participant State)

1.   The Parliament (of the CIS participant state) shall adopt, in compliance with the procedure established by the Constitution (of the CIS participant state), laws regulating and specifying the system of administration of the state military organization; powers and functions of institutions and bodies of state power on the administration of this organization; the procedure for the use of armed forces, troops, para-military units and bodies that are part of this organization, as well as objectives, tasks, and powers of armed forces, troops, para-military units and bodies that are part of the state military organization. The Parliament shall ensure legislative guarantees of the respect of civil, social, and personal rights of servicemen and personnel of these forces, troops, units, and bodies, and shall regulate other issues of the functioning of the state military organization and its administration.

2.   When elaborating and adopting legislative norms related to the issues listed in Paragraph 1 of the present Article, and administering oversight of their execution, the Parliament shall, in particular:

 a)   prohibit the establishment, functioning and the existence of armed forces, troops, para-military units and bodies that are not part of the state military organization, are not subordinate to the constitutionally established bodies of state power, and are not controlled by them;

 b)   create legal conditions under which armed forces, para-military units and bodies that are part of the state military organization, cannot act in contradiction to the laws according to which these forces, troops, units and bodies were established;

 c)   create legal foundations for invoking personal service and criminal responsibility of individuals in positions of command for giving orders and

instructions that contradict the Constitution, national legislation (of the CIS participant state), and /or international law;

d)   legislatively ensure political neutrality of the state military organization and its de-ideologization;

e)   legislatively establish that trying of civil and criminal court cases other than service offences, but involving servicemen and other personnel of the state military organisation, shall fall into the jurisdiction of civilian courts acting on the basis of the corresponding legislation.

Article 4. Implementation of the Functions and Powers of the Parliament in the Field of Oversight of the Financing of the State Military Organization

1.   After proposal by the Government (or by the Head of State), the Parliament shall make a decision on procedure, structure, and amount of funding from the state budget for armed forces, troops, para-military units and bodies that are part of the state military organization, as well as on permissibility, forms, and amount of non-budgetary sources of financing.

2.   The Parliament shall request, and the Government (or the Head of State) shall provide the Parliament with information, including classified information, necessary for making a learned and competent decision on the financing of armed forces, troops, para-military units and bodies that are part of the state military organization.

3.   Information on the general structure and specific amount of budgetary allocations for the activities and development of the state military organization, including the distribution of budgetary allocations between sections and groups of articles of the budget that relate to national defense and security, shall be un-classified information.

Sections and articles of the state budget relating to the financing of the state military organization may be identified as classified, not subject for public discussion and disclosure only on the basis of a law on classified information, if their contents directly corresponds to the lists of types of information not subject to disclosure, as

established in the law on classified information. Such sections and articles shall be discussed and approved in closed sessions of the Parliament.

4.   The use of state budget funds allocated for the financing of the state military organization for other purposes beyond the framework of ensuring state security, maintenance, and development of the state military organization, shall be prohibited.

5.   For the purposes of oversight of the correlation of the real spending with the approved budgetary allocations, the Parliament shall request and the Government (or the Head of State) shall provide an annual report on the execution of the state budget regarding the financing of the state military organization.

The Government (or the Head of State) shall also provide the Parliament with all the information on the current material and financial status of the state military organization, necessary for a learned and competent evaluation of the state of affairs of the state military organization.

Article 5. Implementation of Functions and Powers of the Parliament in the Field of Defining the Composition, Structure and Manpower of Armed Forces, Troops, Para-Military Units and Bodies That are Part of the State Military Organization

1.   After proposal by the Government (or by the Head of State), the Parliament shall make a decision on the composition, structure, and manpower of armed forces, troops, para-military units and bodies that are part of the state military organization.

2.   The Parliament shall request, and the Government (or the Head of State) shall provide the Parliament with information, including classified information, necessary for making a learned and competent decision on the composition, structure, and manpower of armed forces, troops, para-military units and bodies that are part of the state military organization, including information relating to their actual composition and actual (en-listed) manpower.

Article 6.   Implementation of Functions and Powers of the Parliament on Ensuring Transparency of the State Military Organization and its Activities

1.   After proposal by the Government (or by the Head of State), the Parliament shall adopt a law on classified information, containing a comprehensive list of information related to the state military organization that is prohibited for publication in the mass media or for disclosure by any other means.

2.   The Parliament shall legislatively establish a list of information relating to the state military organization that is subject to compulsory disclosure, including publication in the mass media, allowing for the citizens and tax-payers to form a competent and learned opinion on the state of affairs and on the status of the state military organization.

3.   The list of information mentioned in Paragraph 2 of Article 6, shall include, in particular, all information relating to the state military organization and its functioning that is subject to be submitted to international organizations and foreign states within the framework of current international treaty obligations and international agreements (of the CIS participant state).

4.   The Parliament shall ensure personal responsibility of parliamentarians for non-disclosure of classified information provided to the members of Parliament in the course of discussion of the issues of composition, structure, manpower, and financing of the state military organization.

Article 7.   Implementation of Functions and Powers of the Parliament on Ensuring Political Neutrality (De-politicization) of the State Military Organization

1.   Laws specifying the status and rights of servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as laws regulating the activities of public movements and political parties, shall be supplemented by provisions ensuring political neutrality (de-politicization) of the state military organization, servicemen, and personnel of forces, troops, units and bodies that are part of this organization.

2.   Should a case arise where political parties and public movements violate requirements of political neutrality (de-politicization) of the state military organization, as specified in Paragraph 3 of Article 1, the Parliament shall invoke judicial authorities to impose sanctions on violations of political parties and public movements, and affect their prohibition.

3.   Should there be a case where servicemen and civilian personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, violate requirements of political neutrality of the state military organization, as specified in Paragraph 3 of Article 1, or where they directly participate in political activity, as specified in Paragraph 5 of Article 1, the Parliament shall demand immediate action from the leadership of the state military organisation to cease the violations and to ensure the unconditional respect of political neutrality of the state military organization.

4.   The Parliament shall ensure legislative guarantees to servicemen who practice a religious faith, regarding the opportunity to participate in religious ceremonies and rituals during non-duty hours.

Article 8. Implementation of the Functions and Powers of the Parliament in the Field of Deployment of Military Personnel for Participation in International Peace-Keeping Operations and for Participation in Military Operations Outside of State Borders in Peace-Time

1.   Deployment abroad of military personnel who are part of the state military organization, for conducting operations outside of state borders in peace-time shall only be allowed when the Parliament has been informed and agrees thereto in accordance with the procedures established (in the CIS participant state), in the following cases:

−   for participating in international peace-keeping operations under the mandate of the United Nations Organization (in accordance with the provisions stated in Chapter VI of the UN Charter);

- for participating in regional international peace-keeping operations decided upon by a regional inter-state organization (in accordance with the provisions stated in Chapters VI and VIII of the UN Charter);

- for participating in the execution of enforcement measures decided upon by the UN Security Council in the case of threats to the peace, breach of the peace, or acts of aggression (in accordance with the provisions stated in Chapter VII of the UN Charter);

- for providing humanitarian assistance, as well as assistance in emergency situations;

- for implementing international treaties and agreements, including those on providing military and military-technical assistance, concluded by the given state and ratified by the Parliament.

2.   Deployment abroad of military personnel who are part of the state military organization, for conducting operations outside of state borders during peace-time in cases other than those specified in Paragraph 1 of the present Article, or without the corresponding decision of the Parliament (of the CIS participant state), shall be prohibited.

Supplement

The institution of the Parliamentary (State) Commissioner on the Affairs of the State Military Organization may be legislatively established and used as one of the specific mechanisms of implementation of the parliamentary oversight.

Parliamentary (State) Commissioner on the Affairs of the Military Organization (of the CIS participant state)

1.   (CIS participant state) may legislatively establish the institution of the Parliamentary (State) Commissioner on the Affairs of the State Military Organization.

2.   The Parliamentary (State) Commissioner on the Affairs of the State Military Organization shall be appointed by the Parliament.

3.　　The Parliamentary (State) Commissioner on the Affairs of the State Military Organization shall be exclusively directed in his activities by the Constitution and laws (of the CIS participant state), as well as by international law.

4.　　The Parliamentary (State) Commissioner on the Affairs of the State Military Organization shall report periodically, or as required, to the Head of State and to the Parliament on the state of affairs of the state military organization, as well as on his own activities.

5.　　Tasks of the Parliamentary (State) Commissioner on the Affairs of the State Military Organization shall include:

a)　providing practical assistance in ensuring guarantees of civil, social, and personal rights of servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization;

b)　ensuring constructive cooperation between, on the one hand, armed forces, troops, para-military units and bodies that are part of the state military organization, and on the other hand, citizens, public organizations, and mass media;

c)　overseeing the respect of requirements for political neutrality and of the prevention of political activity within the state military organization.

6.　　For the purposes provided for by Paragraph 5 of the present Article, the Parliamentary (State) Commissioner on the Affairs of the State Military Organization shall have the right:

a)　to request and receive information, documents and records, necessary for performing tasks specified in the present Article, from commanders and officials of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as from the institutions of state power;

b)　to examine complaints by servicemen and personnel of armed forces, troops, para-military units and bodies that are part of the state military organization, regarding the violation of their civil, social, and personal rights by commanders and officials of the corresponding forces, troops, units, and bodies; to make the corresponding inquiries and proposals;

c)　to examine requests and proposals by citizens, public organizations, and mass media regarding activities of armed forces, troops, para-military units and

bodies that are part of the state military organization, and, within this context, to submit questions and proposals to officials of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as to other institutions of state power;

d) to demand answers to the core of questions mentioned in afore-mentioned paragraphs of the present Article, from commanders and officials of armed forces, troops, para-military units and bodies that are part of the state military organization, as well as from other institutions of state power.

7.   Commanders and officials of armed forces, troops, para-military units and bodies that are part of the state military organization, and other institutions of state power shall provide the Parliamentary (State) Commissioner on the Affairs of the State Military Organization with information, documents and records, necessary for performing tasks specified in the present Article, and shall further, within the time provided for by procedures and rules of the state administrative system, give answers to the core of questions that have been posed.

GLOSSARY

Hans Born & Eden Cole

Accountability

The construction of transparent lines of responsibility for each individual regardless of their position in government. An individual must be able to give a satisfactory reason for his behaviour to the designated fora which implements or is responsible for oversight or control.

Control versus Oversight and Monitoring

To have 'control' means to be in charge, responsible, capable of managing and influencing a given problem. Oversight and monitoring are weaker concepts as they do not imply that a supposed 'overviewer' is in charge or has the capacity to affect either decision-making or outcomes. See *Civilian Oversight* and *Democratic Oversight*.

Civil - Military Relations

The relationship, in any given country, between civilians and military personnel from the personal to the political, from the individual to the institutional levels. Although civil-military relations may conform to certain socio-political concepts, the use of the phrase does not presuppose that the civil-military relations of any given country conform to an ideal type or that it implies a meaningful subordination of the military to civilians.

Civilian Oversight

In its narrowest sense, the formal legal accountability of a military organisation to a non-military civilian. See *Democratic Oversight*.

Civil Society versus Parliament

Civil Society describes *in toto* the milieu and media through which all modes of democratic life are freely exercised and expressed; as opposed to the activities of the parliamentary forum for political discourse between combinations of political factions or established parties (in any given country) as expressed through parliamentary activities such as debates and committees.

Collective Security

The doctrine in which the community of states renounce the use of force and assist any member of that community in the event that another resorts to force.

Democracy

Representation of the people, by the people and for the people. Marked by free elections, the rule of law, separation of power and basic human rights, including private property, freedom of speech, freedom of religion, and freedom of association. Also see the *Rule of Law*, and *Presidential Democracy*.

Democratic Oversight of the Security Sector

Democratic oversight of the security services means that the security services are politically accountable to the political legitimate authorities. Describes societal and parliamentary involvement in the security sector, specifically referring to parliamentary institutions consciously and bureaucratically maintaining the forums, knowledge bases and staff necessary to overview the government, its policies and to set broad guidelines for the government and its agencies.

Democratic Oversight versus Civilian Oversight

It is essential to add the word 'democratic' to the concept of non military oversight of the security sector. Civilian oversight does not imply that it is necessarily democratic: most dictators of the last century had perfect civilian oversight of their security services.

Executive Control

The Executive exercises direct control from the central, regional or local levels of government, determines the budget, general guidelines and priorities of the activities of the security services.

Good Governance

The core elements of 'good' governance necessitate that governance is people-centred, equitable, accountable, transparent, engenders participation and consultation in planning and decision-making, is effective and efficient public sector management, and actively seeks and facilitates the involvement of civil society. In other words, good governance is pro-poor and gender-conscious, is legitimised by participatory processes, undertakes anti-corruption efforts, is bureaucratically accountable, is efficient and effective in the use of resources, and promotes the

active involvement of the private sector and the civil society to counteract vested interests.

Human Security

Refers to comprehensively seizing all threats to the survival, daily life, and dignity of human beings and to strengthening the efforts to confront these threats. Democracy, human rights, sustainable development, social equity and the elimination of poverty are seen as essential elements of human security.

Judicial Oversight

The Judiciary monitors both the security sector and prosecutes the wrong-doings of servicemen through civil and criminal proceedings whenever necessary.

National Security Policy

Involves all decisions and activities about the security sector which affect the state's and society's external and internal security. Include both policy statements and the measures to implement those policy statements.

OSCE Code of Conduct on Politico-Military Aspects of Security

The key features of the OSCE Code of Conduct on Politico-Military Aspects of Security (1994) include: the duty of states to maintain security forces under substantive democratic control via authorities with democratic legitimacy; legislative approval of relevant budgets; the political neutrality of armed forces; accountability of armed forces for violations of international humanitarian law; manning, equipping and training of forces in accordance with the provisions of international law; recourse to force in internal security missions commensurate with the needs for enforcement; a duty of care to avoid injury to civilians or their property; and the armed forces cannot limit the peaceful and lawful exercise of citizens' human and civil rights as well as to deprive them of their national, religious, cultural, linguistic or ethnic identity.

Parliamentary Oversight

The Legislature exercises parliamentary oversight by passing laws that define and regulate the security services and their powers and by adopting the corresponding budgetary appropriations. Such control may also include establishing a parliamentary ombudsman or a commission that may launch investigations into complaints by the public.

Describes the idea of systematic parliamentary involvement in monitoring the security sector, referring specifically to parliamentary institutions consciously and bureaucratically maintaining the forums, knowledge bases and staff necessary to overview the government and its security sector policies, as well as setting broad guidelines for the government and its security agencies.

Presidential Democracy

A separation of powers between the Prime Minister and the Presidency wherein both are democratically elected but the Presidency has a *de jure* monopoly over foreign and defence policies and certain related appointments within the proscribed legal constraints of a constitutional framework.

Political Accountability

The concept that the security services should be accountable to each of the main branches of the state. Firstly, the Executive exercises direct control across the central, regional or local levels of government, determines the budget, general guidelines and priorities of the activities of the security services. Secondly, the Legislature exercises parliamentary oversight by passing laws that define and regulate the security services and their powers and by adopting the corresponding budgetary appropriations. Such oversight may also include establishing a parliamentary ombudsman or a commission that may launch investigations into complaints by the public. Thirdly, the Judiciary monitors both the security sector and prosecutes the wrong-doings of servicemen through civil and criminal proceedings whenever necessary.

Peacekeeping and Related Issues

1) **Traditional UN Peacekeeping** involves the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacekeepers are unarmed or only slightly armed military contingents that engage in monitoring, supervision, verification of cease-fire, withdrawal, buffer zone, and related agreements.

2)Peace-Building includes all decisions, measures and actions to identify and support state's, society's and international structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.. This might be done by

election monitoring or organisation, human rights protection, and assisting or even exercising civil administration functions during transition to independence or democracy. Such operations have a very broad mandate, because in contrast to the traditional peacekeeping operation peace-building tries to addresses the root causes of conflicts and civil wars.

3) Peace-Enforcement Operations include the deployment of heavily armed international contingents in conflict situations where the intensity of fighting has decreased but not yet stopped. They support and assist traditional peacekeeping operations with implementing their mandate. Peace-enforcement units are not bounded by the principles of absolute neutrality, impartiality, and non-use of force.

Preventive Diplomacy

Action to prevent disputes from arising, to prevent existing disputes from escalating into conflicts and to limit the spread of conflicts when they do occur.

Rule of Law

The enforced and systematic application of legislation created and mandated by a democratically legitimated government by an independent judiciary with coercive powers.

Three Pillars

In Community parlance people often refer to the three pillars of the EU Treaty. These are: the Community dimension, comprising the arrangements set out in the EC, ECSC and Euratom Treaties, i.e. Union citizenship, Community policies, Economic and Monetary Union, etc. (first pillar); the common foreign and security policy, which comes under Title V of the EU Treaty (second pillar); police and judicial cooperation in criminal matters, which comes under Title VI of the EU Treaty (third pillar). The Treaty of Amsterdam has transferred some of the fields covered by the old third pillar to the first pillar (free movement of persons).

Security

The absence of threats or perceived threats to acquired values. In a subjective sense, security means the absence of fear that core values will be attacked. Security can be divided into internal (domestic) and external security

Security Sector

Includes all states services and agencies that have the legitimate authority to use force, to order force or to threaten to use force. Normally the security sector agencies include the military, police, paramilitary units (like military police), border guards services and intelligence services

Security Sector Reform (SSR)

The reform of the Military (Army, Navy, Air Force), Intelligence, Border Guard, Paramilitary institutions in order to create systematic accountability and transparency on the premise of increased, substantive and systematic democratic control.

Transparency

The construction of institutions, networks and routines in the executive, government and government institutions and agencies which lend themselves to systematic scrutiny by parliamentary and other institutions and individuals diffused across the social and economic spectra of civil society.

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