

Democratic Control of Armed Forces

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Geneva Centre for the
Democratic Control
of Armed Forces

This document is part of the DCAF Backgrounder series, which provides practitioners with concise introductions to a variety of issues in the field of Security Sector Governance and Security Sector Reform.

What is meant by 'democratic control of armed forces'?

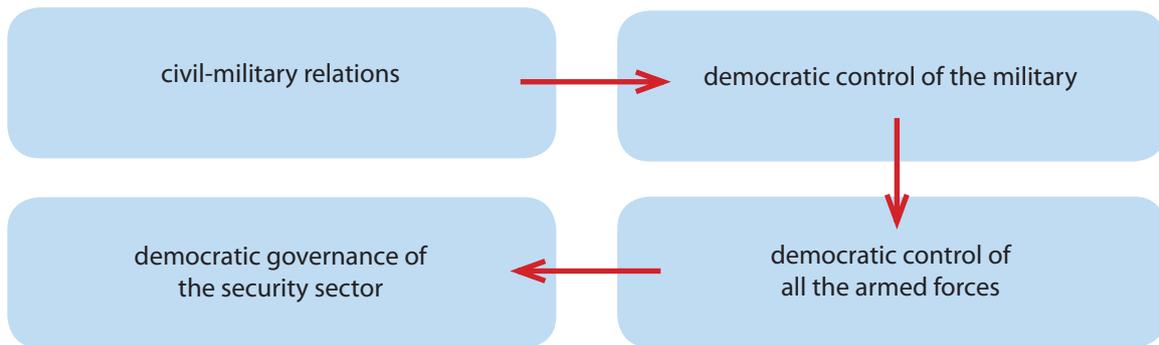
Democratic control of armed forces refers to the norms and standards governing the relationship between the armed forces and society, whereby the armed forces are subordinated to democratically-elected authorities and subject to the oversight of the judiciary as well as the media and civil society organisations. *Democratic control of armed forces* is not to be confused with DCAF, the international foundation under Swiss law that sponsors this Backgrounder series and whose founding was inspired by the importance attached to the principles of *democratic control*.

In current usage, armed forces are often understood as meaning all statutory bodies with a capacity to use force, including the military, police, gendarmerie, intelligence services, border, coast and penitentiary guards and other public security forces, as well as non-statutory armed groups. For the purposes of this Backgrounder, the term 'armed forces' is used in the traditional way and refers only to the military, namely, the army, navy, air force and special forces such as marines. However, many of the observations made in this Backgrounder about the relationship between the military and society also apply to the relationship between other armed forces and society.

How is democratic control related to other concepts addressing the relationship between the armed forces and society?

Thinking about the relationship between the armed forces and society has evolved through several phases. The notion of civil-military relations constituted the dominant approach during the Cold War. It focused on the need for the military to be subordinate to society, not a self-serving actor pursuing its own interests and objectives. With the end of the Cold War, there was a growing emphasis on the idea that the military not only had to be subject to societal control, but that this control needed to be democratically constituted. In 1994, negotiations in the then CSCE led to an agreement by all participating states on a politically binding Code of

Evolution of the military-society relationship



Conduct on Political-Military Aspects of Security. The Code represented a further progression in that it called for the democratic control of internal security forces in addition to the military.

The last decade has witnessed further progress as the focus has shifted to the need for democratic governance of the entire security sector. Security sector reform and governance (SSR/G) have generated new thinking on the subject of the armed forces-society relationship. For example, SSR/G has encouraged the adoption of a more comprehensive understanding of the security sector to include such non-statutory actors as private security and military companies, as well as the traditional non-state security forces that often play an important role in providing security in developing countries.

What are the key features of an effective system of democratic control?

An effective system of *democratic control* is characterised by the following elements:

- **Civilian control.** Civilian authorities have control over the military's missions, composition, budget and procurement policies. Military policy is defined or approved by the civilian leadership, but the military enjoys substantial operational autonomy in determining which operations are required to achieve the policy objectives defined by the civilian authority.

- **Democratic governance.** Democratic parliamentary and judicial institutions, a strong civil society and an independent media oversee the performance of the military. This ensures its accountability to both the population and the government, and promotes transparency in its decisions and actions.
- **Civilian expertise.** Civilians have the necessary expertise to fulfil their defence management and oversight responsibilities. This is tempered by respect for the professional expertise of the military, in particular as civilians often have limited operational experience.
- **Non-interference in domestic politics.** Neither the military as an institution nor individual military leaders attempt to influence domestic politics.
- **Ideological neutrality.** The military does not endorse any particular ideology or ethos beyond that of allegiance to the country.
- **Minimal role in the national economy.** The military may be the largest national employer and have links to defence-related economic sectors. This does not, however, dilute the military's loyalty to the democratic civilian leadership, undermine its primary mission or lead to disproportionate competition or interference with the civilian industrial sector.
- **Effective chain of command.** There is an effective chain of command within the military that ensures accountability to society and its oversight institutions, promotes respect for all

relevant laws and regulations, and seeks to ensure professionalism in the military.

- **Respect for the rights of military personnel.** Members of the armed forces are free to exercise their rights.

Why is democratic control important?

Democratic control of armed forces is a pre-condition for ensuring that

- the political supremacy of the democratically-elected civilian authorities is respected,
- the rule of law and human rights are safeguarded,
- the armed forces serve the interests of the population and enjoy popular support and legitimacy,
- the policies and capabilities of the military are in line with the country's political objectives and commensurate with its resources and
- the military is not misused for political purposes.

Since the end of the Cold War, several developments have pushed the issue of *democratic control* to the forefront:

- the unprecedented wave of democratisation and the proliferation of fragile and failed states, where the need for, or the lack of, *democratic control* has been of key importance;
- the use of *democratic control* norms as inter-state confidence-building measures, such as in the case of the OSCE Code of Conduct on Political-Military Aspects of Security;
- the enlargements of the EU, NATO and the Council of Europe, with their *democratic control*-related admission requirements;
- the increased emphasis on the *democratic control of armed forces* in the context of peace agreements, peacebuilding, conflict prevention and sustainable development;

- the transformation of the armed forces of many states in the international community in response to new strategic conditions.

How are democratic control norms implemented?

The principles of *democratic control* are implemented through a variety of mechanisms:

- 1) **a clear legal framework** that incorporates the main principles of *democratic control*:
 - *democratic control* principles may be explicitly addressed in a country's constitution; for example, as in the U.S. Constitution (1787) and its Polish counterpart (1997)
 - national parliaments may adopt specific laws introducing or strengthening *democratic control* principles; recent examples include Ukraine's Law on Democratic Civil Control of State Military and Law-Enforcement Organizations (2003) and Sierra Leone's Lomé Peace Agreement (Ratification) Act (1999), which stipulate that the military shall be accountable to civilian leadership.
- 2) the creation **of institutional mechanisms** that
 - guarantee that the rule of law is respected throughout the ranks with the assistance of institutions such as military ombudspersons or inspectors general; in Canada, for example,

Democratic Control Paradigms

There are two main control paradigms. One is based on the way control is exercised. **Vertical control** is the exercise of 'top-down' influence over the military. **Horizontal control** entails commenting on or otherwise informally influencing matters of defence policy and occurs via the media and civil society organisations. **Self-control** refers to the actions that the military itself performs to ensure that rules are respected.

Another classification is based on the timing of the controls. **Proactive control** consists of steps aimed at addressing future problems. **Reactive control** occurs after decisions have been made and includes review of defence policies or the audit of expenditures. **Operational control** takes place during military operations and involves a political intervention in the decisions of the military chain of command.

What are the main functions of the actors involved in democratic control ?

The table below provides an overview of the actors involved in the democratic control of armed forces and the typical forms of management and control of the military:

| | Actor | Primary role | | Functions |
|-------------------------|---|---|-------------------------------|--|
| Legislature | parliament and relevant committees (security and defence, budget, etc.) | Legality and legitimacy | Vertical control | <ul style="list-style-type: none"> - definition of basic policy directions - adoption of constitution, laws and budget oversight through 'purse control', hearings, debates |
| Executive | government, prime minister, president, national defence/ security council, ministries of defence, finance, internal and external affairs | Effectiveness and efficiency | Vertical control | <ul style="list-style-type: none"> - development and implementation of security policy - force planning management and financial control |
| Judiciary | constitutional court, supreme court, court of appeal, lower courts and prosecution offices, ombudsmen offices, independent auditing bodies | Rule of law and respect for human rights | Vertical control | <ul style="list-style-type: none"> - protection of constitution and laws - administration of justice in the security sector - investigation and resolution of complaints reported by citizens |
| Media and Civil Society | media, non-governmental organisations, research institutes, think tanks, independent experts, political parties and security-related corporate actors | Transparency, accountability, education and capacity-building | Horizontal control | <ul style="list-style-type: none"> - public debate and oversight - development of security policy - training and awareness-building - financial supervision |
| Armed forces | military inspectorate, military courts, general staff, officers corps, enlisted personnel | Self-control, neutrality and professionalism | Vertical + horizontal control | <ul style="list-style-type: none"> - internal control - protection of human rights - respect for laws and professional standards |

the creation of an ombudsman was prompted by the involvement of Canadian peacekeepers in human rights abuses in Somalia.

- conduct audits to prevent corruption and fraud that might otherwise remain concealed from the public due to the classified nature of some military information; such audits are carried out by independent parliamentary and media investigations, as for example in Indonesia where an audit to scrutinise the financial practices of military-owned foundations was carried out in 2000.
- 3) the development of **educational measures** that
- attempt to inculcate a new security culture in civilian and military communities through a focus on such issues as civil-military co-operation and better integration of armed forces within society; for example, after World War II Germany adopted the concept of soldiers as 'citizens in uniform' to ensure that military personnel operated as part of, rather than apart from, the civilian population.
 - involve training of security personnel on such issues as democratic values, human rights, international humanitarian law and *democratic control of armed forces* norms developed by international organisations; the Swiss army, for instance, conducts courses on international humanitarian law for its own personnel and for members of the armed forces of other countries.

What are the main international norms for democratic control?

The need to respect *democratic control* norms and standards has been articulated in a variety of contexts. The norms contained in the OSCE Code of Conduct on Politico-Military Aspects of Security are by far the furthest reaching. Apart from these, *democratic control* norms have figured in UN reports and resolutions, the Carnovale-Simon test for NATO entry, EU development assistance and membership policies, Council of Europe Recommendations and the draft ECOWAS Code of Conduct for Armed and Security Forces.

Democratic control norms in the OSCE Code of Conduct

- Maintenance of military capabilities commensurate with individual or collective security needs
- Determination of military capabilities on the basis of democratic procedures
- Non-imposition of military domination over other OSCE states
- Stationing of armed forces on the territory of another state in accordance with freely negotiated agreements and international law
- Democratic political control of military, paramilitary, internal security forces, intelligence services and police
- Integration of armed forces with civil society
- Effective guidance to and control of military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy
- Legislative approval of defence expenditures
- Restraint in military expenditure
- Transparency and public access to information related to the armed forces
- Political neutrality of armed forces
- Measures to guard against accidental or unauthorised use of military means
- No toleration or support for forces that are not accountable to or controlled by their constitutionally established authorities
- Paramilitary forces not to be permitted to acquire combat capabilities in excess of those for which they were established
- Recruitment or call-up to be consistent with human rights and fundamental freedoms
- Reflection in laws or other relevant documents of the rights and duties of armed forces personnel
- Armed forces' compliance with the provisions of international humanitarian law
- Armed forces personnel's individual accountability under national and international law
- Protection of the rights of personnel serving in the armed forces

(The OSCE Code of Conduct on Politico-Military Aspects of Security, 1995)

What are some of the special challenges of post-authoritarian and post-conflict environments?

In post-authoritarian and post-conflict countries, *democratic control* may be particularly difficult to implement for a number of reasons:

- a lack of political consensus among the country's main communities and institutions;
- illegitimate civilian and military institutions, and a marginalised civil society;
- the existence of rebel groups and the need to integrate them into the state's armed forces;
- a lack of civilian managerial and oversight capacity, and insufficient domestic expertise in defence affairs;
- a resistance to reform on the part of the military or other actors;
- low public trust in the military, owing to past abuses and continuing impunity;
- a lack of domestic resources to design and implement reforms.

In post-conflict environments, the government may additionally face such problems as residual violence, predatory behaviour against the local population on the part of rogue elements within the military and the prevalence of non-statutory armed groups.

In such environments, the following measures may be called for:

- the establishment of a truth and reconciliation mechanism to help society and the military to move beyond past abuses;
- the disarmament, demobilisation, and re-integration (DDR) of former combatants, and vetting of the security forces;
- the de-politicisation of the military command and, as necessary, of the rank and file, as well as programmes to reorient the role of the military and (re-)create a functional link between the military and the rest of society;

Code of Conduct for Armed and Security Forces in West Africa

In 2006, the ECOWAS Code of Conduct for Armed and Security Forces in West Africa was adopted by the chiefs of staff of the fifteen ECOWAS member states. Largely inspired by the internal and cross-border conflicts that have plagued West Africa in recent years, the ECOWAS Code, is more advanced than the OSCE Code in terms of democratic control. It is also more detailed in regard to implementation, in particular as concerns the institutions of national and sub-regional ombudsmen, which are not mentioned in the OSCE Code. DCAF has facilitated the development of the ECOWAS Code, whose approval by the ECOWAS Council of Ministers and Heads of States is pending.

- the (re-)building of military management and oversight capacity as well as military-relevant civilian expertise.

In post-authoritarian and post-conflict environments, external donors may need to be associated with efforts to restore *democratic control*, providing both professional expertise and the necessary resources required to support reform.

What are some of the key debates concerning democratic control?

Control over defence policy: While the military has expertise in many areas of national security, military advisors to the civil leadership may be biased towards goals such as increasing the defence budget at the expense of addressing other aspects of security. At the same time, the civilian leadership may lack experience in defence affairs, which is crucial to policy formulation and oversight. The military must be involved in the defence planning process, but an appropriately-informed civilian leadership should have final say on all matters.

Civil-military gap: The military tends to be an insular institution, due in part to its desire to preserve characteristics it often perceives as crucial to its efficiency, such as *esprit de corps*, a strong work ethic and in some cases, conservative social values. When the cultural, political and ethnic composition of the military differs from that of society as a whole, a 'civil-

military gap' can emerge. For example, if the military is not committed to the notion of civil supremacy over military affairs, there is an increased risk of inappropriate military involvement in the country's political life. A civil-military gap can also reduce public acceptance of the military, which can in turn lead to its further isolation. In particular, the military should not exclude individuals based on characteristics such as race, ethnicity, class, religion, gender or sexual orientation. In cases where certain groups are marginalised in society, special measures may be necessary in order to increase their representation in the military.

Role of civilian leadership in time of conflict:

Military officials often advocate maintaining complete control over operations once the political decision to deploy troops or use force has been made. However, many operational decisions have political ramifications, and it is therefore important for the civilian leadership to exercise close scrutiny over actions in the field in order to ensure that operations are consistent with the country's political objectives. The challenge is to devise systems of accountability and oversight that incorporate the legitimate concerns of both the military and civilian leadership.

The duty to obey... and to disobey: Soldiers are, of course, required to follow their commanding officers' orders, but not when these orders are unconstitutional and/or illegal, say, from the standpoint of IHL. While the distinction is widely recognized, it is often not accepted by states whose armed forces are not under democratic control.

Conscription versus all-volunteer army:

Having a conscripted army can ensure that the population at large is engaged in supporting the military's role in national security. However, in the experience of countries as diverse as Russia and the United States (where there is no longer a draft), it has proven nigh impossible to ensure that all able-bodied men and women fulfil the service requirement. Volunteer armies tend to attract more motivated personnel and offer greater training opportunities, therefore

contributing to both higher levels of professionalism and reduced costs. A professional soldier may cost more to train and equip, but he or she also tends to be more skilled. The main drawback with the volunteer army model is that professional soldiers may become progressively more remote from the society they are supposed to protect. A society whose sons and daughters are not on the front line is a society that may be more ready to go to war.

Further Information

Democratic Oversight of The Security Sector:
What Does It Mean? Born, 2002

[http://www.dcaf.ch/docs/WP09\(E\).pdf](http://www.dcaf.ch/docs/WP09(E).pdf)

Parliamentary Oversight of the Security Sector:
Principles, Mechanisms and Practices, Born, Fluri
and Johnsson, 2003

<http://www.dcaf.ch/oversight/>

Oversight and Guidance: The Relevance of
Parliamentary Oversight for the Security Sector
and Its Reform, Born, Fluri and Lunn, 2003

www.dcaf.ch/docs/dcaf_doc4.pdf

Categorization of Democratic Civilian Control
(DCC) Lambert, 2005

<http://www.dcaf.ch/docs/WP164.pdf>

Code of Conduct for Armed and Security Forces
in West Africa

http://www.dcaf.ch/code_conduct-armed-forces-west-africa/_index.cfm

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