

## **Part D - Civil Direction**

### **VII. Civilian Control of the Military**

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#### **Introduction**

One of the oldest problems of human governance is that of the subordination of the military to political authority; in other words, how a society should control those who possess the ultimate power of coercion or physical force. Sun Tzu and Carl von Clausewitz argued long ago that military organisations are primarily the servants of the state.<sup>1</sup>

Civilian control of the military is the dominant concept nowadays, and there are many definitions of civilian control. A very concise definition by Samuel Huntington is: 'the proper subordination of a competent, professional military to the ends of policy as determined by civilian authority'.<sup>2</sup> In its fullest sense, civilian control means that all decisions regarding a country's defence – the organisation, deployment, and use of armed forces, the setting of military priorities and requirements and the allocation of the necessary resources – are taken by a civilian leadership. The armed forces must serve the societies they protect and military policies and capabilities must be consistent with political objectives and economic resources. Civilian control is a substantial element of an effective system of democratic control.

This chapter focuses first on traditional approaches to civilian control. This is followed by a case study on the way in which civilian control of the military has been organised in the Netherlands. Lastly, the focus turns to recent developments in general and a new, broader approach towards civilian control of the military will also be presented, which will provide ample food for thought.

#### **Traditional Approaches to Civilian Control**

Civil control is characterised by the primacy of politics, but also by the provision of military professionalism. It is of the utmost importance to strike a balance between those two elements. A few theories that assess this balance are described below.

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<sup>1</sup> Tzu 1975, 28; Clausewitz 1976, 605-611.

<sup>2</sup> Huntington 1957, 72.

### **Samuel Huntington**

For Samuel Huntington, this balance is the core problem of civil-military relations, through which the degree of professionalism is defined. His monumental *The Soldier and the State* has had great and lasting influence.<sup>3</sup> In this work, Huntington argues for a politically neutral, professional military that is isolated from politics. He argues that national security is best served under conditions of 'objective civilian control'. According to Huntington, *objective civil control* maximises military professionalism, making the military a tool of the state and guaranteeing its distinctive existence as a professional body. As a consequence, the political leadership should seek to maximise military professionalism. At the same time, the military leadership should not acquire political influence. Instead, they should respect the 'realm of political autonomy'.

Huntington's idea is that objective civilian control is preferable to subjective control, since the best guarantor for military subordination to political supremacy is a truly professional military. In Huntington's opinion, *subjective civilian control* maximises civilian power by both civilianising and politicising the military, by making it politically dependent and by denying the military a distinct professionalism that is clearly different from that of other organisations in society.

Subjective civilian control was dominant in communist states during the Cold War. Its main mechanisms were control by recruitment and selection, control by indoctrination, and control by organisation.<sup>4</sup> After the end of the Cold War, objective civilian control was introduced in these countries by means of the de-politicisation and de-partyisation of the armed forces, democratisation, and professionalisation.<sup>5</sup>

### **Morris Janowitz**

Another scholar, Morris Janowitz, has contended that Huntington's 'traditional' military professionalism is being replaced by 'pragmatic professionalism'. Although the military does not participate directly in politics, he argues, it is strongly linked to the political system and the state. Janowitz advocates a military as a 'constabulary force', which is integrated into civilian society, shares society's common values and maintains a broad political perspective. 'The military establishment becomes a constabulary force when it is continuously prepared to act, committed to the minimum use of force, and seeks viable international relations, rather than victory, because it has incorporated a protective military posture'.<sup>6</sup>

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<sup>3</sup> See footnote 2.

<sup>4</sup> Doorn 1969, 5.

<sup>5</sup> Danopoulos and Zirker 1999, 2-7; Danopoulos 1988.

<sup>6</sup> Janowitz 1960, 417-441.

### ***Michael Desch***

In his structural approach, Michael Desch argues that the particular combination of internal and external threats to a state determines the quality of civil control. Civilian control should be best in times of high external threat and low internal threat. The worst-case scenario occurs with a low external threat and high internal threat.

As the extensive literature on war and state formation studied by Desch makes clear, a serious external threat increases the strength and cohesiveness of the civilian institutions of state and society.<sup>7</sup> In a high-threat environment, civilians take a greater interest in military affairs and are therefore more attentive to their responsibility for civilian oversight. External threats thus unify the state and civil society, which in turn produces a desirable pattern of civil-military relations in which the military are subordinate to civilian authority.

Desch argues that the greatest danger to civilian control of the military ought to come after periods of high external threat have diminished, leaving the state with a large military force but no external mission. The reduced threat should lead to less unity within and among civilian and military organisations, increasing the potential for tension and conflict. In short, there are a number of reasons to expect that a widely recognised external threat will produce good civil-military relations, while its disappearance will undermine them.

Historical evidence supports this logic. The countries with the best records on civil control – such as the United States and the Soviet Union during the Cold War – have been states with militaries whose primary missions are to undertake external operations. But the countries with the worst patterns of civil-military relations have been states in the developing world that face few serious external threats, but many internal ones. Archetypal examples include the military dictatorships of the Southern Cone of Latin America.

### **Civilian Control of the Military in the Netherlands**

The Dutch parliamentary system is a system of democratic government in which Cabinet ministers derive their legitimacy from and are accountable to Parliament. This chapter will focus in particular on the role of Parliament in Dutch defence policy and public support for the armed forces.

#### ***Three main missions***

The Dutch Constitution describes three principal missions for the armed forces:

- defending national and allied territory, including the Caribbean parts of the Kingdom;
- promoting the international rule of law and stability;

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<sup>7</sup> Desch 1995, 166-185.

- supporting and assisting civilian authorities in maintaining law and order and providing disaster relief and humanitarian aid, on a national as well as an international scale.

Since the late 1970s, the Netherlands has aimed to make a significant contribution to international peacekeeping operations in the context of promoting the international rule of law and stability.<sup>8</sup> The idea of the promotion of the international rule of law is enshrined in the Dutch Constitution: Article 90 stipulates that 'The Government shall promote the development of the international rule of law'.

### ***Dutch Defence Policy***

Dutch Defence Policy is an integral part of national security policy. The Ministers of Defence and Foreign Affairs deal with all international aspects on a 'joint' basis. All letters to Parliament on security and defence issues are in principle co-signed by the two ministers. The Ministry of Defence is traditionally regarded as a 'technical' department and the Minister of Defence as the custodian of the defence budget and arbiter of procurement plans. From a policy point of view, the Minister of Defence has traditionally been considered a junior partner of the Minister of Foreign Affairs. Over the last two decades, this junior position has developed and the defence portfolio (once described as a 'headache' portfolio) has increased in political weight. Participation in international peace support operations, the development of a European Common Security and Defence Policy and increasing uncertainty in international politics may have made the position of the Minister of Defence more important.

### ***Parliament***

Overall responsibility for ensuring the armed forces act solely within the constitutional framework lies with Parliament. The Minister of Defence is politically accountable to Parliament and has to inform Parliament on any relevant development related to the armed forces. The defence committee provides an opportunity for detailed oversight. In public hearings, prior to forming an opinion, it invites various independent experts to inform Parliament on issues such as a new Defence White Paper, the political and military field conditions for participation in a peace support operation, and so forth. The Dutch intelligence services, one of which is military in nature, are also subject to legal restraints and parliamentary control.

The primacy of politics should be clear, but it should be accompanied by a division of labour and what might be called a 'balance of trust'. The military should accept political leadership and refrain from making political statements, but government and parliament should accept responsibility for the decisions

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<sup>8</sup> Bakker and Homan 2009, 247-260.

they take that deviate from military advice.<sup>9</sup> They should also refrain from micromanaging the implementation of mandates once they have been given to the military, and focus on *ex-post* accountability. However, practice sometimes differs from this last norm, as will be shown later on.

### **Personnel**

Regarding personnel, the end of the Cold War and the disappearance of the 'Soviet threat' removed the primary rationale for the large standing Dutch armed forces and the conscription model. From the early 1990s onwards, the Dutch armed forces undertook a series of military reforms: the overall size of the armed forces was significantly reduced, the armed forces were re-oriented away from defence of national territory towards expeditionary operations (for both peacekeeping and combat roles, as the old distinction between peacekeeping and war fighting broke down in the new era of peace enforcement), and military conscription was abandoned in 1997.

The abandonment of conscription raised concerns about breaking the link between the armed forces and society, as embodied in the citizen-soldier concept. The most notable feature of the debate surrounding the abandonment of conscription in the Netherlands, however, was the broad civil consensus on the issue: both political leaders and the public supported the shift, which was implemented with virtually no opposition. In a similar way, there has been very little concern that the creation of a fully professional military might threaten civilian democratic control of the armed forces or create a military with too much autonomy or institutional power.

### **Military law**

Military disciplinary rules are almost entirely based on civil law and do not infringe upon the civil rights of military personnel. These civil rights can only be limited during military operations in times of war or in peace support operations. The Inspector General for the armed forces serves as Ombudsman for all personnel.

Individual service members have the same rights as other citizens, which may only be limited by law and out of operational concerns. Personnel are allowed to organise themselves into unions and have recourse to legal means if they consider themselves to have been unfairly treated. Political neutrality is ensured through civilian control of the military.

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<sup>9</sup> When the author of this chapter went to the Naval Institute as a midshipman in 1962, during his induction he had to learn by heart the following statement by the famous Dutch Admiral De Ruyter: 'The civil authorities don't have to ask me, but just to order me; and if I were ordered to go to sea with one ship, I would go'. If one failed to reproduce this quotation correctly, one had to do 25 push-ups. In this way, the author became familiar with the concept of civilian control of the military in the Netherlands.

### ***Parliamentary involvement***

Parliamentary involvement in the national decision-making process for deploying the military abroad has substantially increased in the Netherlands over the last decades, as the following examples show. During the discussion on the deployment of army units to Bosnia Herzegovina in the United Nations Protection Force (UNPROFOR) in 1992, it was Parliament that emphasised the peace-keeping nature of the operation and insisted that the unit's armaments should be non-provocative. Hence, all heavy weapons (machine guns, mortars, and so forth) were removed from the Armoured Personnel Carriers. The composition of the force was kept light; hence no tanks were deployed either, in contrast to the approach taken by the Danes, who deployed tanks in the same mission. The serious consequence was that when the violence escalated and it became necessary to use force in excess of self-defence, the unit was severely handicapped when trying to defend itself, protect civilians and reach the given objectives to achieve its mission.

Having learned from this experience, the pendulum swung to the other side: force protection became the most important issue and Parliament took an extraordinary interest in the risk analyses provided before each mission. A good example of this is Parliament's concern prior to the deployment of a marine battalion in the framework of the United Nations Mission in Eritrea and Ethiopia (UNMEE) in 2001. An intensive debate took place in Parliament for weeks. The debate revolved around security guarantees in case of an unforeseen escalation of hostilities. Parliament wanted the deployment of Apache helicopters as additional protection for the marine battalion. The Chief of Defence Staff could see 'no military reasons' for deploying the Apaches or for taking additional precautionary measures. Likewise, the military adviser to the Secretary-General of the UN did not see the necessity of having the 'flying tanks' in the mission and did not allow the Apaches to be positioned in the UN area of operations. As a consequence, the Apaches had to be stationed in Djibouti. Parliament insisted and the Minister of Defence went along with Parliament's opinion. The Apaches were deployed to Djibouti at a cost of around 14 million euros, as soon became clear.

A current example is that of the civil police mission in Kunduz, Afghanistan. The Dutch Cabinet needed the support of the small Green Left party for a majority in Parliament. This party demanded that the duration of the training should be extended from six to eight weeks, that it should include topics such as human rights, corruption, and women's rights, that the police should not be involved in offensive operations, and so forth. Also in this case, the Minister of Defence went along with these demands.

An important question that arises is where executive responsibility begins and parliamentary involvement ends. It is a classic debate – war is too important to be left to generals – but a Parliament that concerns itself with such

a high degree of detail may be counterproductive, for all its hard-won level of involvement. It would seem that its most precious asset is its balanced involvement in the entire political chain of decision-making, before, during and after an operation. It is a matter of maintaining a balance. Too much involvement in decision-making may negatively affect Parliament's willingness to evaluate and review the actions and decisions *post hoc*, and may lead to a form of self-inflicted co-optation.

### ***Defence procurement***

The acquisition of defence equipment is another topic in which Parliament plays an important role. As a small country, the Netherlands spends considerable time on purchasing abroad and the accompanying opportunities for off-set in terms of co-production or other forms of compensation that could benefit its domestic industry.

The procurement reporting procedure taken from parliamentary practice in the Netherlands, where each stage is put on the agenda of the Defence Committee, is as follows. The first communication determines the operational requirement in general terms. The second is the translation of operational requirements into technical specifications, followed by an exploration of the market, the listing of possible suppliers, and a timetable for production and delivery to the armed forces. Third, a study of the information provided by interested providers; fourth, preparation of the acquisition on the basis of negotiated offers, possibly complemented by field trials; and fifth, signing a contract, sometimes preceded by a letter of intent. The Minister has to wait for a period of at least three weeks before signing a proposed contract that exceeds 100 million euros, to allow for a discussion and possible debate and vote to take place in the plenary session of Parliament. For projects costing between 25 and 100 million euros, the operational requirement is subject to approval by the Defence Committee, but further execution is mandated to the armaments directorate.

The most expensive defence programme in Dutch history will be the purchase of the successor to the F-16 fighter aircraft. Although the final decision will be made in 2015, the Government is already involved in the Development and Demonstration Programme of the Joint Strike Fighter (JSF), the F-35A. The Netherlands originally intended to buy 85 JSFs. The initial purchase will cost 5.5 billion dollars, while 30 years of service will cost 9.1 billion dollars; the lifetime cost of a unit will thus be about 215 million dollars. The Minister of Defence has already made clear that due to the rising costs only 56 JSFs will be bought.

However, there have been a lot of complaints relating to the delay, technical problems and the rising costs of the project. The former Minister of Defence Hans Hillen complained that he had great difficulty with the cost increase of 20 per cent on top of what the Netherlands had budgeted. Despite this, he bought two test aircrafts. However, as the Ministry of Defence has to

implement big reductions in its budget, it is very unlikely that the original number of 85 JSFs will be bought. The whole decision-making process is a good example of the Polder Model, the slow decision-making process in the Netherlands whereby all parties have to be heard.

### ***Public access***

Public support for the armed forces in the Netherlands is undoubtedly of great importance. The Dutch Government actively informs the public on matters related to the armed forces, using all possible means for this purpose, including websites (<http://www.defensie.nl/>), audio-visual materials, briefings and publications. Besides this active approach, there is ample opportunity for the press and the public to put forward questions related to the armed forces. They can also request an inspection of any non-classified defence document. In addition, media can embed with virtually all units deployed on any mission and are limited in their reporting only with respect to operational and personal security matters, to protect the troops, the mission and the journalists themselves. To stimulate this embedded journalism, the Netherlands Ministry of Defence regularly organises press trips to areas of operations where Dutch troops are deployed. The public access to information related to the armed forces is based on the Netherlands Act on Public Access to Government Information of 31 October 1991.

### ***Society and the armed forces***

It is worth reemphasising the changed security context in which public support for the maintenance and employment of the armed forces must be sustained. The Dutch armed forces are increasingly engaged in operations away from national territory, in places such as the Balkans, Afghanistan, and the Horn of Africa, in a broad range of contingencies ranging from enforcement to post-conflict stabilisation and reconstruction. Public support is as important as ever. Parliamentary debates and reports help to make defence more transparent and increase public awareness and understanding. They play an important role in building the public consensus that is essential for defence.

Three categories of public support can be distinguished, namely: (1) public support for the armed forces in general, that is, about the necessity and desirability of having armed forces; (2) public support for the various tasks of the armed forces, such as national defence and contributions to international peace and security; and (3) public support for participation in specific operations.

More than 70 per cent of the population considers the armed forces necessary and desirable. The public believes that the main tasks of the Dutch armed forces are defence of territory, crisis management and maintaining peace, humanitarian assistance and counterterrorism. The available research does not warrant the conclusion that there is significantly more or less support



for certain military tasks than for others. However, it should be noted that military expenditure is not particularly popular in the Netherlands, and it is relatively easy to cut government spending on the armed forces. Public opinion is more likely to accept cuts in spending on the armed forces than on, say, healthcare, education or domestic security.

It is an issue of concern that support for specific operations is volatile and can sometimes fall. In early 2006, prior to the decision on participation in the NATO International Security Assistance Force (ISAF) in Uruzgan the opponents of the operation outnumbered the supporters. This was also the case when the decision to extend participation for another two years was taken. In addition, the current Kunduz mission is not supported by a majority of the public. There is a risk that if a majority of public opinion were to frequently oppose a specific operation, it would have a negative impact on public support for the Dutch armed forces in general.

### **Recent Developments**

After the end of the Cold War, the security environment changed fundamentally. This had an impact on civil-military relations, as well on the military profession. The world of the soldier has become rather complex. Harald Müller has identified some transformations that are characteristic of the evolution of this environmental complexity.<sup>10</sup> He argues that the transformation from autocracy to democracy in some countries after the end of the Cold War could undermine a pillar of military existence, namely reliance on a tradition as a source of psychological strength and pride. Another transformation he mentions is that with the disappearance of the bipolar structure, the comfortable simplicity of enemy, mission, frontlines, targets, strategies and doctrines has also disappeared.

Müller is also critical of NATO. In his view, instead of giving soldiers a welcome orientation after the end of the Cold War, the Alliance created divisions, doubts, confusion and uneasiness. The member states hold different views on the new tasks for NATO. There is a risk that NATO will become a military toolkit for ad hoc coalitions, as the recent operations in Libya have shown.

A further transformation is the momentous shift in the military's social basis, including the multiculturalisation of the armed forces in immigration societies; the right of homosexuals to reveal their sexual orientation; and the admittance of women into service functions. As part of the ongoing democratic revolution, women have demanded and been granted increased opportunities in the military.

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<sup>10</sup> Müller 2012, 271-291.

The information age has effected considerable changes in conventional warfare. One fundamental innovation has been dubbed the 'Revolution in Military Affairs', the effect of which is that targets can be acquired with much higher reliability and attacked over long distances with increasing precision (for example, by using drones).<sup>11</sup> The transformation from conscript to all-volunteer armed forces can create greater distance between society and the military. This trend has already been underway for some time.

Missions also have been transformed. New missions entail 'wars of choice' to restore the international order in the name of international law, to end serious violations of human rights, to prevent or put an end to genocidal actions such as 'ethnic cleansing', or to effect regime change from autocracy to democracy. Most of these missions, even those allegedly for 'peacekeeping' purposes, involve high-risk environments for the soldiers who undertake them. These missions mostly inhabit a grey zone between war and peace; there is a lack of clarity about who the enemy is. Another still-increasing global trend is the contracting-out of the supply of military and security services. As the financial crisis leads to cuts in military budgets, military operations are becoming more dependent on private military and security companies.

The role of the mass media has become one of the most contentious areas of civil-military relations in a democracy. Advanced countries have become information societies, in which media play a major role in setting the military policy agenda and in helping to frame public evaluations of military operations. That the military does not control the presentation of the military to the public – a task accomplished largely through the media – is a major dimension of contemporary civil-military relations.

It is obvious that all these transformations pose important challenges for the military profession. While the traditional role of warrior is still the basic pillar of the military profession, nowadays other roles also have to be fulfilled. The role of diplomat is important in peace support operations, where military objectives are often achieved by talking instead of shooting, and by gaining the hearts and minds of the population. Manager is another role, meaning that in peacetime, the military has to manage scarce resources in the most efficient way. Lastly, the military also fulfils the role of citizen, being fully integrated in society (the citizen in uniform).

### **The Three Dimensions of Civil-Military Relations**

At the end of this chapter, it is interesting to introduce the new, broader, more advanced approach to civil-military relations that has been advocated by Florina Christiana Matei.<sup>12</sup> She argues that the challenge in the contemporary world is

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<sup>11</sup> Homan 2011.

<sup>12</sup> Matei 2013, 26-39.

not only to assert and maintain civilian control over the military, but also to develop effective militaries, police forces, and intelligence agencies that are able to implement a broad variety of roles and missions.

Matei distinguishes six major roles: wars, internal wars, terrorism, crime, humanitarian assistance, and peace operations. She rightly argues that we need a clear picture of the effectiveness and costs of security forces in order to understand the contemporary importance of the relationship between elected leaders and the security forces for democracy. That is, to understand what armed forces, police forces and intelligence agencies actually do in the twenty-first century, how well they do, and at what cost in terms of personnel and financial resources, requires that we undertake a comprehensive analysis of civil-military relations that encompasses the three dimensions of control, effectiveness, and efficiency.

Civilian control has traditionally been basic and fundamental, but it is irrelevant unless the instruments for achieving security can be used effectively to fulfil the military's roles and missions. Furthermore, both control and effectiveness must be affordable, or they will undermine other national priorities. Matei concludes that increasingly, populations are aware that their military must not only be controlled, but that it must also be able to implement the assigned task at a reasonable cost. While the theories of Huntington and Janowitz are still the starting point for any discussion, Matei's ideas represent an expansion of the traditional concept of civilian control and challenge experts in civilian-military relations to make civilian control more substantial and practical in the new security environment.