Building Integrity and Reducing Corruption in Defence

A Compendium of Best Practices

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Chapter 21

The Role of Civil Society and the Media

Introduction

This chapter looks at the indispensable role of civil society and the media in building integrity and reducing corruption in the defence and security sector. It considers the issue of "building integrity" mainly through the lens of security sector reform (SSR), a concept that emerged in the 1990s in response to the recognition that development and security are two sides of the same coin and that efforts to improve security should be carried out within a framework of strengthening democratic or good governance. In its core, "good" governance is people-centred, equitable, accountable, and transparent. It engenders participation and consultation in planning and decision-making, effective and efficient public sector management, and actively seeks and facilitates the involvement of civil society. In other words, good governance is legitimised by participatory processes, anti-corruption efforts, and bureaucratic accountability. It emphasises efficient and effective use of resources and promotes the active involvement of the private sector and the civil society to counteract vested interests.[1]

In 2004, the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) produced, and the membership endorsed, a policy paper that urged stakeholders to "redefine security and move the debate from the realist version to a more comprehensive and co-operative approach."[2] The OECD DAC describes SSR as the "transformation of the 'security system'—which includes all the actors, their roles, responsibilities and actions—working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework."[3] In seeking to build an "institutional culture of integrity" (Chapter 24) there would seem to be no need to reinvent the conceptual wheel: the objectives and

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1 Hans Born, Philipp H. Fluri and Simon Lunn, eds.,*Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform*, A collection of articles on foundational aspects of parliamentary oversight of the security sector (DCAF/NATO Parliamentary Assembly, January 2003), Glossary, 240–241.

2 OECD Development Assistance Committee, *Security System Reform and Governance: Policy and Good Practice* (Paris: OECD, 2004).

3 OECD, *Security System Reform and Governance: A DAC Reference Document* (Paris: OECD, 2005), www.oecd.org/dataoecd/8/39/31785288.pdf.

standards set out in the DAC SSR framework already largely fit the bill. What is mainly lacking is effective implementation of existing standards by many governments, especially in relation to transparency and accountability,[4] and in fully embracing the potential contribution of key stakeholders, especially civil society.

As the SSR agenda has evolved in recent years, civil society has played an important role in building the integrity of this approach and there is growing acknowledgement among many states and within the United Nations that non-government actors, the media and parliamentarians can perform crucial civilian oversight and monitoring functions. Parliamentarians alone cannot guarantee effective oversight and hold the government accountable for all activities and policies within the security sector since they do not have the time, resources or expertise to do so. As the DAC describes, "the involvement of civil society in SSR programs is a precondition for wider and more inclusive local ownership and, ultimately, sustainability."[5] As a number of earlier chapters have indicated,[6] independent oversight by civil society organisations (CSOs) and the media is a necessary element of building integrity and is crucial to effective implementation of SSR initiatives to strengthen good governance in defence establishments as well as address corruption risks.

Overall, however, the practical role of CSOs and the media in SSR and integrity capacity building has been rather limited, not only in fragile or transition states (often due to the nature of authoritarian regimes and the weakness of civil society) but also in more advanced democratic societies and especially within the NATO alliance (where entry points for independent civil society engagement remain restricted, as discussed further below). This chapter aims to stimulate discussion about why this has been the case and what needs to be done to strengthen civil society and the media's role in monitoring and reforming defence establishments.

It begins by separately reviewing the roles of civil society and the media and then looks at the difficulties of applying these roles within three particular scenarios: fragile states, transition countries and the NATO Alliance. The chapter concludes by proposing some options and recommendations for protecting and enhancing the ability of civil society and the media to build integrity and reduce the corruption potential in defence establishments.

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4 In this discussion "accountability" basically means "answerability" – the obligations to answer questions on what has been and will be done and why. It is the definition used by William Byrd and Stéphane Guimbert in The World Bank, "Public Finance, Security, and Development: A Framework and an Application to Afghanistan," Policy Research Working Paper 4806 (The World Bank South Asia Region Poverty Reduction, Economic Management, Finance and Private Sector Development Department, January 2009), footnote 11.

5 OECD, *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (2007).

6 See, for example, chapters 5 and 8 on national approaches and offset arrangements, respectively. Both authors argue that civil society organisations have a role to play in ensuring transparency and accountability.

The Role of Civil Society

A vibrant civil society is a basic requirement for democracy. It has the potential to counterbalance the power of the state, resist authoritarianism and, due to its pluralism, ensure that the state is not controlled by vested interests. In recent decades the political space in many parts of the world, and not just within established democracies, has been opened up by an evolving and ever-widening array of civil society groups. There is no single agreed definition of civil society. The DAC defines "civil society" as "the political space between the individual and the government, expressed by membership of non-governmental organisations (NGOs), social groups, associations and other organisations and networks. Civil society organisations include NGOs at the national level, community-based organisations, faith groups, professional and interest groups such as trade unions, the media, private business companies, bar associations, human rights groups, independent consultants, universities and independent policy think tanks."[7]

The UN Secretary-General's Panel of Eminent Persons on United Nations-Civil Society Relations draws a narrower description of civil society as encompassing associations of citizens (outside families, friends, government and businesses) entered into voluntarily to advance their interests, ideas and ideologies.[8] This chapter, however, takes the three sector model, which looks at the state as consisting of the government, the market and the citizenry, as a useful starting point to define civil society. In this perspective, civil society constitutes the third sector, existing alongside and interacting with the state and profit-seeking firms (including the media) in the form of social movements, NGOs, religious bodies, women and youth groups, indigenous peoples' organisations, professional associations, academic centres, unions, etc., that operate in individual countries or transnationally.

This definition of civil society excludes profit-making businesses (including most of the mainstream media) and organisations within the governmental sector. However, as will become clear, the boundaries between the three sectors are becoming increasingly blurred. Some overlap exists, for example, between functions of CSOs and private businesses and the media, especially in the increasing use by NGOs of "new media"[9] to perform advocacy and monitoring roles. The following paragraphs look at why civil society should play a role in building integrity and reducing corruption in defence,

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7 OECD, *OECD DAC Handbook on Security System Reform*.

8 United Nations General Assembly, *We the Peoples: Civil Society, the United Nations and Global Governance: Report of the Panel of Eminent Persons on United Nations-Civil Society Relations*, A/58/817 (New York, 11 June 2004), 13.

9 New media is a term meant to encompass the emergence of digital, computerised or networked information and communication technologies in the later part of the 20th century, such as the Internet and websites. By implication, "old media" is television programmes, feature films, magazines, books or paper-based publications.

what this role includes, the experiences in SSR to date and the contemporary backlash against NGOs.

Civil Society and the "New Diplomacy"

Civil society includes a mixed bag of organisations and movements that mobilise social energies to voice deeply felt values and visions.[10] NGOs are a core element of civil society. They may or may not be membership-based or formally registered but are usually independent of governments and political parties and often independently funded. They engage in service delivery (security is also an essential service that needs to be delivered),[11] policy advocacy and development, public education and other forms of non-profit activity and range from huge international bodies like Amnesty International, which has over 2.2 million members and subscribers in more than 150 countries and regions, to small local grassroots organisations. As for research institutes, these may either be NGOs or academic centres independent of government or, on the contrary, have links with government, for example, through state funding or the involvement of former government ministers and officials (either as members or employees).

In the past, many of the relationships between NGOs and governments were tense or indeed hostile. In many parts of the world they still are (or are becoming so again – as discussed below). Over the last two decades, however, on a number of issues and in a growing number of locations (including most of Europe and the Americas, large parts of South Asia and Africa and within isolated pockets within the Middle East), this relationship has changed from conflict to growing cooperation. Some have dubbed the constructive relationship between NGOs and governments as "the new diplomacy."[12] This has been partly a result of the growing recognition by many governments that an important element of national security and stability is achieved by promoting human security.[13]

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10 L. David Brown, *Creating Credibility: Legitimacy and Accountability for Transnational Civil Society* (Sterling, VA: Kumarian Press, 2008), 1.

11 Security as a public service has some distinctive characteristics that affect the way it is delivered and the options for accountability and financing arrangements. Monitoring the performance of security service providers can be difficult, as security forces are armed and potentially can threaten civilian monitors, while preparedness during peace time is often difficult to evaluate and may involve contested performance measures and outcomes. See the discussion by William Byrd and Stéphane Guimbert in The World Bank, "Public Finance" (January 2009).

12 David Davenport, "The New Diplomacy," *Policy Review* 116 (December 2002 & January 2003).

13 The traditional goal of "national security" has been the defence of the *state* from external threats. The focus of human security, by contrast, is the protection of *individuals*. *Human Security Brief 2006* (University of British Columbia, Human Security Centre).

Civil Society Oversight of Defence

In terms of the specific agenda of this book, civil society actors—mainly a narrow range of NGOs and research institutes—could (and in some limited cases already do) engage with governments, parliaments and the public in five main ways:

- *Public education and awareness raising*: Alerting the public to the crippling costs of corruption, as discussed in chapter 1, and consequently mobilising support for national government and international initiatives to build integrity, increase transparency and improve accountability is a crucial NGO (and media) activity. A primary aim of this awareness-raising work is ensuring that the implementation of domestic SSR initiatives is seen as an ongoing long-term process and that the public recognises the relevance of this issue to themselves and their communities. NGOs have successfully utilised shareholder activism and "name and shame" strategies as means of affecting direct action on specific issues or violations.
- *Acting as catalysts and intermediaries*: NGOs and other CSOs, such as think tanks, universities and research institutes, can play intermediary or bridge-building roles. In this respect, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Transparency International have been two of the leading lights for over a decade and have contributed enormously to parliamentary competence and capacity building through analysis, reports and by providing training courses and seminars. Many civil society groups in Latin America and Central and Eastern Europe in the late 1980s and 1990s also played an important dialogue role as newly elected civilian governments began to restructure their armed forces. These dialogues initially helped to break down the isolation of the armed forces and opened up professional exchanges between civil society, elected officials and the military command structures. Overall, however, more civil society players need to be brought to the table, especially in fragile and transition states, to mediate between governments (especially their defence establishments) and certain sectors of society indifferent or potentially antagonistic to the government itself.
- *Providing a pool of expertise and knowledge*: A multitude of diverse grassroots NGOs and CSOs have built up a huge store of institutional and individual staff and activist expertise and skill on successful methodologies required to tackle SSR and good governance reforms. For example, NGOs have worked with the military on increasing stockpile security measures, advised on developing weapons marking and tracing programmes and have played crucial roles in post-conflict disarmament, demobilisation and reintegration programmes. While this pool of expertise and human resources may be shallower in terms of the specific defence-related concerns set out in part II of this book, it nonetheless remains potentially available to governments or intergovernmental organisations (IGOs) to strengthen initiatives to combat the

corruption risks and vulnerabilities in defence. The deeper SSR pool of expertise may also offer important good governance "crossover" contributions and lessons that are applicable to the specialist defence management sector. But while some limited use is being made of this experience and technical expertise, for example, in parliamentary hearings, it largely remains an untapped resource. The lack of trust on both sides and competing priorities on the limited resources of humanitarian, human rights and development NGOs are contributory factors.

- *Provision of primary research and development of policy*: One of the major contributions provided by CSOs is in the research and documentation of the reality of the "corruption curse" (chapter 1), from exposing flaws or contradictions in decision making on the use of military force—in terms of both the decision to intervene in a conflict and military operations on the ground—to inappropriate, ineffective and sometimes illegal defence management, procurement and export practices. By extending public and governmental understanding of these issues, civil society and the media play a vital role in enabling the development of appropriate responses. Closely linked with this research has been the work of analytical and policy orientated NGOs and research institutes that have sought to provide new approaches and strategy options for building integrity and reducing corruption in defence. Such work includes comparing best practices in different regions of the world, developing policy initiatives and making practical proposals for policy change.
- *Monitoring practice:* Once policies aimed at tackling the "corruption curse" have been adopted by governments, NGOs also have an important role to play as "watch dogs" – monitoring the implementation of policy and calling governments to account for any shortcomings and failures that may occur. NGOs, especially national and international human rights organisations, such as Amnesty International and Human Rights Watch, have an important role in monitoring the activities of the security forces and the military to ensure that they do not commit human rights violations or breaches of international humanitarian law.

As discussed further below, there are also many difficulties and barriers to civil society undertaking these roles. At a minimum, effective governments and parliaments need to ensure access to all relevant policy documents and stimulate the existence and functioning of an independent third sector, including defence oversight. One way of achieving the latter, for example, is by commissioning independent think tanks, research institutes, universities and NGOs to carry out research and audits in specific fields of the defence and security sector (e.g. crime, procurement issues and personnel policies). However, if civil society is to play an active part in this integrity building agenda, and especially in facilitating alternative debates in the public domain, independent NGOs need to be able to recruit and retain the necessary expertise that can provide well-informed perspectives on government security policy, defence budgets,

procurement and resource options. At present, such expertise within NGOs is thin on the ground even in mature democracies and requires greater capacity building and a stronger commitment from donors to fund it.

Civil society groups have been particularly active over the decades in furthering the principles of international law, as embodied in the UN Charter and other multilateral agreements and institutions. They are often seen by many states as assistance providers and reliable partners. Citizen movements and NGOs have become major public advocates in many fields, including human rights, the environment, development, democratic governance and conflict prevention. They have helped to progress international norms and treaties, and have articulated groundbreaking moral and political standards that have later become policy and law.

Examples of significant civil society movements include the Jubilee 2000 debt campaign that persuaded G7 governments to cancel $100bn of debt owned by poor countries, the Ottawa campaign to ban landmines,[14] and the opposition to the US-led invasion of Iraq in 2003. NGOs also played a critical role in the establishment of an International Criminal Court, the decision to add an optional protocol to the Convention on the Rights of the Child (outlawing military conscription of children less than 18 years of age) and in advancing measures to combat the proliferation and misuse of small arms and light weapons (SALW).

Civil Society and SSR

Following a process led by the UK Department for International Development (DFID) and the OECD Directorate for Development Co-operation, a handbook was produced in 2007 to provide "guidance to operationalise the OECD DAC guidelines on SSR and close the gap between policy and practice."[15] On civil society involvement in SSR, the handbook asserts that, "CSOs can serve as beneficiary, informal overseer, partner and advocate of reforms as well as service provider. Support to SSR can also be provided by international civil society actors that can play a role in building capacity and designing, advocating, implementing, monitoring and evaluating reforms."[16]

NGOs offer bottom-up approaches that are often more appropriate and effective than top-down measures, for example, by providing lines of communication to communities with which states have little contact or influence. The handbook also says that:

> SSR programs should include a firm analysis of the context, role and position of civil society organizations, since their capacity, effectiveness and space to engage vary greatly from country to country. Civil society assessments must take into account the range of local actors beyond those 'approved' by the state, and identify those that genuinely fo-

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14 See, for example: Kenneth Anderson, "The Ottawa Convention Banning Landmines: the Role of International Non-Governmental Organizations and the Idea of International Civil Society," *European Journal of International Affairs* 2:1 (2000).

15 *OECD DAC Handbook on Security System Reform* (OECD, 2007).

16 Ibid., 226.

cus on improving the security of the poor, of women, of children and youth, and of other groups often excluded from the security debate.[17]

The handbook also discusses points of entry for civil society, such as peace processes, national budget processes and security and defence reviews. In theory, civil society can perform many important functions, such as: monitoring defence and security-related measures; scrutinizing counter-terrorism efforts and legislation and ascertaining whether they respect human rights and the rule of law; overseeing the actions of the military, law enforcement, and other security services and publicising violations of the law or policies or negative consequences of inappropriate laws or policies; conducting investigations into alleged corruption and other abuses; and recommending guidelines for improved SSR practice. In practice, however, civil society organisations are often relegated to consultative roles[18] and the lofty principles contained in the handbook are invariably ignored.

Even the presence of an active civil society is no magic wand or guarantor of success. Prior to the 1994 genocide in Rwanda, for example, the country had one of Africa's most highly developed NGO sectors but the ethnically divided society still quickly descended into violence and chaos.[19]

A Backlash Against NGOs?

The enthusiasm for civil society that emerged in the late 1980s and 1990s with the collapse of the Berlin Wall and the spread of democratic regimes has, according to some analysts, been replaced in recent years by a backlash on many levels and fronts. This ranges from the renewed, systematic repression of civil society in authoritarian states at one end of the spectrum, to a more general querying of the probity of CSOs, especially NGOs, at the other.[20]

Domestic publics, academics, grassroots activists, intergovernmental organisations (IGOs), the media, corporations and governments increasingly question by what authority NGOs purport to speak for others and aspire to influence domestic and interna-

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17 Ibid.

18 Daniel Bendix and Ruth Stanley, "Deconstructing Local Ownership of Security Sector Reform: A Review of the Literature," *African Security Review* 17:2 (June 2008): 93–104.

19 Most of the NGOs in Rwanda in 1994 were recent creations, almost wholly dependent on external donors and the state, and there were few programmes to challenge racism and ethnic hatred. See: Peter Uvin, *Aiding Violence: The Development Enterprise in Uganda* (West Hartford, CT: Kumarian Press, 1998),164–176.

20 Jude Howell, et al., "The Backlash against Civil Society in the Wake of the Long War on Terror," *Development in Practice* 18:1 (2008): 82–93. As regards the latter, note, for example, this seemingly innocuous sentence in chapter 4 of this Compendium: "*Responsible* civil society organisations should be looked upon as partners and enablers toward a common goal of institutional integrity" [emphasis added]. However, no similar caveat is used to preface or qualify the other stakeholders.

tional polities. (This is a valid enough question but one that lies beyond the scope of this chapter.[21] Suffice it to say that integrity and accountability within CSOs and the media are crucial prerequisites for public and government acceptance of their oversight roles and as agents for change). It is a backlash that has only intensified since the 9/11 attacks and the ensuing global "war on terror." The discourse of non-state actors as threats to national security has led to restrictive legislative and regulatory measures that have made it more difficult for many NGOs to operate freely and effectively.[22] NGOs, organisations and movements that challenge repressive regimes inevitably arouse the anger of those in power but in recent years, democratic states, IGOs, and transnational corporations (TNCs) have appropriated the language of counter-terrorism to intensify their attacks against civil society critics. Negative impacts have been especially noticeable in conflict zones and among groups that challenge government policies through their work in peace building, democratisation and human rights.[23]

And if the water was not already muddy enough, governments (and increasingly the private sector) sometimes create "front" NGOs that serve to reinforce establishment positions and confuse the genuine voice of civil society.[24] In a few exceptional cases, corporations and governments have also planted "spies" within NGOs.[25] This, then, is the challenging contemporary context in which civil society is expected to contribute to building integrity and reducing corruption in defence. Instead of freely undertaking their watchdog role, many NGOs find themselves under suspicion and subject to increased state and private sector monitoring of their own activities.

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21 For a full treatment of this issue, see: Lisa Jordan and Peter van Tuijl, eds., *NGO Accountability: Politics, Principles and Innovations* (Sterling, VA: Earthscan, 2006); and Jem Bendell, *Debating NGO Accountability*, UN-NGLS Development Dossier (United Nations, 2006).

22 In the US, for example, where hostility toward NGO involvement in global governance issues has been a defining feature of neoconservative thinking, such restrictive policies include Executive Order 13224, the Patriot Act and voluntary Anti-Terrorist Financing guidelines for charities issued by the US Treasury. However, similar regulatory approaches to widen the authority of police, intelligence and security forces to investigate and detain suspects, with little regard for judicial oversight or the protection of individual rights, has occurred in many other states around the world.

23 For extensive examples, see: Alistair Millar with David Cortright, Linda Gerber-Stellingwerf and George A. Lopez, *Oversight or Overlooked? Civil Society's Role in Monitoring and Reforming Security Systems and the Practice of Counterterrorism*, A report to Cordaid from the Fourth Freedom Forum and Kroc Institute for International Peace Studies at the University of Notre Dame (March 2009).

24 Moisés Naím, "What Is a Gongo? How Government-Sponsored Groups Masquerade as Civil Society," *Foreign Policy* (May/June 2007): 96.

25 Saeed Shah, "BAE Ordered to Identify 'Mole' Who Passed Details on Arms Protesters," *The Independent* (27 February 2007); George Monbiot, "A Parallel State," *The Guardian* (13 February 2007).

The Role of the Media

The principal watchdog function of journalists is to expose wrongdoing or misconduct. Beyond this accountability mechanism, an independent media can also function as an instrument of good governance by presenting accurate, balanced and timely information on issues of interest to society. This enables citizens to make informed decisions concerning who governs them and how they are governed. In other words, good journalism "plays a vital role in identifying what is at stake in a particular policy or decision, in framing issues for the public, analysing the issues and identifying possible solutions and alternatives."[26] Close media scrutiny is widely recognised as an important element in democratic control of armed forces. However, the interaction between the "fourth estate" and security policy is a complex subject with many nuances and this section only touches on a few of the key trends and issues.

Many of the traditional means of delivering information are being slowly superseded by the increasing pace of modern technological advances. Almost every conventional mode of media and information dissemination has a modern counterpart: terrestrial television versus satellite television; web-based publishing versus traditional publishing; and voice over internet protocol versus conventional telephony. The exponential growth of electronic news media (in both production and consumption) has been a particularly significant trend. During the 1990s, for example, satellite and cable households grew from 85 million to well over 300 million, and a dozen or more multiregional all-news channels emerged for the first time.

Combined with the internet, which now reaches almost 1.8 billion people (over 25% of the population) worldwide, it is now possible for many citizens to regularly access "foreign media" as an alternative source of reporting on world events. Many of these technological advances also offer journalists significant potential advantages in seeking to maintain and enhance their "freedom of speech," although some governments are responding to the challenges posed by new media technologies by deploying increasingly sophisticated technology of their own (a notable example being China's attempts to impose control through a state run internet service provider that controls access to the Internet).

Journalists encounter numerous obstacles and challenges in performing their general watchdog function, and these challenges are often exacerbated or are more acute in reporting on defence-related issues. In particular, the watchdog role of the media with regard to security and intelligence agencies is often weak, especially in peacetime.[27] This is partly due to the comparatively few journalists who specialise in the

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[26] For a detailed survey of the media's relationship with security and its governance, see Marina Caparini, ed., *Media in Security and Governance: The Role of the News Media in Security* (Geneva: DCAF, 2004), chapter 1.

[27] In contrast to peacetime reporting of military affairs, war correspondence tends to attract higher numbers of journalists. For example, about 5,000 journalists covered the 1999 Kosovo War.

field—most of whom are to be found either within the large media organisations (such as the BBC, the major US networks and other major national papers and networks) or the specialist defence media (such as the Jane's Group)—but also a decline in serious public affairs journalism and a general "dumbing-down" of news in the last decade or so. However, there are also numerous other factors that can potentially undermine the effectiveness of the media in its defence oversight role. The "public information battle-space" after 9/11 underscores many of these obstacles and challenges, just as it has done for CSOs as described earlier.[28]

A key general principle is that the media should maintain a healthy degree of independence, especially from the state and ruling government, but also from other vested interests. But since 9/11 the mainstream Western media has been criticised for being patriotic and subservient. The increasing concentration of ownership (which is only partly offset by increased diversity within the "new media") exacerbates such concerns. This close relationship between corporate interests, certain political elites and media monopolies tends to constrain independent and critical journalism. It may also reduce the spectrum of perspectives that are aired, especially on vital public issues. So, just as anti-European tabloid newspapers in the UK play an important role in sustaining a broad but uninformed euroscepticism in public debate, similar controls are exercised on the parameters of national security discourse. As one critic of the US media's "cheerleading" of interventions in Iraq and Afghanistan has put it, "many mainstream American journalists and columnists continue to resemble court scriveners of the kind the Mughal emperors employed."[29]

This tendency for co-option (reproducing official statements and perspectives rather than subjecting them to critical examination) is perhaps most common in the security field – as is the risk of "internalising" the official line or being manipulated by insiders (including officials, whistleblowers and "spin doctors"). In most NATO countries, for example, the armed forces' approach to the media is now essentially the same as that of any other large organisation, with communications directorates and public relations specialists. It is also now almost common in military operations for interested parties to hire the services of lobby firms to present their case; a practice popularised by the Kuwaiti government in 1990 and carried on throughout the disintegration of Yugoslavia and most recently by the Georgian and Afghan governments.[30]

Journalists also need some measure of protection so that they are not unjustly accused of libel, sued, imprisoned or even killed for "pointing the finger" at leading officials when they report on corruption. However, more than a third of the world's people live in countries where there is no press freedom and new kinds of conflicts between

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28 Carl Conetta, "Disappearing the Dead: Iraq, Afghanistan, and the Idea of a 'New Warfare'," *Project on Defense Alternatives Research Monograph*, No. 9 (18 February 2004).

29 Pankaj Mishra, "Kissinger's Fantasy is Obama's Reality," *The Guardian* (11 December 2009).

30 Jaimy Lee, "National Security Council of Georgia hires Public Strategies," *PR Week* (19 November 2009).

Box 21.1. Investigative Journalism Reveals Cases of Defence Corruption

The Contracting Black Hole in Iraq

A combination of investigative journalism, whistleblowers, government auditors and concerned legislators have gradually stripped away US contracting practices in Iraq. A BBC Panorama investigation in 2008 claimed that as much as $23bn may have been lost, stolen or not properly accounted for in Iraq. Allegations of mismanagement, fraud and waste are legion: contractors chosen for their US government connections without a competitive bidding process; contractors inflating their costs and double counting to increase their profits and billions supposed to be used to rebuild the Iraqi military allegedly ending up in the pockets of some Iraqi government officials.

Sources: Ed Harriman, "Where Has all the Money Gone?," *London Review of Books* 27:13 (7 July 2005): 3-7; Daylight Robbery: BBC Panorama (10 June 2008), http://news.bbc.co.uk/1/hi/programmes/panorama/7438372.stm.

Funding the Taliban in Afghanistan

In 2009, investigative journalist Aram Roston traced how the Pentagon's civilian contractors in Afghanistan ended up paying insurgent groups to protect American supply routes from attack. US military officials in Kabul told Roston that a minimum of ten percent of the Pentagon's logistics contracts consists of payments to the Taliban.

Source: Aram Roston, "How the US Funds the Taliban," *The Nation*, 30 November 2009.

The Aitken Affair – UK

In April 1995, former UK defence procurement minister Jonathan Aitken promised to use the "sword of truth" against The Guardian and sued the newspaper for libel in a row over his dealings with Saudi arms traders. In 1999 he went to prison for seven months for perjury after he was revealed to have lied repeatedly.

Source: "The Aitken Affair," Special Reports, *The Guardian,* www.guardian.co.uk/aitken.

The BAE Files – UK

In February 2010, the British arms firm BAE Systems accepted guilt and agreed to pay penalties in the US and the UK totalling several hundred million dollars to settle all the long-running corruption allegations against it, first disclosed in *The Guardian* in 2003.

Source: "The BAE Files," *The Guardian*, www.guardian.co.uk/world/bae.

Operation "West End," India

Operation "West End" was a sting operation aimed at the corruption underlying India's large defence contracts. The original investigative piece by Tehelka, India's *Independent Weekly News* Magazine, in 2001 targeted several members of the then ruling coalition government. It showed several political figures, as well as senior army officials, colluding to take bribes in order to approve defence contracts. The Defence Minister resigned after the tapes were made

public, but he was reinstated later. Initially the government, instead of acting on the evidence, accused Tehelka of fabricating allegations. However, five years later, in October 2006, the Indian Central Bureau of Investigation filed charges against leading figures in the Barak missile case, claiming that there was reasonable basis to suspect corruption and criminal conspiracy.

Sources: Tarun J. Tejpal, "The Tehelka Exposé," www.taruntejpal.com/TheTehelkaExpose.htm; V. Venkatesan, "Dubious Deal," *Frontline* 23:21 (2006), http://www.hinduonnet.com/fline/fl2321/stories/20061103001804100.htm.

ethnic, ideological, religious or simply criminal interests have made investigative reporting increasingly dangerous.

Another key trend is the increased capacity of the global media to inflame "casualty sensitivity" either in support of or opposition to foreign intervention. This so-called "CNN effect" has been a subject of broad concern in the defence community since the early 1990s.[31] The initiation and the termination of US operations in Somalia and the rapid conclusion of the 1990-91 Gulf War (following circulation of images depicting the so-called "Highway of Death" incident) were both partially attributed to this effect. This in turn led to greater governmental efforts to manage the media, control the flow of information and shape the coverage of military operations post 9/11, through, for example, "embedding" in the 2003 War in Iraq and coordinated message development and dissemination. Despite a continuation of this restrictive policy in Afghanistan—including the weeding-out of "negative" embedded journalists[32]—the strategic literature has been filled with ruminations on the capacity of the Taliban and Al Qaeda to exploit both the "CNN effect" and casualty sensitivity in seeking an asymmetric advantage over the United States and its NATO allies.[33]

A final and long-standing issue of contention is secrecy. While governments may legitimately suppress information if they believe its release would harm the public or national interest, they also use "national security" as grounds for withholding informa-

[31] Sometimes used to mean any media involvement, this expression more accurately reflects the belief that real-time television reporting in particular exercises an undue influence on crisis management and overseas military deployments by democratic countries. Margaret H. Belknap, "The CNN Effect: Strategic Enabler or Operational Risk?" *Parameters* (Autumn 2002): 100–114.

[32] Charlie Reed, "Pentagon Hires PR firm to Weed out 'Negative' Embedded Journalists," *Stars and Stripes* (25 August 2009), www.reclaimthemedia.org/propaganda_and_war/pentagon_hires_pr_firm_weed_ou2535.

[33] See, for example: Peter Singer, "Winning the War of Words: Information Warfare in Afghanistan" (The Brookings Institution, 23 October 2001); Thomas Elkjer Nissen, "The Taliban's Information Warfare – A Comparative Analysis of NATO Information Operations (Info Ops) and Taliban Information Activities," Brief (Royal Danish Defence College, December 2007); Tim Foxley, "Winning the Information War," Blog entry, SIPRI website (12 May 2009), www.sipri.org/ blogs/Afghanistan/winning-the-information-war.

tion that would cause embarrassment or scandal due to corruption or mismanagement. The climate of "securitisation" that followed 9/11 has also resulted in a renewed emphasis on government secrecy and a partial reversal of a post-Cold War trend towards greater transparency, public accountability and accessibility of official information.

Civil Society and the Media in Fragile States, Transition States and NATO

In many "fragile states"[34] abusive security operations make it very difficult and even dangerous for civil society and the media to even attempt to monitor and advocate integrity building within domestic defence establishments. The creation of special security forces and intensified operations against insurgents and alleged criminals and terrorists have led to a sharp rise in the number of unsolved cases of extrajudicial killings and abductions of human rights workers and political activists in many fragile states, including (but certainly not limited to) Bangladesh, Ethiopia, Kenya, Pakistan, Uganda and Zimbabwe. While in Colombia, Nepal, the Palestinian Territories, Somalia, Sri Lanka and other conflict zones, NGOs are sometimes seen by governments and armed rebels alike as political adversaries. In some conflict areas NGOs are denied access, while in others—such as Mogadishu and parts of Iraq and Afghanistan—CSO operations have at times become untenable because of extreme dangers.[35]

Similarly, in many "transition states,"[36] bureaucratic barriers to the legal recognition of NGOs, the poor record of political freedom and generally weak civil societies suggest that, with respect to military and security sector reform, non-state actors tend to play only a minimal role in shaping policy.[37] And as noted earlier, repressive legislation and pressures against civil society have increased post 9/11. Counter-terrorism legislation and measures against "extremism" have been used to crack down on NGOs and political activists who criticise government policies in many transition states, including (and again not limited to) China, Egypt, El Salvador, Indonesia, Jordan, the Philippines, Russia, Sudan, Tunisia, Uzbekistan and Yemen.[38] While the 1990s saw a considerable amount of bold reporting on SSR subjects in Russia, for example, in re-

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34 Fragile states (also sometimes referred to as "failed" or "weak" states) are those that generally cannot provide security for their citizens, or their territory, and that are corrupt and illegitimate in the eyes of their citizens.

35 For example, see: Millar, Cortright, Gerber-Stellingwerf and Lopez, *Oversight or Overlooked?* (2009).

36 A term usually attributed to the Soviet successor states but also sometimes applied to any state transitioning from authoritarian or military rule to democratic governance.

37 On civil society and SSR in post-communist countries, see: Marina Caparini, Philipp Fluri and Ferenc Molnar, eds., *Civil Society and the Security Sector: Concepts and Practices in New Democracies* (Berlin: LIT, 2006).

38 For examples, see: Millar, Cortright, Gerber-Stellingwerf and Lopez, *Oversight or Overlooked?* (2009).

cent years Russian civil society and the media appears to have been very much weakened.

Nonetheless, civil society engagement and oversight of the security sector is still sometimes possible in transition states especially with external IGO support. In the former Soviet space, for example, the Organisation for Security and Cooperation in Europe (OSCE) has done much to counter such negative trends by promoting stability through the strengthening of good governance, civil society and press freedom. Similarly, the EU has, to varying degrees, shown a good understanding of the role of non-state actors as alternative entry points in fragile and transition states. The European Initiative on Human Rights (EIDHR) and Rapid Reaction Mechanism (RRM) are unique in that they fund civil society, democracy, human rights and conflict prevention projects without requiring approval from their governments.

There are also examples of important SSR related work being done by civil society actors on the ground in transition states. For example, the Southern African Defence and Security Management (SADSEM) Network is a donor supported activity within the security sector that aims to increase the professionalism and accountability of a broad range of security sector actors (including civil society) and of the interaction between them. But while there are a few limited examples of local stakeholder CSOs playing a valuable oversight and monitoring function at the "softer" end of SSR (such as policing and judicial reform), at the harder end (the defence-related missions and institutions that feature in this book), CSO activities remain almost totally unobserved.[39]

One multi-case review concluded: "in all of the countries studied, civil society is rarely a full partner and the programs remain more focused on supply of security and justice than demand for them."[40] Another review of integrated missions in Burundi, the Democratic Republic of Congo, Haiti and Kosovo found that in each case "negligible attention was granted to the development of parliamentary or civil society oversight mechanisms for the security sector. Support to strengthening the capacity of legislatures or civil society actors such as media and NGOs is generally provided by UNDP, albeit rarely with specific focus on the security sector."[41]

Another weakness of the SSR/good governance agenda is that it is invariably seen as something that other states should implement. Thus, for example, while one of the

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[39] Edward Rees, "Security Sector Reform (SSR) and Peace Operations: 'Improvisation and Confusion' from the Field," External Study for the UN Department of Peacekeeping Operations (March 2006).

[40] Christopher Stone, Joel Miller, Monica Thornton and Jennifer Trone, "Supporting Security, Justice, and Development: Lessons for a New Era" (Vera Institute of Justice, June 2005), 9, www.dfid.gov.uk/Pubs/files/security-justice-development.pdf.

[41] Heiner Hänggi and Vincenza Scherrer, "Recent Experience of UN Integrated Missions in Security Sector Reform (SSR): Review and Recommendations" (Geneva: DCAF, November 2007), www.dcaf.ch/un_ssr_pcpb/recent-experience-un-integrated-missions-071203.pdf.

Box 21.2. Civil Society Engagement and Partnerships in SSR and Defence Oversight

A number of civil society organisations and networks provide examples of successful engagement engagement in security sector reform and defence oversight. Among them are:

The African Security Sector Network (ASSN), www.africansecuritynetwork.org
Southern African Defense and Security Management Network (SADSEM), www.sadsem.org

ASSN was established in Ghana in 2003 with the aim of supporting and facilitating security sector governance in Africa through efforts including research, advocacy, capacity building, and providing points of contact for interaction and sharing information with partners and other actors. The ASSN includes the full range of actors relevant to SSR (i.e., policy makers, practitioners, donors and civil society) and has developed courses on security sector governance which are being offered, for example, by the Southern African Defense and Security Management Network (SADSEM). SADSEM is a donor supported activity within the security sector that aims to increase the professionalism and accountability of a broad range of security sector actors (including civil society) and of the interaction between them. The value of both networks is that they offer space for security officials to interact with academics and civil society and thus play an important sensitization, as well as capacity-building, role.

Saferworld – UK, www.saferworld.org.uk
Academy for Peace and Development, *Somalia,* www.apd-somaliland.org
Puntland Development Research Centre - Somalia, www.pdrcsomalia.org
Centre for Research and Dialogue – Somalia, www.crdsomalia.org

Saferworld began over 15 years ago to work for a regional agreement on arms transfers in the EU, a move which over time has culminated in the EU concluding a legally binding agreement on the control of arms exports. In the UK, at the turn of this century, legislation governing irresponsible arms transfers was changed for the first time since the Second World War, making it harder for arms producers and their agents to channel weapons to the places where they do most damage.

In Somalia, which has lacked effective governance for more than 18 years, Saferworld has been working with community-based organisations, the business sector and other civil society groups to bring their ideas for the security and development of the country to the attention of international policy makers, including the UN Security Council in Djibouti. Local Somali partners include the Academy for Peace and Development, Puntland Development Research Centre and the Centre for Research and Dialogue. While considerable challenges remain, the building blocks are in place to enable CSOs to input into peace and development processes and help build consensus on how to bring peace to Somalia.

leading exponents, the UK Department for International Development (DFID),[42] has done much to promote SSR and the involvement of NGOs in transition and fragile states, Britain's own recent domestic record is considerd mixed: the country's leading defence manufacturer has faced a string of corruption charges involving arms contracts in Africa, the Middle East and Eastern Europe;[43] the National Audit Office has described Britain's defence procurement programme as "unaffordable," following revelations of a £6bn to £36bn "black hole" in the MoD's spending plans.[44] The key lesson from recent British experience, therefore, is that building integrity and reducing corruption in defence begins at home. Of course, relative to the situation in most fragile and transition states, Britain's situation is far less critical.

For NATO to live up the reason for which it was created—*to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law* (North Atlantic Treaty, 1949)—it can be expected to be open, transparent and accountable to the public. NATO's system of collective decision making might be properly accountable if members of parliament were kept fully informed of NATO decisions and if they had financial control. Neither is currently the case. Scrutiny certainly exists in national legislatures and parliamentary committees, and some very effective investigation has occurred of NATO action (on Bosnia, Kosovo and Afghanistan, for instance). This, however, has often been hampered by difficulties of accessing relevant information. Further, the role of national parliaments in their arguably most important function of assenting to policy is particularly underdeveloped. Many parliaments simply lack the power of prior authorisation of military operations or of determining the length of time a mission is deployed.

Similarly, the NATO Parliamentary Assembly is not designed to have formal influence or oversight over decision making in the alliance. Defence decisions should certainly not be the exclusive preserve of the executive branch of government or powerful inter-governmental bureaucracies. This applies, for example, to procurement decisions made in the framework of the Conference of National Armaments Directors (CNAD), the senior NATO body responsible for collaboration between member states on equipment and research projects.

Citizens (and parliamentarians) in NATO member states are bound by secrecy rules that were drafted in a very different era – when the public had different expecta-

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[42] See, for example: UK Department for International Development, "Understanding and Supporting Security Sector Reform," www.dfid.gov.uk/Pubs/files/supportingsecurity.pdf.

[43] "BAE Faces Corruption Charges," *New York Times* (1 October 2009). For further background, see: "The BAE Files," *The Guardian*, www.guardian.co.uk/world/bae. Interestingly, it was a coordinated civil society action between Corner House and the Campaign Against Arms Trade that brought a judicial review of the Serious Fraud Office's termination of the investigation into BAE's contracts with Saudi Arabia.

[44] Nicholas Timmins, "Warning of 'Black Hole' in Defence Budget," *Financial Times* (15 December 2009); Jeremy Lemer, Alex Barker and James Blitz, "Damning UK Defence Equipment Review," *Financial Times* (15 October 2009).

tions about participation in defence and foreign policy, when few of its member states had adopted a national right-to-information law, and when the threat posed to the Western alliance was more profound and immediate. All of these circumstances have changed but the regime that governs the handling of shared information remains unchanged in important respects. As a consequence, it is rather difficult for legislators and citizens to participate in the formulation of policies that have a profound effect on their liberty and security.

To address these weaknesses a new civil society policy network, NATO Watch, was established in April 2009. NATO Watch aims to: encourage NATO to adopt an information openness policy consistent with the access to information laws already in place in the alliance's 28 member countries; contribute to independent monitoring and analysis of policy-making and operational activities within NATO; and increase transparency, stimulate parliamentary engagement and broaden public awareness and participation in NATO policy-making. NATO Watch associates across member states, partnership and contact countries will be encouraged to pursue these project goals through their own parliamentary representatives and national networks of decision makers and opinion-shapers.[45] Civil society groups meeting at a Shadow NATO Summit in Brussels also called on NATO to "reconnect with citizens," stating that to "deepen and extend the shared values-base within the Alliance … means an updated, more open, transparent and accountable Alliance, appropriate to 21st century expectations".[46] In addition, "Five Principles for an Open and Accountable NATO" drawn up by Access Info, call on NATO to establish guidelines for proactive publication of core information, a mechanism by which the public can file requests for information and an independent review body for hearing appeals against refusals or failures to make information public within a short time-frame.[47]

Conclusions: Increasing NGO and Governmental Integrity-building Partnerships

Civil society has a fundamental role to play in building integrity and reducing corruption in defence. Many governments already recognise the legitimate contribution of NGOs,

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45 For further details, see: www.natowatch.org.

46 "Citizens Declaration of Alliance Security," developed at the NATO Shadow Summit held in Brussels 31 March to 1 April 2009, www.isis-europe.org/pdf/2009_artrel_308_natoshadow_execsum_v5.pdf; see also: "The Shadow NATO Summit Report," www.isis-europe.org/pdf/2009_artrel_309_natoshadow_v11.pdf.

47 NATO Shadow Summit Report, "Five Principles for an Open and Accountable NATO," Appendix 4. Access Info (www.access-info.org) is a human rights organisation based in Madrid, which works to promote and defend the right of access to information by promoting the transparency of national and supranational public bodies. NATO Watch and Access Info have proposed a joint civil society-NATO expert group to review the alliance's information disclosure policy.

other sections of civil society and an independent media. CSOs and the media can maintain an effective watchdog role by continuing to expose and challenge abuses within the defence sector and by building public support for more accountable governance based on the rule of law. However, in those countries where such mutually beneficial partnerships are insufficient or absent, governments should allocate space and take steps to expand or create them.

The formation of a public climate in which more than lip service is paid to this agenda may demand alterations of mindsets and the promotion of routines of openness, consultation, cooperation and trust from both governments and those nascent NGOs and civil society structures. Engagement must also take place with a wider range of those active in civil society, such as the media, NGOs, academics, trade unions and women's organizations – and not just the "establishment-friendly" defence think tanks. All too often these wider voices and roles of civil society are curtailed or disregarded. Such changes are unlikely to be achieved overnight. But the benefits for society and for governments (see chapter 14) make it a worthwhile process to embark upon.

Since the 9/11 attacks, the United States and a few of its allies have considered themselves to be at war and it is well understood that when at war the media-civil society and government-armed forces relationships are governed by different rules. In most democratic societies, the majority of people understand perfectly well that in war a government will use both secrecy and deception. But while there is little dispute that restrictions on the media and civil society should apply in wars of national survival, the invocation of these rules for "wars of choice" (which arguably includes the operation in Iraq and other security operations under the "War on Terror") has received less public support.

In response to the pressures and restrictions that have been imposed on civil society groups since 9/11, some NGOs have sought to assert their own right to operate freely without government interference and harassment. The US-based International Center for Not-for-Profit Law (ICNL), for example, has set out a series of principles of civil society protection that are based on universal human rights conventions and declarations to which virtually all governments already subscribe.[48] States must not only avoid meddling with human rights and basic freedoms, they must defend those rights and guarantee their orderly expression. It is vital that states create an enabling environment in which civil society actors can function without restraint.

In turn, civil society groups and especially the development, human rights and civil liberties communities need to engage more fully in the public debate over security strategies and the proper approach to overcoming the corruption risk in defence. These civil society actors may form an international network to express a coherent voice and engage in a common set of activities to address the challenges set out in this book. CSOs can help to craft and encourage support for that elusive optimal bal-

[48] International Center for Not-for-Profit Law and World Movement for Democracy, "Defending Civil Society," *The International Journal of Not-for-Profit Law* 10:2 (April 2008): 31-33.

ance between investments in integrity, transparency and accountability, on the one hand, and the preservation of efficiencies and effectiveness of defence forces, on the other (see chapter 2). NGOs with SSR experience are well-suited to these challenges. Many have extensive field experience in zones of conflict and their general missions, for example, in overcoming social exclusion, may provide valuable insight into what is needed to ameliorate conditions conducive to corruption in defence.

The case study on South Korea in chapter 19 shows just what can be achieved. Following extensive problems with integrity and corruption in defence acquisitions, the South Korean government initiated a process of reform in 2003. Three years later, an ombudsman system was introduced, the first in Korea to be based on law and the first case of participation of civil society in monitoring defence procurement.

CSOs need to be more proactive in communicating their experience and wisdom more widely to policymakers and the public, and should seek to take a stronger lead in reframing the political discourse on building integrity at all levels of the defence and security debate. Civil society groups should help craft a new narrative and shape the terms of the debate through an innovative policy framework that is practical, empirically based and ethically grounded. CSOs should use established mass media outlets and new communication tools (such as the internet and social networking) to communicate this perspective and to counter false claims and misinformation. To ensure that the potential role of civil society is fully utilised, the donor community is well advised to transfer resources towards enhancing the capacity of NGOs to play the roles highlighted here.

NGOs should not shun the requirement for greater transparency and accountability in their own financial affairs and operations. Legitimacy and public integrity are vital to CSOs and are essential to the effectiveness of their mission. As transparency and accountability are demanded of NGOs, however, the same transparency and accountability are needed from governments and their agencies, as well as within NATO. Throughout NATO's history, MPs in national parliaments, when asking questions about NATO decisions, have invariably been told that such decisions are confidential. When the same questions were put to the Secretary-General, he invariably replied that NATO was but an alliance of sovereign states. This catch-22 situation may have served a purpose during the Cold War but is no longer appropriate today. Adequate mechanisms for transparency and accountability within NATO are urgently required.