

Philipp Fluri, Simon Lunn (Eds.)

NATO, EU and the Challenge of Defence and Security Sector Reform

Walter B. Slocombe



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This book represents the work of the public conference *NATO, the EU and the Challenge of Defence and Security Sector Reform: Building Peace and Stability, Together or Apart?* held in Brussels on 4 December 2006, with parliamentary participation. It offered an informed insight into the challenges faced by NATO and the EU in security sector reform (SSR) in a post-conflict environment.

Эта книга представляет работу научно-практической конференции «НАТО, ЕС и вызов реформирования сектора безопасности и обороны», которая прошла 4 декабря 2006 года в Брюсселе с участием парламентских делегаций. Целью ее работы стало информирование общественности о тех вызовах, которые стоят перед НАТО и ЕС в области реформирования сектора безопасности.

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PREFACE

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the NATO Parliamentary Assembly have a long history of productive cooperation (mandated and funded by the Swiss Ministry of Defence), dating back to October 2000, when DCAF was founded. It is widely accepted that the democratic and civilian oversight of security structures is a crucial instrument for promoting peace and democracy as well as ensuring socio-economic development. To that end, the collaboration between DCAF and the NATO Parliamentary Assembly has focused on assisting members of national parliaments in exercising their oversight functions, through the provision of tools, training and expert assistance. The establishment of DCAF Brussels in September 2005 has allowed for an even closer partnership to develop. As a result, it was decided to initiate a series of public conferences in Brussels, in order to highlight and discuss some of the principal challenges to Europe's security agenda, with parliamentary participation. The first such event was held on 4 December 2006, entitled: NATO, the EU and the Challenge of Defence and Security Sector Reform: Building Peace and Stability, Together or Apart? The keynote address, re-produced here, was delivered by Walter B. Slocombe, a partner of Caplin & Drysdale and former US Under-Secretary of Defence for Policy, and a valued member of DCAF's International Advisory Board. His keynote speech offers an informed insight into the challenges faced by NATO and the EU in security sector reform (SSR) in a post-conflict environment.

I very much look forward to continuing this new series of conferences in cooperation with the NATO Parliamentary Assembly into 2007 and beyond.

***PHILIPP FLURI,
Executive Director,
DCAF Brussels***

INTRODUCTION

This event was conceived by DCAF and the NATO Parliamentary Assembly for three principal reasons: first, to highlight the growing importance of Defence and Security Sector Reform (DSSR) in today's security environment; second, to assess the respective contributions of NATO and the European Union in the field of DSSR at a time when both organisations are further defining their roles and responsibilities, and third, to urge that DSSR is a prime candidate for closer coordination and cooperation between NATO and the EU.

To address these issues, we decided first to look at what has been achieved in the past, notably by NATO through its work in the 1990s, to see what lessons can be learned and how these can be applied to current and future demands.

All countries in transition or under reconstruction face the challenge of providing a secure environment in which political, economic and social reforms can be pursued and the living conditions of their societies improved. Such an environment requires a broad range of structures and processes ranging from armed forces for traditional defence to those for internal security and the variety of legal and judicial mechanisms necessary for the maintenance of law and order. The challenge is to put in place, frequently during a period of domestic turbulence, a security architecture comprising these various elements that is appropriate to the countries' needs, is affordable, transparent and democratically accountable.

Among the lessons that have been learned from the previous decade of engagement, two are particularly relevant to today's discussions. The first is that it is not easy to compartmentalise reforms in the defence area from those in the security sector writ large. While there is a distinction between the forces for defence and those for internal security, they have similar characteristics and in contemporary conditions the line dividing their respective roles is easily blurred. Moreover, the requirements of internal security may have a higher priority than those for defence against external threats. In an ideal world, these aspects should be assessed together.

The second is that security and development are interdependent. Put simply, reconstruction and development cannot take place without a secure environment, yet the provision of security alone is of limited value unless accompanied by development and the improvement of domestic conditions. The latter was one of the messages that emerged from the recent NATO Summit in Riga, Latvia, in the context of the current situation in Afghanistan. It was also underlined by the President of the NATO PA, Bert Koenders (Member of Parliament, Netherlands) in his presentation to the Heads of State and Government, when, again referring to Afghanistan, he called for a more effective harmonisation of military operations and reconstruction programmes.

The countries of Central and Eastern Europe (CEE) were the first to face the need for DSSR when, following the events of 1989, they re-oriented their societies to democratic standards and principles. Understandably, given their determination to join NATO, the initial focus of these countries was on the reorganisation and restructuring of their armed forces and defence

establishments. In addition to reductions and reorganisation, their reforms included the development of civilian structures and expertise, the re-writing of concepts and doctrine, the creation of effective parliamentary involvement, but above all, the changing of attitudes and mindsets, particularly among the military, many of whom were unfamiliar with, and resistant to, the principle of democratic civilian oversight and accountability.

In achieving this transformation, they received substantial advice and assistance from NATO and its member states through the Partnership for Peace programme (PfP). One of NATO's most notable, but insufficiently recognised, achievements during the past decade was the help that it provided these countries in making this transformation. Ten are now full members of the Alliance and in their turn are contributing their experience as NATO extends this form of assistance to other regions, notably the Balkans, the Caucasus and beyond. For the foreseeable future, advice and assistance on DSSR will continue to represent a substantial element of NATO's role of projecting stability.

The NATO PA also played a substantial role in this process by providing advice and assistance to the parliaments of these new countries to enable them to play a more effective role in ensuring effective democratic oversight and accountability.

The first panel of the 4 December conference comprised individuals who were intimately involved in the reorganisation of their country's armed forces and, in the case of our moderator, was the senior NATO defence official during much of this period.

Having looked at our past achievements, the question is what next? Looking at the international agenda, it is easy to identify a wide range of countries in need of advice and assistance in the crucial area of DSSR. The afternoon panel addressed the key elements of the new environment.

However, the circumstances of today are very different from the 1990's. Security, it is now recognised, embraces far more than armed forces alone. It is no coincidence that the current route map to NATO membership, the Membership Action Plans (MAP's), contain four non-military chapters. Moreover, the countries receiving assistance have different aspirations regarding NATO which means that the degree to which external influence can produce results varies. Most crucially, advice and assistance is frequently being given in conditions where there is open conflict, as in Afghanistan, or regional instability as in the Balkans and the Caucasus. Finally, the European Union, in the shape of both the European Commission and the Council, has begun to dip its toes into the area of Security Sector Reform.

This last development inevitably means that both NATO and the EU are working in areas where lines of responsibility and competence are not easily drawn. This situation raises several questions: In the new circumstances, can the requirements of traditional defence be dealt with entirely separately from those of more general security? Does NATO's remit extend to general security? And has the EU the competence to tackle defence reform? In both these cases it should be remembered that expertise rests largely with national capitals. Or is there a division of labour in DSSR, either geographic or functional, that can be foreseen between the two organisations?

There is no clear answer to any of these questions. The «who does what?» will probably be decided on a pragmatic case-by-case basis hopefully using the competencies of either organisation. However, even this will require closer dialogue, coordination and cooperation than appears to exist at present.

The question of closer NATO-EU cooperation in DSSR has to be seen in the broader context of relations between NATO and the EU. One's assessment of the state of this relationship depends on where one sits – the analogy of the glass half full or half empty. However, the objective reality is that the two organisations exist side-by-side, both with the capacity to react to regional crises – the problem being whether they do so in competition or cooperation. The many differences between them – in origin, mandate, working methods, culture and membership - means that they are not natural partners.

Nevertheless, a substantial degree of commonality exists between them: 21 countries are members of both, drawing therefore on essentially the same pool of resources (with the significant exception of American assets); they have similar decision-making processes and planning structures; diplomats and officers from similar backgrounds and Ministries populate both organisations. The national delegations report back to the same national capitals. Some observers suggest that these elements of commonality will ensure a degree of cooperation and coherence. «We get there in the end», as someone has put it.

And indeed a degree of progress has been made in institutional cooperation: Berlin plus, Concordia, Althea, the creation of working groups and periodic meetings of senior officials are all positive developments. But they are not enough. The belief that commonality alone and «joined up» government will do the job is simply the triumph of hope over experience. What is needed is formal and structured coordination and cooperation at all levels. Not only in the most urgent situations in Afghanistan and Kosovo - where the two organisations are already working alongside each other – but also in other regions where NATO's partnership and the EU's neighbourhood programmes overlap.

Why is this not happening? What are the obstacles? This could be the subject of an entirely separate debate. However, let me briefly point to three layers of obstruction: first, the immediate political problem of Cyprus, Greece and Turkey, which is currently stymieing efforts at broader cooperation. However, even if this is solved, there is the broader and more serious strategic difference between those members who seek to expand and deepen NATO's role, and those who would limit NATO and expand the European Union. This fundamental difference in strategic vision concerning the respective roles of the two organisations dominates discussions in both and is responsible for much of what is often seen as institutional rivalry.

Finally, there is the level of the bureaucracy; the fact that officials and diplomats tend to develop institutional loyalties which can inhibit cooperation. This is particularly true of the permanent staffs where attitudes towards each other frequently reflect stereotypes that belong to the days of the Cold War. There is no doubt that some at NATO have looked, and still look, with suspicion and no little disdain at the EU's gradual incursion into what was NATO's exclusive preserve of defence. They saw unnecessary duplication and competition for scarce resources. It is equally true that

some within the EU view NATO as a Cold War relic, a military organisation dominated by the United States with limited utility. Furthermore, as the EU increases the breadth and range of its capacities, some EU officials suggest that it, rather than NATO, is now the organisation of the hour and that NATO's help or cooperation is no longer needed. I should add that our inability to attract EU participation to this meeting, despite strenuous efforts, is perhaps symptomatic of the state of relations.

I am, of course, overstating the case, in order to make the point that no matter what the reason, institutional rivalry is not only misguided, but counter-productive. For the foreseeable future, we need the resources and assets of both organisations acting in a complementary and cooperative, not competitive manner.

Unfortunately, this is unlikely to happen in the short term. So every effort should be made to lay the foundations for longer term cooperation by engaging the officials from both organisations in less formal gatherings. It is in this respect that meetings such as this can be helpful, not only to highlight the key issues and encourage open exchanges, but also to create the contacts and personal relations which so often underpin effective cooperation. Cooperation depends on having respect for and confidence in your counterparts and this, in turn, depends on personal contacts. It was for this reason that we welcomed DCAF's initiative to open a Brussels' office, precisely to act as a bridge on this key question. It is also why we were pleased to co-sponsor this conference with them, as a first step. We hope it will be the first of many such meetings.

***SIMON LUNN,
Secretary General,
NATO Parliamentary Assembly***

NATO, EU and the Challenge of Defence and Security Sector Reform

Our topic is how NATO, with its broader geographical focus, and the EU, – which is taking on new security responsibilities must deal with the problems of security sector reform, not just in nations that are actual or prospective new members and close neighbors, but outside Europe as well. As NATO and the EU increasingly operate outside Europe and deal with complex conflict, and post-conflict situations, they have had to seek to encourage and shape security sector reform in the nations in which they operate.

The most dramatic recent example – and the one which I have personally had the greatest direct and recent involvement with – is, of course, Iraq. However, Iraq is far from unique in needing basic security sector reform. In the past 20 years a broad range of nations casting off old authoritarian regimes and/or seeking to modernize have faced similar demands for creating new, or at least fundamentally reformed, security institutions – not just in the former Soviet empire, but in places as different as South Africa, Latin America, the Balkans, East Timor, Afghanistan and Taiwan. In almost every case the process has involved some degree of outside participation, including at the extreme the occupation regimes (*de facto* if not *de jure*) in places like Kosovo, Bosnia, Afghanistan and Iraq. In addition, there are many cases in which outside parties have undertaken, either bilaterally or through international organizations, to provide a degree of direct security protection, while also giving assistance, advice and support to internal reform efforts.

In these introductory remarks, I propose to try to outline the scope of the task – leaving to the rest of our program the issue of the allocation of responsibilities for accomplishing it among international institutions – whether those are the EU, NATO, the UN, regional groupings or ad hoc coalitions – and national bodies, as well as leaving aside the important and difficult question of overcoming the challenges of coordination of their efforts. That is to say, I will indulge in the luxury of addressing what is to be done, not who is to do it.

For most of its history “defence reform” for NATO has meant trying to bring the military capabilities of its members, particularly its European members, more in line with what would be needed to achieve NATO’s stated military objectives. When those objectives centered on blunting a massive conventional attack by the USSR, “reform” mostly meant increasing numbers, firepower, sophistication and interoperability. With the implosion of the Soviet Union and the collapse of the Warsaw Pact that agenda has fundamentally changed. However, improving NATO members’ military capability and changing how resources are used have remained important. Partly, that’s a matter of exploiting the potential of modern military technology, but much more fundamentally it’s about bringing the members’ military forces, their structure, doctrine and equipment in line with NATO’s recognition that in the post-Cold War environment, protecting transatlantic security may well require that NATO take on military missions that are far remote from the old model of massive encounters of armored forces in Central Germany not only in geography, but also in operational requirements.

¹ Walter B. Slocombe is a Partner of Caplin & Drysdale and former US Under-Secretary of Defence for Policy

In parallel with NATO's attempts to adapt its members' military forces to very different operational demands and to incorporate new technologies has come also a requirement for "defence" and "security sector" reform in a far broader sense. That is transforming the military and other security institutions of formerly authoritarian states to meet the needs of the new political systems in those countries. The initial context for that reform agenda was the all-but-miraculous transformation in Central and Eastern Europe. As the Soviet-butressed communist regimes of the old Warsaw Pact withered, nascent democratic systems took their place. It was immediately clear that far more than formal displacement of the old communist leadership and creation of parliamentary institutions and regular elections at the top of the political system would be needed if freedom and democracy were to be established on a stable and sustainable basis. There would need to be a transformation of political culture and institutions as well.

In that process, changes in the security sector – the army, the other armed services, the intelligence services and the police – played a central part. In part, of course, because they needed to move from being auxiliaries of the Soviet forces whose role was to support the fraternal comrades as directed, to become independent national security elements, responsive to the needs of their newly free societies. And as their countries moved toward - and into - the NATO alliance, their militaries needed to change from being manpower-heavy, under-equipped, conventional, conscripted and largely territorial forces to becoming able to make a contribution to new NATO missions. That task is, to put it mildly, still in the process of being accomplished.

Democratic control mechanisms had to be put in place. Not just on the statute books, but in the culture and practices of civilians and militaries alike the security services of Central and Eastern Europe had to change internally and in their relationship to their governments and societies so as to become consistent with, and supportive of, the new free and democratic order – not a threat to it. Different countries' militaries had quite different relationships to their societies: ranging from something close to symbols of national identity and resistance to Soviet domination to being seen as a key part of the oppressive system, especially in the case of the intelligence and security services. For all these national variations, the security organizations of the old "new Europe" shared some characteristics difficult to reconcile with the new status of their countries.

These included:

- A military officer corps and a cadre of police, intelligence and security leadership in which advancement depended heavily on loyalty to the old order;
- A profound deficit in adherence to principles of democratic civilian control;
- Deep penetration by individuals with at best divided loyalties – whether to the party or Soviet security organs, or both;
- And, in almost all cases, a rigidly hierarchical security culture that stifled initiative and innovation, and rewarded conformity and encouraged, even demanded, rigidity;
- An ingrained ethos of secrecy and concealment and independence from public accountability.

Hard as it is for some of us to accept – because it also shows how much time has passed in our own lives – it has been nearly two decades since the changes in Central and Eastern Europe,

so that not only has most of a generation of officers entered service since those changes, but also that the people now joining cannot personally remember the old system. In the years since 1989 all the nations of the old Warsaw Pact have made considerable progress on this internal transformation, recognizing that without that success they would not only not have the security forces they needed for national and alliance purposes, but also that their political transformation would not be secure – not to mention that their hopes for entry into Western institutions, and indeed their genuine re-entry into the Western world, would have gone unmet.

All that said, the process is still incomplete. While there were massive retirements of old leadership, and genuine efforts to change within the old institutions and cultures, the task is unfinished. And this task was reform, not creation. None of these nations – with the single and special exception of Germany – made any pretense of starting their security organs entirely anew. Even the successor states in the Baltics and Balkans, and former Soviet Republics built their security sectors to a considerable extent on the basis of personnel, equipment, facilities, and structures and traditions inherited from the past. In every case, the issue has been transforming and reforming, seeking to expunge the worst and make the best of the potential of the old system. That has had real advantages, but also costs. Security organizations, especially military forces, are by nature conservative and heirarchical, and for good reasons. The results is that in security organizations, even more than in other institutions, deeply established ways of thinking and acting, of relating to outside authority and society, of mentoring and evaluating juniors, are powerfully ingrained and hard to change.

This historical and NATO-centered background sets the stage for consideration of other security sector reform efforts, for the need for security sector reform goes far beyond Europe. -In some sense, the task is even more complicated in non-European contexts (and in the Balkans in Europe) than in Europe. -With the very important exception of the Balkans, the former communist countries of Central and Eastern Europe (like most of Latin America except Colombia) have had the luxury of a “security holiday” to reform their security institutions. Not so in the Balkans, and certainly not so in places like Afganistan, Africa, Lebanon or the Palestinian Authority, much less in Iraq. There political transformation and internal reform had to be promoted while at the same time improving the ability of the local security forces to deal with active opposition, with continuing conflict.

Security sector reform is vastly more difficult when it must be undertaken under fire: that is in conditions of daily violence and well-supported, skilled campaigns to undermine security, or if the country in question also faces an immediate external threat. The task then is twofold and far more than twice as hard. The security forces must become more, not less, effective, in strictly operational terms, often in the face of a well-organized, deeply committed and ruthless armed opposition. These very institutions must be changed so as to be compatible with a free and democratic society, become more accountable, law-based, representative, transparent, “national” and become less instruments of particular political, sectarian and ethnic groups.

It is impossible to overstate the degree to which operational effectiveness is important in such a context. It is certainly true that conflicts have “root causes” that must be addressed and that a strictly military (or law enforcement, or internal security) strategy will prove ineffective. -But it is

also one of the many sad lessons of the nineties and this decade that “nation-building” in the broader sense of development, democratization and reconciliation is all but impossible without security. So building operational effectiveness of the security forces in a society in reform is absolutely essential for success where the process faces violent opposition. Moreover, until the state can provide a reasonable degree of security through official instruments, its claims to a monopoly of armed force will ring hollow to militias, private security companies, and to the security institutions themselves.

Outside intervention, whether by NATO, the EU or particular nations does not change this requirement. Where there has been an intervention, in the short term – which may well extend for many years into the future – foreign military forces will retain a significant direct security role, but the critical task is to build local capacity to take care of its own security. This makes it part of the intervening nations’ task to promote the development of competent police, intelligence services, border patrols, and other security organs, as well as military forces and local paramilitary reserves.

Reaching that goal will require security sector reform on a grand scale. The many challenges to the internal security of a transition state, especially one emerging out of internal conflict, will require that its security institutions be highly effective. Yet the pre-reform security institutions will almost by definition have been, at best, deeply compromised, and, at worst, pillars of the old regime or agents of one of the factions. So building security capability requires fundamental reform and rebuilding, leadership change, training, control and oversight, and, indeed, changing the basic institutional culture. The new security forces must also be fundamentally different from their predecessors if they are to be truly compatible with a law-based, democratic and representative system of government for an ethnically and religiously diverse nation going through a very difficult social and economic transformation.

All too often, the historical context will be one where the military and other security services have been powers unto themselves (and may indeed have been actively fighting each other), dominating the political system or deeply integrated with the old system, and operating outside the law and often outside any real system of budgetary control, possessing independent “business” assets that are both a means of avoiding accountability and an invitation to corruption. Moreover, if there are and there usually are – sectarian and/or ethnic divisions, the security organisations will almost by definition have traditionally been instruments of sectarian politics dominated by the preponderant groups and actively excluding the others. An added complexity is that in many contemporary cases where the state is unable to provide security, private security companies – local or “imported” – will be hired by both local and foreign groups trying to operate in the country to fill the gap.

In short, in places like this, the new security institutions must be both immediately effective and permanently democratic and law-abiding – not an easy combination.

But it is a fundamental error to believe that effectiveness always trumps reform. Where the issue is transforming a society generally, the challenges go beyond the concrete tasks of creating competent security services, phasing out those armed groups that lie outside the regular system

and coping with the immediate security threats. Success requires that the security services that will serve the governmental order not only be strong enough to manage the nation's security, but that they are also fully responsive to the nation's new legal and constitutional order and respectful of the rights of its people.

Security sector reform in this institutional sense, and not just in the sense of being more effective is an essential part of an overall strategy for progress. Success, certainly in the long-term, and quite possibly even in meeting immediate security challenges, will require transforming both the ethos and culture of the security services and bringing them within a system of legal and constitutional control.

Ensuring that the security organisations of the country serve the state requires effective constitutional control and respect for human rights. Besides reform of the security organs' internal structure, ensuring that the security organisations are congruent with the broader goal of a representative and constitutional – and perhaps a federal – democracy requires ensuring that the legitimate political authority has full control of the security organs, while building the professionalism of those services and preventing their politicization. Conversely, establishing a government that is seen to be legitimate and representative will be crucial to building public support for the fight against those using violence to obstruct the process and for maintaining the loyalty and discipline of the security forces.

A critical part of preparing for and executing the transfer of full authority to a local authority, or assisting it in actually exercising its nominal authority, is therefore setting up the constitutional and legal framework for setting and conducting national security policy and for commanding and overseeing its military, intelligence, police and other security forces. Local conditions and culture will always shape the process, and there is no single template. However, there are some fundamental requirements. Among them are a Ministry of Defence with leadership that, if not personally “civilian”, has significant civilian staffing and accepts its responsibility to be accountable to democratic political authority. That political authority must have clear jurisdiction over budgets, personnel, policy, and while recognizing legitimate claims of professional expertise, it must have ultimate control over operations. Equally important, the intelligence and other internal security services must be under the control of responsible civilian leaders.

Perhaps most important of all, the police must be structured and operated on a basis consistent with the changes being made in the society as a whole. The ideal of a truly professional, effective police force, free of corruption, abusive practices, and ethnic or sectarian biases, and accepted by all elements of society as effective, honest and law-abiding is a lofty one – and, it is safe to say, nowhere fully accomplished, even in the most stable, democratic and reasonably homogeneous societies. That this ideal is hard to approximate in poor countries that are deeply divided, going through tough political transformations and in many cases under violent attack is hardly surprising. But that is the ideal and it is part of the task to approach it as closely as may be.

Specific areas where decisions will need to be taken include setting national security objectives; identifying the significant threats to internal and external security and setting strategies to meet these challenges; and establishing institutional structures and operating principles, security policies

and institutions – reflected in constitutional, legal and administrative frameworks. Properly led, staffed and overseen Ministries of Defence and Interior, and corresponding bodies for other security organizations must be established, along with mechanisms for transparency, budgetary and personnel control, policy direction and oversight. Oversight must be both internal (by such means as financial controls and a “clean” inspectorate) and external (by such means as oversight by parliament and accountability to the elected and constitutionally responsible executive). The respective roles and missions – and subordination – of the various security institutions must be clearly defined, not just for efficiency but to make politicization more difficult and accountability easier. This will often include setting the terms on which former officials of the pre-reform organizations are considered for retention or dismissal, what measures to take to provide some degree of financial support and employment opportunities for those dismissed either on individual grounds or simply as a part of necessary downsizing. Decisions will also need to be taken on which pre-reform extra-legal groups are to be disbanded and/or merged wholly or partly into the new structures. This includes the operation of private security organisations in the country.

Some of the critical standards to be defined relate to the internal distribution of power and authority – in particular that the military and other security institutions should be under civilian control, that militias and other “informal” forces of the various factions are to be folded into the new security forces. The new organizations must be accountable to the public and parliament, free from political involvement, defensively oriented, reasonably representative of the population as a whole, financially affordable and accountable, respectful of human rights, and subject to clear rules, both substantive and procedural, in the use of extraordinary measures (such as the use of military forces for internal security, and special police, intelligence or military measures for suppression of violence). Moreover, in addition to dealing with issues of respect for rights and subordination of legal authority, a reformed system must end the pervasive corruption and abuses of power for personal gain that will in almost all cases have characterised the military (and much of the rest of the security sector) in the past.

If they are to be accepted as truly acting for the nation, not for historically (or even newly) dominant groups, it is important that the security services be shaped so as to be national in character (not dominated by, or excluding, any groups). In this context, establishing the military as a genuinely *national* institution will be particularly important because most of the other security organisations – notably the police – are likely to be essentially local and regional in orientation; for both practical and policy reasons. A national armed forces, under the control of the national civilian government will be an important element in an overall system where central, regional and even local powers are balanced so as to preserve national unity while protecting against the abuse of central power, even when that power is based on an electoral majority.

In all parts of the security sector, effectiveness and accountability alike require – along with professional training and adequate modern equipment and doctrine – fundamentally reformed, re-oriented leadership. New principles of leadership and discipline are needed not just for democratic and constitutional control and accountability, but also – and perhaps even more – for effectiveness in the field.

Correcting long-established dysfunctional patterns requires not only excluding those police and military commanders from the era of the old regime who remain actively loyal to or who were personally involved in abuses, but also moving to a transformed ethos of discipline, integrity and leadership. Replacing the old habits in security sector institutions characterised by a mixture of brutality, passivity, politicisation, concealment and corruption will not be easy.

Purging the system of the worst abusers and most irreconcilable leaders will almost always be essential for progress. There will sometimes be organizations that are so tainted by the past – or so ineffective or destroyed or disintegrated in the process that led to the change in power – as not to be worth saving. Often enough, however, here will be no practical alternative but to keep some old institutions and employ a lot of the old personnel, even from organizations that have disappeared or been disbanded. And there are reasons that go beyond simply practicality not to believe it would be right to insist that everyone associated with the past system and its institutions must, sooner or later be replaced. And an openness to reconciliation and insuring a role for those who will play faithfully by the new rules will not only preserve skills and maintain continuity; it may be essential for forging a viable new system.

As you probably know, I was involved in trying to start this process of security sector reform and rebuilding in Iraq for a time in 2003. Each case is unique, and certainly Iraq is no model of success – perhaps it is the opposite. But, that said, let me offer a few observations about lessons I draw from the Iraq experience, both during my time there and since.

Effectiveness is a value that has to be taken into account very seriously. A constitutional order that cannot defend itself against on-going assaults will by definition not survive. At the same time, one has to be skeptical of many claims that effectiveness can be secured by abuses – the real challenges are to find the necessary human and material resources to do the security job effectively.

Quality counts and quality takes time. In the immediate context of daily murderous attacks, there are understandable pressures for quick results, and some short term measures are probably necessary (like relying initially on the inadequately trained and deeply compromised former institutions). However, for long-term success, the nation needs properly trained and equipped police and security forces, which takes time and money, as well as continuity of policy and personnel during the reform effort.

The national unity principle is fundamental. Iraq is by no means alone in that it will be a diverse nation if it remains a nation at all. Not only the army, but also other security institutions that are more locally based must be inclusive of minorities, and in their operations, security forces – emphatically including those like the police that are necessarily locally based and reflective of the composition of the local community – must respect both minority rights and central authority.

The process has real enemies who must be resolutely, even ruthlessly, prevented from destroying the process and seizing power, but the emphasis must be on reconciliation and “a second chance.” Among the most difficult tasks for both the occupation authorities and local sovereign governments, both interim and permanent, will be dealing with the issue of the role of those who held powerful and privileged positions in the old regime. Some – especially those who were at

the top of the old system or who served in the old regime's inner circle of security organs, intelligence or repression are so tainted by the past that, even if they are not subject to formal criminal punishment, they cannot responsibly be given a future role in the public service. However, for many in the old institutions, even some at quite senior levels, service to the old regime was less a matter of affirmative enthusiasm than at worst opportunism and in most cases, the price that had to be paid to have a professional life. Except for relatively few at the very top of the old system, a "second chance" – dependent on real acceptance of the new order – is the appropriate course. At the same time, the issue is non-exclusion, not inherited entitlement; there will have to be measures to recruit affirmatively new blood – particularly from communities excluded in the past on ethnic, sectarian or political grounds.

Corruption is a key issue. Societal transition is seldom untarnished by "ordinary" crime and corruption. No police or security system is entirely free from corruption, but the tempering of generations of despotism with endemic corruption will in most of the countries at issue in security sector reform have left a corrosive legacy. Principles of merit promotion, law-based decision and rejection of the use of public office for personal gain are nowhere fully realized in practice, but attaining at least minimum standards of integrity and abstinence from political involvement are essential goals.

Leadership is critical. In the army, police and government as a whole, the quality of the leaders will determine the performance of the rank and file. There will be competition for quality people from a growing economy – and from opportunities abroad. The targeting of security personnel, particularly in police and local government, acts as a further deterrent to effective service. The new security organizations must give their people, and particularly their leaders, adequate salaries and, where necessary, protection for their families and property.

Finally, the key decisions have to be made by the Iraqis. To the degree that Iraq will need external help, foreign states and international institutions will have interests and requirements by which they will legitimately seek to shape the process. However, the basic political decisions on how a transition country deals with its security challenges must be made by and have the support of the leading political forces in the country. That support must come in the context of agreement on basic constitutional arrangements and political structure.

NATO PA-DCAF Seminar, 4 December 2006

Introduction

As NATO and the European Union look to the future, a central issue for both organisations is the contribution they can make to help countries which are undergoing transition and reconstruction. For most of these countries, defence and security sector reform (DSSR) is a major imperative and an essential foundation for building stable, democratic societies.

NATO and EU enlargement processes have run in parallel, with both organisations contributing, in different but mutually reinforcing ways, to the spread of peace and stability. One of NATO's most notable achievements during the past decade, albeit insufficiently recognised, is the advice, expertise, and practical assistance it has provided to transition countries for the reform of their armed forces and defence establishments.

As the engagement of NATO and the EU broadens in terms of membership, partnership and operations, it is evident that more countries will be requiring assistance with DSSR. However, the circumstances under which assistance is provided are very different from previous rounds of enlargement. All too often, reform and reconstruction are taking place in unstable conditions, sometimes even open conflict, in the case of Afghanistan. Moreover, NATO's initial focus on defence and the armed forces has been seen to be too restrictive as it neglects other equally relevant aspects of security.

As post-Riga, the Alliance continues to define its future role, and as the European Union begins to move into the area of security sector reform, the seminar attempted to take stock of where we stand with DSSR and draw lessons for the future. Bringing together NATO and EU representatives, former and current government officials and independent experts, the seminar first examined past experiences of DSSR, then turned to current and future challenges, including the specific issue of post-conflict peacebuilding and reconstruction, and NATO-EU co-operation.

Keynote address

The keynote address set the tone for the seminar, highlighting the different challenges posed by DSSR depending on the context in which it takes place. Within NATO, the concept of DSSR has been progressively redefined. Whilst, for a long time, DSSR was about ensuring that NATO allies meet NATO capability requirements, it has gained a new meaning with the process of military transformation of the Alliance and the evolution of its partnerships.

In Central and Eastern Europe, the democratic oversight of armed forces had to be promoted on the basis of existing structures as these countries underwent transition. During this process, governments encountered various problems and obstacles, including nepotism, rigid structures that promoted uniformity, a culture of suspicion and diffidence, as well as other problems connected with the existing hierarchical and conservative military structures.

Reform in a conflict or post-conflict situation, like in the Balkans and in Afghanistan, poses additional challenges. Institutions have to be transformed and reformed, while at the same time the operational effectiveness of the security forces is indispensable in the face of an immediate threat. In other words, the new security institutions must be both immediately effective and permanently democratic and law-abiding. Outside assistance can provide security in the short term, but domestic security institutions need to be built for the long term. This requires a far-reaching transformation, which should aim at placing all security institutions under democratic oversight. Preferably a reconciliation program should be set up and allow for agents of the old regime to be eventually re-integrated in the new system. In this process, national unity should be preserved, while minorities need to be protected against the abuse of the majority's electoral power.

Lessons learned in Iraq demonstrate the necessity of building effective armed forces able to provide security. They equally demonstrate that long-lasting success requires both time and money. Preserving national unity and ensuring that all sections of the population have faith in the security forces are vital conditions for success. To that end, minority groups should be part of the army and the local police force. Emphasis should be put on reconciliation, distinguishing between those agents belonging to the inner circle of the former security services and those who only took part in the regime for opportunistic reasons and should be given a second chance. Meanwhile, fighting corruption should also be a priority. This process should aim to create a new cadre of competent, well-trained and well-equipped personnel.

In any event, reform should be underpinned by local structures as part of a political process, and should not be imposed from the outside.

Session 1: Enlargement, Partnerships and Defence Reform: Past Achievements and Current Challenges

The first session took stock of NATO's contribution to DSSR in Central and Eastern Europe through its partnership programmes and the enlargement process. Panellists praised NATO's Partnership for Peace (PfP) as the Alliance's greatest achievement since the end of the Cold War. PfP helped transform Europe in a very short time. Early on, it provided an outline for reform and a framework for consultations with NATO on security issues. Within PfP, the Planning and Review Process provided for a very concrete dialogue on defence planning. It allowed participating countries to implement reforms at their own speed according to the principle of differentiation, which guaranteed that no partner had a veto right on any other partner's activities. This process proved particularly difficult for all aspiring members; surprisingly, institutions inherited from the Soviet system appeared entirely unable to provide the capability to plan and manage defence programmes.

Partners used PfP in different ways depending on their national strategy. Some PfP countries saw it as route to NATO membership. Others saw it as a means to approach NATO closely without becoming members. Finally, a third group saw it as a tool for allowing them to keep a close watch on their neighbours. On the basis of these different experiences, three case studies from CEE were examined in order to identify lessons for NATO's future partnership activities in DSSR.

Poland belonged to the first group of countries. After the fall of the Berlin Wall, the Polish government saw in NATO a means of protection from any attempt at re-establishing foreign domination of the country. Nevertheless, in the first stages of transition, both cultural and institutional obstacles to the rapprochement with NATO remained. Although committed to integration into NATO, Polish officials still had reservations and suspicions as to whether NATO would really provide an effective defence umbrella for Poland. Reformers had to overcome a lingering culture of secrecy, which made difficult the sharing of classified information, as well as remaining ties – both formal and informal – between the Polish secret services and the Soviet services. Another major challenge to reform was a strong resistance to placing the military under civilian control. Although the military appeared ready to abandon the central political role it played under the Soviet system, the main difficulty was in convincing it that the dividing line between political and tactical decisions was to be established by politicians, not by the military. Finally, reformers had difficulty dealing with high levels of public expectation and scrutiny, which put strong pressure on the government to deliver, together with the necessity to promote rapidly the use of foreign languages.

Romania's experience was very similar. PfP was also considered a security guarantee, as well as a stepping-stone to NATO membership. Romania faced a specific challenge as DSSR was implemented at the same time as NATO began its own transformation. In the process of downsizing, operationalising and rationalising the security sector, close contacts with Allied Command Transformation, as well as participation in multinational operations, proved crucial. The Romanian experience also demonstrated that a well-planned strategy with a clear finality is another condition for success, as the government strives to integrate a reforming security sector in a reforming society. This strategy should strive to cover all aspects of reform, including those segments of the population negatively affected by the reform process. Timing is also important: downsizing should come first, before updating the equipment; and the reform process should progressively gain speed as the first measures start to show results. The reform strategy should also be communicated to the public, explaining why downsizing the military – from 300,000 to fewer than 100,000 troops in the case of Romania – and cutting resources is compatible with enhanced security for the country. Eventually, consistency and credibility of efforts are also essential in the country's relations with NATO.

The experience of Lithuania was somewhat different, as defence and security institutions had to be built from scratch and because neutrality was briefly considered as an option. The Baltic experience was also unique because of the close co-operation established amongst the three countries, for example through the Baltic Battalion, BALTBAT. In the case of Lithuania, consensus building thus appeared as a key priority and a pre-condition for reform. This was achieved progressively through a series of targeted reforms; important steps included the adoption of a Law on Basics of National Security in 1996, and of a national security strategy and a defence agreement between all political parties on all aspects of integration and defence reform in 2002. Lithuania's strategy consisted in acting as an ally for NATO in all respects, although not yet being one. Coordination of efforts amongst both domestic and foreign stakeholders also proved crucial. Finally, as for other partners, participation in multilateral operations - for example in the Balkans - was particularly useful.

Building on these experiences in Central and Eastern Europe, NATO's engagement in DSSR continues to broaden today. This creates a first challenge in terms of decision-making: as NATO continues to enlarge, it might have difficulties in maintaining the efficiency of a decision-making process based on consensus. Additionally, NATO's relations with partner countries are extending more frequently to new areas such as democratisation, civil society, legal systems, and so on. One consequence of this evolution is that NATO and EU requirements and areas of intervention increasingly coincide, although each organisation maintains its distinctive features. Co-operation is therefore essential, and existing tensions must be overcome in order to offer effective assistance to recipient states.

Session 2: The Challenges of Peacebuilding and Defence and Security Sector Reform: The Role of NATO and the EU

The second session of the seminar explored current challenges of DSSR, and how the international community can better address them. The discussion focused, in particular, on two main topics: firstly, the specificities of DSSR in post-conflict environments such as the Balkans and Afghanistan; and secondly, the current and future division of labour and co-operation between NATO and the EU in the field of DSSR.

In the 1990s, the Balkans emerged as a testing ground for the international community. The context for reform was very different from Central and Eastern Europe. Security sector institutions had been directly and heavily engaged in the armed conflict in Yugoslavia, which created a highly politicised environment, and raised issues of human rights and international law. The lessons from this experience have not yet been fully absorbed, nor have all of the consequences of past decisions been well understood. In the case of Bosnia and Herzegovina, a major aspect of DSSR consisted in undoing ethnic control over the security sector. This process is not yet complete in the police sector.

In Kosovo, there now appears to be a contradiction between the objectives of DSSR and the political process of negotiations on the future status of the province. The KLA was demilitarised under international supervision, and the Kosovo Protection Corps was created with the understanding that they would one day become the defence forces of an independent Kosovo, providing a troublesome dynamic in light of ongoing negotiations.

The experience of the international community in the Balkans has also contributed to highlight contradictions and tensions between NATO and the EU. Although there have been success stories, such as the FYR of Macedonia or Bosnia and Herzegovina, where NATO missions have been successfully transferred to the EU, in many other instances, co-operation is far from ideal. Kosovo will be a major test case for the future: as the EU mission progressively takes over, it will have to learn the lessons of past failures, including the disastrous management of past unrests in the province.

Finally, the international community has been far from consistent in its use of conditionality and has proven unable to strike an adequate balance between sticks and carrots in its relations with the Balkans. Most recently, NATO's admission of Serbia into PfP has been criticised by some for the abandonment of ICTY conditions requiring the delivery of war criminals to The Hague. As one participant pointed out, it is ultimately more costly to break promises than to keep them, a lesson that the international community has not yet fully internalised.

Despite some important achievements, Afghanistan provides further evidence that the international community has failed to learn various lessons from previous experiences in DSSR. International efforts have favoured "off-the-shelf", formulaic approaches, avoiding an appreciation of informal and traditional structures. Yet, in the case of Afghanistan, the informal sector plays a crucial role in society. Taking the example of the legal system, 90% of all cases go through traditional channels, not through the formal justice system.

Additionally, implementation of DSSR in Afghanistan has suffered from a coordination deficit. An overarching strategy was only adopted late in the process. No standing and effective coordination body was created, and national authorities were not given sufficient means to play this coordinating role. Instead, international assistance was divided between 5 main pillars, each to be overseen by a lead-donor nation: military reform (United States), police reform (Germany), judicial reform (Italy), DDR (Japan) and counter-narcotics (United Kingdom).

Another concern highlighted was that the international community has imported models for the security forces that impose costs which Afghanistan may not be able to sustain in the longer term. Current assistance to the security sector – not including counter-narcotics – represents some 23% of GDP and 500% of domestic revenues.

The bulk of this assistance has gone on hard security, while soft security, institution-building, governance and reconstruction have been largely ignored. The deteriorating security situation in the country has only encouraged this approach, channeling efforts and resources towards building up the operation effectiveness of local security forces, rather than on long-term sustainability and good governance in the security sector. As a result, several parts of the security sector are underdeveloped and lack oversight mechanisms, thereby creating a governance gap. Judicial reform, for example, has received only 2% of security expenditures. Similarly, the Ministry of Interior lacks an institutional framework for such fundamental tasks as fighting corruption.

One panellist pointed out that this situation could be partly improved through a better division of labour between NATO and the EU, whereby NATO focuses on providing a security buffer, whilst also aiming to extend the benefits of the reform process to the periphery. Meanwhile, the EU could lead efforts to improve security sector governance capacity.

NATO and the EU differ on several accounts in their approach to DSSR. The two organisations can rely on different assets; it could be argued that NATO offers a superior structure whilst the EU provides superior scope. NATO's decision-making process is both top-down and bottom-

up, focusing essentially on joint planning and relying on the leading role of the Secretary General and of a governing body – the North Atlantic Council – with a standing mandate.

NATO has a proven track record in assisting partner countries from the Arctic to Afghanistan with their transformation process. This expertise gives NATO credibility in the advice and practical support it provides to an increasing number of partners. Recently three countries, Serbia, Montenegro and Bosnia-Herzegovina, were invited to joint PfP. Afghanistan is also developing a special relationship with NATO, which allows it access to certain PfP tools.

In comparison, the EU functions in a bottom-up manner, emphasising voluntary commitments. The EU also bears the additional burden of having to coordinate its own institutions. Conceptual differences between member states, as well as between institutions, as to the distribution of responsibilities and resources on security issues feed internal tensions and competition. Better coordination is necessary to allow for more effective action, and one panellist argued that the creation of an EU Foreign Minister could contribute towards this objective.

Evidence of these divisions within the EU can be found in the security sector reform concepts adopted separately by the European Commission and the Council. These documents are based on different perspectives: the Council discusses security from an operational angle, which is also NATO's perspective, whereas the Commission adopts a post-conflict perspective.

More work should be done to reconcile these different perspectives within the EU, but also within the international community. Many contributors argued that we need to redefine the mandate of our military in the light of the new tasks it has come to perform. In particular, the international community needs to rethink the strict division of labour between security and development, and develop closer links between security, development, and governance programmes. Lessons learned in the Balkans and in Afghanistan have confirmed that there is more to security than tanks alone and that security and development should be tackled hand-in-hand. Security is necessary for development, but cannot be sustainable without development.

A comprehensive approach to security sector reform, which includes good governance and public accountability and tackles the whole security sector, is thus necessary. The Organisation for Economic Co-operation and Development (OECD) played a major role in steering reflections on this nexus of security and development. Currently, the focus remains on the military aspects, as demonstrated by the creation of the EU Battle Groups and the NATO Response Force. Yet, several panellists doubted whether these tools will ever be used in accordance with their mandate. Past experiences have demonstrated that even when intervention mechanisms already exist, new adhoc mechanisms are often preferred.

Much therefore remains to be done to integrate development and security efforts, and NATO and the EU should play their part in this process. There was a consensus that better institutional and political coordination between the two organisations is necessary.

A first step would be to develop a common understanding and language. Security sector reform remains a relatively new concept and the adoption of a common typology should be encouraged,

possibly through the work of the OECD. Since no single organisation has the capacity to undertake security sector reform alone, a holistic approach is needed, which should aim to draw on the best of each organisation through the rapid mobilisation of a broad range of experts and joint capabilities. One panellist suggested that the cross-training or cross-assignment of staff could contribute towards such a joint approach. However, one should also recognise that conceptual divisions of labour do not always hold on the ground, particularly in post-conflict situations, and therefore any coordinated approach will have to be flexible.

Additionally, it was concluded that no one model fits all, and therefore tailored and individualised programs are prerequisite to successful DSSR. Local ownership is also crucial. The reform process has to make sense nationally to be successful and strike the right balance between what the country wants, what it needs and what it can afford.

Finally, it is crucial to be realistic and acknowledge that current reform processes, occurring in less benign environments, will probably take more time and pose greater challenges than those faced by states of the former Warsaw pact. As a consequence, domestic efforts and international assistance both need to rely on long-term commitments.