



## Ensuring Democratic Control of Armed Forces – The Enduring Challenges

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**Abstract:** Armed forces constitute the foundation for the defense and security of their societies. They protect against external threats and, when required, provide coercive power. As a corporate body, they play a prominent role in the ordering of the nation's affairs, in the development of national security policy, and in the allocation of national resources. Their role is guided by a single principle: their subordination to democratically elected political leadership. This democratic control ensures they serve the societies they protect.

This article identifies the key elements needed to ensure effective democratic control. It examines the role of the executive in the organization and employment of the armed forces and the legislature in providing oversight and accountability. The tensions in defining competence and responsibility where the political and military worlds and perspectives intersect are alleviated in the process of fusion, collision, or reconciliation at all levels, from policy to operations. Democratic control must reflect societal developments as in the influence of information technology or the impressive “genderization” of defense and security. Two decades of transition in Europe have shown that democratic control is a process in which each country adapts the basic principles to its own circumstances.

**Keywords:** democratic control, parliamentary control, security sector reform, governance, accountability, transparency, oversight.

## Introduction

The expression “the democratic control of armed forces” (herein referred to as DCAF) is generally understood as the subordination of the armed forces<sup>1</sup> to those democratically elected to superintend a given country’s affairs. In its fullest sense, it means that all decisions regarding the defense of the country—the organization, deployment, and use of armed forces; the setting of military priorities and requirements; and the allocation of the necessary resources—are made by the democratic leadership and scrutinized by the legislative body in order to ensure popular support and legitimacy. This ensures the ultimate aim that armed forces serve the societies they protect and that military policies and capabilities are consistent with political objectives and economic resources.

DCAF should be seen as a part of, and a reflection of, the broader relationship between the armed forces and their respective societies. It is not a fixed state but a process that evolves over time in response to specific circumstances of time and place. It is an essential element in times of both peace and war. It provided the basis for the stability that underpinned the fundamental changes in Europe during the past three decades. But it has equal relevance to the more challenging circumstances of war, as in the ongoing war in Ukraine. This is not the place to comment on the war itself. However, in the context of this article, it is important to note the relevance of the norms and standards inherent in DCAF for the role and behavior of armed forces. The experiences of other new democracies during their transitional phase, albeit under less rigorous circumstances, will help Ukraine meet the requirements for its full integration into the Euro-Atlantic community.

## DCAF’s Rise to Prominence

During the Cold War, the term DCAF evoked little discussion or debate beyond academic circles. In most NATO countries, it was largely taken for granted, as attention focused on the potential use of armed forces in countering the threat of Soviet aggression. With the end of the Cold War, the question of DCAF suddenly increased in prominence. A veritable cottage industry sprang to life around it through workshops, seminars, and conferences, which, along with studies and articles by academics and practitioners, cluttered the market. A new research center was created in Geneva dedicated specifically to the issue.<sup>2</sup>

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<sup>1</sup> The definition of “armed forces” can be problematic. This article will refer to forces under the supervision of Ministries of Defense. However, in many countries, there are a variety of forces that bear arms and do not fall under the authority of the MOD – for example, police, internal security forces, or para-militaries. It goes without saying that all security forces should be democratically accountable irrespective of subordination.

<sup>2</sup> The Geneva Centre for the Democratic Control of Armed Forces (DCAF) was created on the joint initiative of its first Director Teddy Winkler and his Deputy Philip Fluri with the aim of providing focused research and much needed coordination of the disparate activities underway in the field.

There were a number of reasons for the sudden surge of interest in the question of the democratic control of armed forces. First and foremost was the transition that was taking place throughout Central and Eastern Europe (CEE) as former Communist countries began to develop the democratic institutions and practices that are the hallmarks of Western societies. It soon became 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 subsumed under and made responsible to the democratic processes being put in place.<sup>3</sup>

The issue became more pressing when NATO made clear that DCAF was one of the conditions the Alliance would be looking for in assessing the potential of prospective members. Prominent among the objectives of NATO's Partnership for Peace initiative were the facilitation of transparency in defense planning and budgeting and assistance in ensuring democratic control of defense forces.

As a result, many would-be members and other partners 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 DCAF, no single model existed within the Alliance by way of example. For historical and cultural reasons, each member has adopted a different approach to the issue that defies the elaboration of a "one size fits all" formula. A series of NATO brainstorming sessions within the PfP framework shed considerable light on the various components of DCAF. However, these efforts shed light equally on the many variations that existed. The difficulty of reaching a single definition became even clearer. An agreement that "we know it when we see it, or rather we recognize when it does not exist" was about as close as these sessions came to a consensus. As one Alliance participant noted, "As soon as we get close to agreeing on criteria, one of us has to leave the room."

This reflected the dilemma facing the Alliance and would-be members alike, and affected other NATO "criteria" – the problem of assessing when countries had reached the level judged necessary for Alliance membership.<sup>4</sup> For the aspiring member states, 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

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<sup>3</sup> 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, while in Hungary and the Czech Republic this was not the case. However, irrespective of their national standing as a corporate group, several national militaries were repositories of old thinking and represented an obstacle to successful democratization.

<sup>4</sup> 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 judgment based on all relevant considerations.

hand, they were able to select from this advice and adapt it to their own needs and circumstances.

This focus on DCAF coincided with a period of wholesale change for the armed forces of Alliance members – changes that had consequences for the relationships of armed forces with their societies. The armed forces of all NATO countries were in transition as they restructured, reorganized, and generally reduced away from Cold War military structures and troop levels; several moving from conscript to all-volunteer armies. The roles and missions of these forces were also changing as they increasingly engaged in Crisis Response Operations (CROs), missions that placed new demands on the military. Furthermore, the development of new information technologies was impacting the way armed forces operated and, by way of a seemingly omnipresent and all-pervasive media, how they were perceived to operate by the public at large.

Collectively, these factors represented a new environment and a new set of challenges to which the armed forces needed to respond. These adjustments, in turn, influenced the role of the militaries in their respective societies, demonstrating that the broader context of civil-military relations, of which DCAF is a part, is a continuously evolving process.<sup>5</sup>

These two developments—democratization in CEE and the impact of the new security environment—gave DCAF its relevance and prominence during this period. Most Alliance countries had the appropriate mechanisms in place to absorb and adjust to changes in the new environment. However, for countries of CEE, life was slightly more problematic. They had to cope with these changes while at the same time developing the procedures, expertise, and attitudes of cooperation necessary to ensure effective democratic control of their armed forces. Most difficult of all, they had also to overcome the legacy of the past. This was a formidable challenge, but one they met in eventually becoming fully fledged and fully contributing members of the Alliance.

## The Essential Conditions for DCAF

While no single model was on offer, the intense discussion surrounding DCAF 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:

1. Legal and constitutional mechanisms 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. In addition, these mechanisms establish the roles of the relevant institutions and the status and rights of the armed forces.

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<sup>5</sup> For a thorough survey of writings in this field see Peter D. Feaver, “Civil Military Relations,” in *The Annual Review of Political Science*, vol. 2 (June 1999); and Rosa Brooks, “The US Civil–Military Relations in Crisis?” *Parameters* 51 (2021).

2. An appropriate mix of military and civilian personnel within the MOD (including a civilian Minister of Defense) to ensure that military expertise is situated in the appropriate political context and military infrastructure is economically sustainable.
3. Effective parliamentary oversight to ensure democratic legitimacy and popular support.
4. Maximum transparency and openness, including independent research institutes and active and inquisitive media.
5. Armed forces at ease with their role in society.

These elements are easy to define on paper. Making them work in practice, however, 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. But above all, it depends on the appropriate 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 DCAF.

### **Why Defense Is Different**

In all areas of government, a degree of tension between the executive and the legislature 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 defense. The need to establish such a balance is both more important and more difficult in the field of defense than in other fields of activity. Defense is not just another spending department. It brings with it certain characteristics and qualities that complicate the relationship between the executive and the legislative bodies and increase the inherent potential for friction between the two branches.

There are several reasons why defense makes these relationships more difficult. The first is that defense concerns the security of the nation and involves decisions to commit lives and expenditures for the nation’s defense. Decisions of this magnitude impose an additional burden of responsibility on the political leadership to get things right and ensure that decisions and policies enjoy popular support.

The second reason is that in any society, the military assumes a special and distinctive position as the principal possessor of weapons. Furthermore, the military also represents a highly organized 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

that can literally mean the difference between life and death. Such dependence builds strong bonds and loyalties and requires a degree of cohesion and group identity 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 who argue that the changing nature of war and societal trends are mitigating these differences. This is not the place to discuss this issue in detail, except to suggest that these values continue to constitute the core of “soldiering” and characterize the personal interactions that make the military function in most Alliance countries.

There is an additional dimension to the military profession that should be taken into account. The highly organized and structured character of military life tends to give the military profession 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. Concepts of concession and compromise, essential to the balancing and reconciliation of competing interests in domestic and international politics, do not mesh easily with the clarity and directness of assessment and decision that are essential characteristics of an effectively functioning military. This can lead to widely divergent perceptions of the same problem and can represent a source of friction between military and political actors.<sup>6</sup> 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 frequently been because the military men have suggested allegiance to a higher calling—the nation, the constitution, the people—than the transient government of the day.<sup>7</sup> Most of

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<sup>6</sup> For a glimpse of this difference in perception between the commander in the field (or in this case at sea) and the political leadership see the comments of Admiral Sandy Woodward, Commander of the Falklands Battle Group approaching the Falklands: “None of our plans seem to hold up for more than twenty four hours, as Mr. Nott (Defence Minister) footles about, wringing his hands and worrying about his blasted career.” In Admiral Sandy Woodward with Patrick Robinson, *One Hundred Days: The Memoirs of the Falklands Battle Group Commander* (Annapolis, MD: Naval Institute Press, 1992).

<sup>7</sup> See, for example, the well-known statement by General Douglas MacArthur “I find in existence 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 Swastika: Generals and Nazis in the Third Reich* (New York: Simon and Schuster, 1952). From Russia, 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 the *Financial Times*, September 6, 1994.

During the first of the summer schools for CEE parliamentarians organized in the mid-1990’s by the NATO Parliamentary Assembly in conjunction with the George C. Marshall Centre in Garmisch, there was considerable discussion of the question of

our governments have, at some time in their history, experienced problems with a “turbulent military.” Several Alliance members—Turkey, Greece, Spain, and Portugal, for instance—have experienced such problems in the not-too-distant past.

Today, none of the established democracies have serious worries about this score. The respective roles of the military and civilians are well established and understood – although, as will be seen later, there are some areas where the dividing line is increasingly blurred. Rather, the principal significance of democratic control lies elsewhere. It rests principally in the fact that in any society, the military represents a strong corporate body capable of exerting considerable influence over policy and the allocation of resources. The strength of this position is underpinned by the familiar refrain that the first task of government is the defense and security of the nation.

In summary, the aim of democratic control 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 the defense function is organized and managed in a way that maximizes military professionalism and efficiency but also guarantees political control and popular support. There is an additional dimension that 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 professionals. This is understandable, as the business of the 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 will be discussed in greater detail below. It is sufficient here to emphasize three points. First, there are certainly many areas that are rightfully the preserve of the military professionals who spend their time studying and perfecting the business of war and the management of the armed forces. Second, however, 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. Third, implicit in this situation in which the military accepts the primacy of politics, is the responsibility of the political side to ensure that it exercises informed judgment.

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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 a slate of elected Islamic fundamentalists from 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 gray areas arose when the democratic legitimacy of the government itself was in question. This issue also raised questions regarding to whom armed forces pledged their oath of allegiance.

## 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 assigning defense its appropriate place in the nation's priorities, adjudicating between competing claims, and ensuring that defense 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 defense must be situated. 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, both of responsibility and in the line of authority, is obviously crucial.

Within the executive, the Ministry (or Department) of Defense, together with the general staff, is responsible for the hands-on organization and management of the defense establishment and for the operation of the armed forces. This includes responsibility for the deployment and employment of armed forces, the development of strategy and doctrine, defense plans and budgets, personnel policy, and education, training, and equipping of troops. The Ministry of Defense has to reconcile military requirements with real-world political and economic constraints and 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.

### *The Political-Military Interface*

The key element of democratic control lies in the point at which the political and military worlds and perspectives intersect. When there is a fusion of interests, then all is well. However, the more challenging situation is when there is a collision rather than a fusion. Then the question is, which prevails? The answer will almost inevitably be a balance of the two, depending on the circumstances and what is at stake. This interaction and the resulting process of adjustment, adaptation, and eventual reconciliation takes place at all levels of defense and security activities, from policy to operations.

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.

#### *Command*

The first area of importance is the question of clarity in the arrangements for command of the armed forces in peace and in war.<sup>8</sup> It goes without saying that responsibility for the decision to go to war must be clearly and unambiguously

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<sup>8</sup> It is self-evident that the need for clarity of command has a particular relevance in the field of nuclear weapons.

defined and that, where possible, this should be vested in a single individual, albeit subject to the agreement of the legislative body. In presidential-parliamentary systems, it is critical that the role of the President vis-a-vis the Prime Minister should be clarified. Likewise, there should be no doubt regarding to whom the chief of staff reports or 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 of the armed forces, but Congress has the power to declare war. These definitions have left open the possibility for disputes over authority for those conflicts that fall short of a formal declaration of war yet require the deployment of American forces and sometimes the loss of American lives. U.S. forces have been deployed frequently by the President without the express authorization of Congress.<sup>9</sup> Despite the War Powers Resolution, the debate continues and has echoes in Congressional strictures on the deployment of U.S. forces in Bosnia, Kosovo, Afghanistan and on the use of military force against Iraq. This is not a comment on the merits 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 management of defense, 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 times during the period of cohabitation between President Chirac and Prime Minister Jospin.

There were several cases in Eastern and Central Europe when presidents attempted to interpret their roles as commander-in-chief and to develop special relations with the armed forces, circumventing the Government and the Ministry of Defense. An example of this occurred in Poland during the early period of transition when then-President Walesa attempted to assert his prerogatives 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 diplomatic but firmly refuted. This problem was resolved by the adoption of a new Polish Defence Law and Constitution, although the President still retained considerable powers.

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<sup>9</sup> See Louis Fisher, “Congressional Checks on Military Initiatives,” *Political Science Quarterly* 109, no. 5 (Winter 1994-95): 739-76; and Joseph R. Biden, Jr. and John B. Ritch III, “The War Powers at a Constitutional Impasse: A ‘Joint Decision’ Solution,” *Georgetown Law Journal* 77, no. 2 (December 1988).

### *Role of Civilians*

The second area of potential disagreement concerns the role of civilians in the Ministry of Defense (MOD). A standard feature of most Western democracies is that the minister of defense comes from a civilian background. There are several reasons for this, notably the fact that a civilian is considered better equipped to take account of broader policy issues and influences and is better able to defend the MOD's turf in the competition for resources. This is not to say that military personnel cannot bring the same qualities to bear to the position of defense minister. However, most experience suggests that a civilian background is more appropriate to cover the full range of tasks required of the position.

Similar questions of competence concerning the interchangeability of civilians and military occur regarding the role of the former in ministries of defense. Most, but not all, Western ministries of defense employ a large number of civilians to work alongside military officers in the organization and operation of the ministry. Using civilians has clear advantages, as they bring skills in administration, management, and finance that military professionals frequently do not possess. However, many civilians also work in policy areas that take them into the military territory and where friction can occur without the careful delineation of boundaries.

The use of civilians frequently surfaced as an issue in CEE countries during the early days of the democratic transition. Most Partner CEE states, reacting to Western urgings, rather rapidly produced "civilians" in their defense ministries. However, most of this personnel were in fact former military officers. This was partly due to the dearth of civilian expertise available in post-Communist countries but also to the residual belief in the military's primacy in defense matters.

The respective roles of civilians and uniformed personnel raise the broader issue of whether service life produces an exclusively military approach that lingers in post-service life to influence integration and involvement in civil society. Discussion of this issue lies beyond the scope of this article. Clearly, much depends on the individual's ability to integrate. Many military professionals make the transition to civilian policy positions (at NATO, for example) without apparent difficulty. However, the broader answer is that it is important to maximize the particular skills of both the civilian and the military, professional or retired, and ensure that they complement and reinforce each other.

### *The Political-Military Dividing Line*

This raises the third and central issue – the question of identifying the division of competence and responsibility between political and military actors. This, again, is an issue that permeates all aspects of DCAF. Are there areas that are purely military, where the military should be allowed to get on with their business unimpeded by political interference? Common sense suggests that the answer is yes, that there are areas, such as the development of doctrine and tactics, and the education and training of armed forces 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 judgment. However, practice and experience tell a different story and suggest 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 the political side exercise direct influence? Or, to put it more directly, when should political judgment 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 examples of areas where political and military interests often collide.

### *Rules of Engagement (ROE)*

ROEs are guidelines for the military in carrying out their mission that 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 friction between the military and political sides. At the level of grand strategy, the competing tensions between military and political requirements are 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 the Soviets more time—which increased the risk to U.S. forces—won the day.

Admiral Sandy Woodward, leading his Task Force towards the Falklands and uncertain about the interpretation of the ROEs he had 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."<sup>10</sup>

In the same vein, the Commander of British Forces in the Gulf War, General Sir Peter De La Billiere, when facing the dilemma that his own ROEs to deal with potentially threatening Iraqi aircraft were much more restrictive than those of the American forces with whom he was deployed, responded: "The politicians are ducking and weaving, and trying to avoid the real decisions they are there for. They love section-commander-type decisions, like organizing 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."<sup>11</sup>

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<sup>10</sup> Admiral Woodward with Robinson, *One Hundred Days*, provides further comment on the question of ROEs: "I realized that considerable local amplification of ROEs was 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."

<sup>11</sup> General Sir Peter De la Billière, *Storm Command: A Personal Account of the Gulf War* (London: Harper Collins, 1992).

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 them by New York. NATO's own peacekeeping operations in the Balkans, while a quantum improvement on UN operations, were also challenged by adapting to National ROEs, which were frequently more restrictive than those of the overall force.

### *Multinational Operations*<sup>12</sup>

ROEs are part of a larger problem posed by multinational operations, whether of peace support or peace enforcement, which require a delicate balancing of military and political considerations and imply further blurring of their respective roles. In peace support operations, 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 over decisions they do not like.<sup>13</sup> However, these operations also present entirely new challenges to armed forces, particularly in requiring the military to adopt a more political role. From the force commander to the soldier at 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 judgment is ever-present.<sup>14</sup>

The complications involved in multinational operations become even greater when fighting is involved. The NATO campaign in the former 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, in particular referring to the initial targeting in the air operations and the refusal by the political leadership to consider a ground option because of concerns over public support.<sup>15</sup> Multinational operations blur even further, therefore, the dividing line between the military and

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<sup>12</sup> For an insightful and informed analysis of the constraints imposed by multinational operations see the chapter on "NATO Operations" by Nicholas Williams, former NATO IS Head of Operations for Afghanistan and Iraq, in *Research Handbook on NATO*, ed. Sebastian Mayer (Cheltenham, UK: Edward Elgar Publishing, 2023).

<sup>13</sup> KFOR and SFOR Commanders frequently complained of the unwillingness of some nations to implement their decisions, particularly on the redeployment of forces. This experience was repeated frequently during the NATO operation in Afghanistan with some countries imposing strict caveats on the use of their forces.

<sup>14</sup> This new form of military involvement led to the creation of specialist Civil-Military Cooperation (CIMIC) officers in most European armed forces. Field visits to NATO forces in Bosnia-Herzegovina and Kosovo demonstrated the considerable pride felt by the soldiers of all nations in helping local communities recover from the trauma and damage of war. Military commanders believe that rotation cycles should ensure that specialist military competences are not degraded. In other words, the dismissal of these activities by some elements of the media as "doing the dishes" after the real military work has been completed, was misplaced.

<sup>15</sup> For an excellent description of the operation in Kosovo and the problem of reconciling political and military requirements in such operations see General Wesley K Clark,

political areas of responsibility and competence. Likewise, the trend to a more educated military, which encourages greater political awareness, diminishes the traditional distinction between the military and the political sides. The classical military response to questions of a political nature, frequently heard during the Cold War—“I’m just a simple soldier; that’s a question for my political masters” (and it was always a misleading statement)—will be heard far less.

The post-Cold War missions have required the military to act in a more political sense; their very nature implies the need for greater political sensitivity to military operations. At the same time, new communications technologies and the role of social media mean that almost all military activity is now within political reach and scrutiny. These developments will have direct consequences for DCAF and for all aspects of civil-military relations.

### *Procurement*

The procurement of military equipment offers another example of potential friction between political and military perspectives. 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 weapons system will tell the same story: the final choice is rarely decided on purely military requirements. The result is that the military frequently feels aggrieved that they have not received the optimum equipment.

### *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 homosexuals. Debates in the United States and the United Kingdom initially demonstrated reluctance on the part of the defense world to move in accordance with these societal changes, raising the question of the degree to which the political side should insist on policies that the military believes are inimical to their effectiveness.<sup>16</sup>

During the last decade, one of the most significant and much-needed changes in the defense and security environment has been the “genderization” of defense and security policy, often under “Women, Peace and Security” initiatives,<sup>17</sup>

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*Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2001).

<sup>16</sup> 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* 146, no. 3 (June 2001).

<sup>17</sup> This change was catalyzed by the launching of the Women, Peace and Security Agenda and the adoption of UNSCR 1325 in October 2000. For a fuller discussion of the widespread involvement of women in defense and security see also “Women on the Path to Peace,” *The World Today* 79, no. 1 (Chatham House, February/March 2023), <https://www.chathamhouse.org/publications/the-world-today/2023-02>. NATO demonstrated its commitment to gender equality and the gender lens by creating a Committee on Gender Perspectives.

and the now widespread acceptance of the need to integrate gender perspectives in all aspects of defense and security policies. In most Alliance countries, women now serve in all branches and at all levels of their armed forces. However, the rebalancing of gender goes well beyond employment in the armed forces. Women are now prominent in the field of analysis, development, and implementation of policy,<sup>18</sup> ending the era of male domination in the defense and security world.

A related societal 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.”<sup>19</sup>

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 operate at a remove from society. There is also the question of the rights of soldiers to belong to unions or associations that 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 on these difficult issues.<sup>20</sup>

Each of the areas mentioned above merits detailed study; of necessity, this article 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 defense and also to show that the different interests and perceptions of the respective actors will continue to give rise to tensions that will require persistent adjudication and balancing.

## The Role of Parliament

Before examining the role of parliaments in influencing the development and implementation of defense, two general remarks are appropriate. First, in an ideal world, the role of a parliament would be not just to support the executive but also to impose its own personality and to influence the development and

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<sup>18</sup> See Women In International Security (WIIS), <https://wiisglobal.org/>, and its multiple networks.

<sup>19</sup> Presentation by Anthony Cragg, NATO Assistant Secretary General (on secondment from the MOD) to the NPA Seminar “Democratic Accountability of Armed Forces,” Prague, April 1995.

<sup>20</sup> For an overview see the report on “Right to Association for Members of the Professional Staff of the Armed Forces,” Committee on Legal Affairs and Human Rights, Document 9518, July 15, 2002, <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=9808>.

implementation of policy.<sup>21</sup> However, in practice, many parliaments have ceded their powers of initiative to the executive. This is particularly true of defense and security policy, where there is a widespread acceptance that defense and security lie appropriately within the prerogative of the executive. Frequently, parliamentary influence lies in the constraints that it is able to impose on the executive, that is, in its ability to change or reject proposals or rather in its ability to say no. Second, many of the characteristics of defense described earlier as inhibiting or complicating the work of the executive apply equally to the work of parliaments, sometimes even more pronounced.

The importance of parliaments for defense should be self-evident. No defense policy can endure without the support of the public it is formulated to protect. As the elected representatives of the people, parliamentarians are at the heart of the democratic system. They represent the populace 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 the military expenditure, in addition to explaining to their constituents why military personnel is deployed “overseas” and why such deployments may result in loss of life.

In this respect, it is worth noting that the context in which public support for defense, the maintenance of armed forces, and the consequent defense expenditure have been changing.<sup>22</sup> In the absence of the direct threat present during the Cold War, armed forces were increasingly preoccupied with crises and conflicts that demanded forces for power projection and rapid deployments.

There are two immediate consequences. First, these missions are very demanding in terms of personnel and the means to transport and sustain them. Many Alliance countries suffered from overextension as a result of the deployments in Bosnia, Kosovo, and Afghanistan. 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 appears 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

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<sup>21</sup> The role of parliaments in defense 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 the proceedings from “Holding the Executive Accountable: The Changing Role of Parliament in the Budget Process,” Palais du Luxembourg, Paris, January 24-25, 2001 – an international symposium for chairpersons of parliamentary budget committees.

<sup>22</sup> It remains to be seen what impact Russian aggression in Ukraine will have on public support in Alliance countries for defense and the accompanying defence expenditures.

policymakers and politicians. Hence the need to engage parliamentary support as early as possible.

If the importance of parliaments to defense is indisputable, there is less agreement on the role they should play. Given the challenging nature of defense and its characteristics, the term control in the context of parliament's role is not appropriate.<sup>23</sup> Rather, the key issue is how much influence parliaments should endeavor to exert over the development of the defense budget and the organization and operation of the armed forces. With what degree of detail and intrusiveness should parliamentarians scrutinize defense?

There is, of course, no single model. Alliance parliaments exert varying degrees of influence in different ways. 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 applied indirectly through their ability to hold the executive accountable, albeit after the fact.

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

In the initial years of the democratic transition, the U.S. Congress was often seen as the model for those who sought real legislative input into the defense planning process. However, two factors quickly became apparent: Congressional powers are not easily replicated, as they are obviously a product of, and specific to, the U.S. Constitution, which has been in place for over 200 years. Further, they require substantial supporting infrastructure in the way of committee staff, experts, and supporting organizations and, while representative of the people, consume substantial resources.

At the other end of the spectrum is the British Parliament, whose direct oversight consists of voting on the defense budget as a global figure once a year, plus various debates. The government does not have to obtain parliamentary approval for specific expenditure decisions, which 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 Defense has to be seen in a different context. It plays a major role in informing public

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<sup>23</sup> In the initial discussions of DCAF and specifically the role of parliaments the term 'control' was subject to lengthy discussions. In the overall context of DCAF control was seen to signify the subordination of the military to civilian political leadership—particularly important for post-communist societies—to which the term democratically elected was added. But control was not seen as an appropriate description for the role of parliament itself.

opinion and making defense more transparent through focused hearings and reports.<sup>24</sup> Likewise, the National Audit Office, which reports to Parliament, keeps the government on its toes via in-depth assessments of various programs, looking specifically to see that expenditures have been used effectively.

Most other parliaments exert considerably more direct influence over defense than the British but fall short of the Congressional model. The German Bundestag, along with the Dutch and Danish parliaments, offer more nuanced 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 be grouped into three broad areas: accountability, oversight, and transparency.

### *Accountability*

All parliaments hold their government accountable through the annual voting of necessary funds, whether this is the end of a long process of examination as in the U.S. model or 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 inquiry by the Belgian Parliament into the events that led to the deaths of Belgian peacekeepers in Rwanda.<sup>25</sup>

### *Oversight*

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

Several parliaments have the constitutional requirement to be informed on the deployment of forces abroad, and a few have the right to participate through formal authorization. The proliferation of new missions has increased the demand for parliaments to be kept informed on a more time-sensitive basis and to

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<sup>24</sup> For a frank assessment of the rather passive role of the British parliament in the defense budget process see the presentation by Bruce George, then Chairman of the Select Committee on Defense, at the Rose-Roth Seminar “Armed Forces in Democratic Societies,” Herstmonceaux Castle, July 23-26, 1966.

<sup>25</sup> See Donna J. Winslow, “The Parliamentary Inquiry into the Canadian Peace Mission in Somalia” (paper presented at the Fourth PCAF Workshop on Strengthening Parliamentary Oversight, Brussels, July 12-14, 2002). See also the commission of inquiry by the Belgian Senate, December 6, 1997, on the murder of Belgian peacekeepers in Ruanda.

be consulted on the terms of deployment.<sup>26</sup> This further tests the balance between democracy and military efficiency, likewise the use of force in conditions short of war – for example, during the air campaign in the former Yugoslavia or the operation in Afghanistan.<sup>27</sup> However, in all Alliance countries, parliamentary support is a precondition for involvement in such contingencies regardless of the formal powers of consultation. 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 defense policy and the operation of the armed forces. For example, should they be informed or consulted on operational matters? On the development of strategy and doctrine?<sup>28</sup> On procurement decisions? Again, the question arises regarding the dividing line between things military and political. Common sense suggests that there are many areas where parliament should not be directly involved in telling the military how to do their business. In these areas, as noted earlier, the term control is considered inappropriate. However, parliament should be kept fully informed through regular and timely consultation.

Moreover, all areas of defense activities should be open to parliamentary oversight and scrutiny. This offers enormous scope and a wide range of activities for parliamentary attention, for example, building integrity and combating corruption in defense<sup>29</sup> or overseeing defense industries.<sup>30</sup> These activities are all vital in their own way to the effective functioning of defense and security, and all can be influenced by the transparency offered by parliamentary scrutiny.

In the final analysis of the relationship between the executive and parliament, the executive should have the flexibility to exercise power responsibly but must always be mindful that parliament is watching.

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<sup>26</sup> For a comparative review of the powers of parliaments in PSO's, see Hans Born and Marlene Urscheler, "Democratic Accountability and Parliamentary Oversight of Multi-national Peace Support Operations" (paper presented at the fourth PCAF Workshop on Strengthening Parliamentary Oversight, Brussels, July 12-14, 2002).

<sup>27</sup> Special forces from a variety of NATO members, including Denmark, Norway, Germany, Canada, and the UK, took part in the US-led post-9/11 operations against Al Qaeda in Afghanistan in what were highly sensitive operations. It is unclear how many of these parliaments were consulted on the participation of their forces – highlighting the dilemma of reconciling timely appropriate consultation and military effectiveness.

<sup>28</sup> Several new parliaments initially attempted to micromanage their armed forces, even contributing to the writing of military doctrine. This intrusion was a result of the suspicion with which the military was seen during that period rather than a realistic assessment of what was feasible and appropriate.

<sup>29</sup> "Building Integrity in Defence," DCAF Parliamentary Brief (Geneva: DCAF, 2015), <https://e731hasugp.preview.infomaniak.website/publication/parliamentary-brief-building-integrity-defence/>.

<sup>30</sup> Todor Tagarev, "Parliamentary Oversight of National Defence Industries in NATO Countries," in *Parliamentary Oversight of National Defence Industry*, ed. Grazvydas Jasutis, Teodora Fuior, and Todor Tagarev (Brussels, Geneva: NATO Parliamentary Assembly and DCAF, 2022), 23-40, [https://www.dcaf.ch/sites/default/files/publications/documents/ParliamentaryOversightNationalDefenceIndustry\\_EN.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/ParliamentaryOversightNationalDefenceIndustry_EN.pdf).

### *Transparency*

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

The 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 natural link between the armed forces and the rest of society. Many parliamentarians have particular connections through having military facilities or defense industries in their districts or because they themselves have a military background. In addition, defense 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. Once again, however, the unique characteristics of defense make the acquisition of the required competence problematic. As a subject, defense has always lent itself to both secrecy and exclusivity – secrecy in the sense that the provision of adequate information has often been limited for reasons of national security. 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 desired information on the grounds of its sensitive nature. Membership in international organizations such as NATO is often used as a reason to withhold information due to the rules of the organization, which inevitably work at the level of the most security-conscious members. Parliaments deal with the issue of confidentiality in different ways. Most operate on a “need to know” basis while noting that it is usually the executive that decides on the need! Some hold closed hearings to satisfy the requirement of confidentiality. Others provide security clearances for specific individuals.

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 branch as a whole is frequently resistant to parliamentary involvement in defense and security. However, the unwillingness of the executive to cooperate with parliament is misplaced and ultimately counter-productive. It is misplaced 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.”

A successful working relationship between the three components of democratic control—the civilians, the military, and the legislators—depends on the various parties respecting the competence and professionalism of the other. However, developing this competence and understanding takes time and effort. Both are usually available for civilian and military professionals, but not so for the parliamentarians whose responsibilities oblige them to deal with a range of competing domestic pressures. Moreover, in a few countries, are there many electoral votes to be won in being a defense and security or foreign policy expert. Nevertheless, defense is not some black art comprehensible only to a small elite. With the appropriate supportive infrastructure, parliamentarians can develop the competence and expertise necessary to exercise responsible judgment in holding the executive to account.

### *The Supportive Infrastructure*

Effective parliamentary involvement in defense and security 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, independent institutes to provide in-depth and objective analysis, and critical and inquisitive media. Parliaments should have access to multiple sources of information and independent counsel so they are not forced to rely on or automatically accept government submissions.

Interparliamentary organizations form an important part of this supportive infrastructure. The NATO Parliamentary Assembly (NPA) has long been a transatlantic forum for parliamentary dialogue and a source of education, information, and experience for its members.<sup>31</sup> As such, it has played a significant role in assisting legislators to become more effective in influencing their national defense policies through their parliaments and in holding their executives to account. During the Cold War, it constituted an important vehicle in building public support for NATO but also, in the views of most members, holding the Alliance to account by criticizing as well as supporting. As the North Atlantic Treaty makes no mention of a legislative body, in effect, the NPA constitutes, *de facto* if not *de jure*, NATO's interparliamentary arm.<sup>32</sup> However, it has taken many years for all member countries and the organization itself to appreciate the value of a collective parliamentary dimension as an essential element in the Alliance framework and develop the links and relations that recognize that role.

The NPA is a policy-influencing rather than a policy-making body. The nature of NATO's inter-governmental decision-making process based on consensus

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<sup>31</sup> The NPA was initially created in 1955 as the North Atlantic Assembly on the initiative of Alliance legislators themselves who felt the Alliance needed a legislative and democratic dimension. The name was changed in 2008 to more closely reflect that aim. It has a small 30 person Secretariat based in Brussels and distinct from NATO itself.

<sup>32</sup> See the author's presentation "The Role of the NATO Parliamentary Assembly" to the Fourth PCAF Workshop on Strengthening Parliamentary Oversight, Brussels, July 12-14, 2002.

means that the contribution of its interparliamentary counterpart lies primarily in creating greater transparency of Alliance policies and contributing to the development of an Alliance-wide consensus. As already noted, to the degree that parliamentary influence can be brought to bear on NATO's collective policy process, this is best exerted through national parliaments. Nevertheless, NPA members expect that in developing Alliance policies, NATO's member governments acknowledge the collective parliamentary voice as expressed in Assembly debates, reports, and resolutions.<sup>33</sup>

From 1989, the Assembly's role expanded through the integration into its work of the countries of Eastern and Central Europe. This "outreach"<sup>34</sup> program included special seminars on issues of particular topical or regional interest, a training program for parliamentary staff, special cooperative arrangements with Russia and Ukraine, a Mediterranean parliamentary dialogue, and a New Parliamentarian's initiative. The object of this activity was to demonstrate the Assembly's commitment to the democratic process underway in Eastern and Central Europe and to the eventual integration of partner countries into the Western community. At the practical level, these activities have also served to strengthen the democratic process by sharing legislative experiences, both the strengths and the weaknesses.

The parliaments of the three Baltic States were among the first to associate with the NPA 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 occupation forces showing little inclination to return home. This was followed by similar seminars in Riga and Tallinn. Participation allowed NATO parliamentarians to see firsthand the problems facing the new democracies. It also allowed them to witness the impressive progress in political, military, and economic terms being made in all three countries – progress that culminated in full membership of NATO and the European Union.

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<sup>33</sup> Just as a NATO policy is one supported by all 30 members, so a NPA policy position is one supported by all its members, agreed and presented through one of its resolutions. This can be a less than-precise product due to the infrequency and relative brevity of NPA meetings. Hence the value of these meetings lies primarily in the debates and discussions rather than a final policy position.

<sup>34</sup> The Rose-Roth Initiative was named after the two members of the U.S. Congress who initiated the program and secured the necessary funding through USAID. It was based on a recognition of the complexity and magnitude of the problems facing new democracies in developing effective democratic institutions and a determination that the NATO PA could help. For a detailed account, see the Assembly publication on its 50<sup>th</sup> Anniversary – *NATO Parliamentary Assembly, 50 years of Parliamentary Diplomacy* (Brussels, 2005).

## The Transition Countries

Needless to say, the obstacles confronting the establishment of DCAF norms were even more challenging in newly independent countries undergoing transition than those mentioned above. The transition increased the magnitude of the challenges.<sup>35</sup> In several areas, the problems were worse. All transition countries faced a similar legacy due to their Communist past. However, 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. This meant that they did not have the enormous challenge facing the others of the need to reduce and restructure bloated military establishments, nor the need to deal with a top-heavy and frequently recalcitrant officer corps. Yet, no one started with a blank sheet of paper. They, like the others, had to deal with the 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 for democratic control and then making them work.

Most of the aspirant countries succeeded in developing the appropriate mechanisms, practices, and procedures for effective DCAF. During this process, it became evident that building the trust and confidence on which effective DCAF is based takes time. It cannot be achieved overnight because it means changing well-entrenched attitudes and habits. Problems and shortcomings will inevitably remain. But that is also true in member countries because the relationship between the armed forces and society constantly evolves.

## Conclusions

This article has emphasized the centrality of relations between the executive and the parliament and between the military and political sides in providing effective DCAF. In Alliance countries, the tensions inherent in these relations have been absorbed through custom and practice. They have become an essential element in the dynamic of democratic government. Likewise, the same process is underway in the countries that have made the transition to democracy. This will surely be the case for Ukraine as it emerges from the ongoing war of aggression by Russia on its territory. The lesson from past experience is that irrespective of circumstances, each country has to manage this process in its own way. The final goal is the same: finding an appropriate place for defense and the military in our respective societies. In achieving this goal, ideas and experiences can be shared. But the precise route chosen will be determined by forces and influences felt at home.

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<sup>35</sup> For a thoughtful analysis of the experiences, problems, and progress made by four parliaments, see David Betz, "Comparing Frameworks of Parliamentary Oversight: Poland, Hungary, Russia, Ukraine," paper presented to a seminar on Democratic Control of Armed Forces in Croatia, Zagreb, October 26, 2001.

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