

Hans Born / Marina Caparini / Philipp Fluri (eds.)

Security Sector Reform and Democracy in Transitional Societies

Proceedings of the Democratic Control of Armed Forces

Workshop at the 4th International Security Forum, Geneva, Nov. 15-17, 2000

Nomos Verlagsgesellschaft, Baden-Baden, 2002, 227 S., € 28,00

The 4th Conference of the International Security Forum (ISF) brought together hundreds of experts: researchers, civil servants, academics and military officers from more than 50 countries to discuss increasing cooperation between institutions dealing with international security in Europe and North America. This publication presents the proceedings and results of the debates to an interested public in four comprehensive parts.

The papers in part I give an overview of the fields of civil-military relations and security sector reform. *Christopher Smith* opens with a brief tour d'horizon describing the most urgent challenges to be confronted in advancing the concept and practice of security sector reform (SSR). *Anthony Forster's* paper gives a survey of Western attempts to provide policy transfer to Central and Eastern European (CEE) States over the last decade by offering an analysis of the major actors, instruments and outcome in the area of SSR. "SSR is routinely defined in a holistic way to include concern with good governance, conflict prevention, human rights promotion and post conflict reconstruction. The growing number of issues which are now included within the area of security sector reform are leading to a loss of focus, and SSR becomes entwined in a much broader range of transition issues, notably issues of state capacity, democratisation and market reform" (p. 29). The author reminds us that there is not one Western model but many and international donors like the EU, OSZE, WEU, and NATO's "Partnership for Peace" programme plus NGOs make it confusing to decide which goals are best and how to achieve them. In fact Forster advises the West to look west first and to review the state of their own civil-military relations. *Jan Arved's Trapans'* well-structured essay conveys the view of the East looking West and scrutinizes SSR in Central and Eastern Europe, both the work of civilians and the military.

Part II of the book deals with "Parliamentary Oversight of the Armed Forces" and describes the recipients' perspectives of inter-parliamentary cooperation. Three case studies, i.e. reports on the Czech Republic, Ukraine and Georgia, are presented by renowned specialists from these countries, discussing specific problems related to the promotion, establishment and practice of parliamentary control. *Hans Born* summarizes Andreas Gross' presentation on civil society and parliamentary control who argues that a) civil society is in a fragile condition not only in the East but also in the West and b) that the democratic control of armed forces is never finished and can always be improved. The case of the Czech Republic, presented by *Maria Vlachova*, reveals that members of Parliament perceive themselves as being of little importance when it comes to their control over the armed forces. Vlachova analyses the reasons for this negative self-evaluation and offers suggestions for future programmes that could supply vital foreign assistance. The case of the Ukraine, presented by a critical *Ivanna Klympush*, focuses on the evaluation of inter-parliamentary assistance

programmes in her country. While the basics of democratic control of the armed forces are in place, the powers of Parliament appear quite limited as it has no influence over the staffing of the top positions of the armed forces. In Klympush's opinion the Western programmes – including those of NATO, NGOs, Marshall Centre and Harvard University – lack strategic thinking, systematic approach, coordination as well as a sensitivity in regard to national peculiarities. The case of Georgia, presented by *David Darchiashvili*, evaluates several factors enhancing Georgian state/security building such as active international organizations, the interests of Western States in Georgia and national feelings. This author also lists those factors hindering the building process such as ethnic conflicts and economic crises. Parliamentary control is weak as the President controls Parliament, the defence agency, and the armed forces. Darchiashvili, though, has a few fascinating ideas on how to do away with these weaknesses. The section closes with *Luis Eduardo Tibiletti* describing "The Role of the Argentinean Parliament in the Democratic control of the Military (1984–2000)". He analyses lessons learned and lists new challenges ahead.

Part III of the book deals with "Civil-Military Relations in Central and Eastern Europe". The contributions in this part assess which past efforts achieved their ends, identify lessons learned and recommend future ways of approach. The experts describe the conditions and problems faced by actors of CCE political and military establishments seeking to enact reforms. They address the challenges met by Western actors providing advice, guidance and encouragement. Prevailing theories in civil-military relations are also problems met in transition. In his work "Promoting Democratic Control of Armed Forces in Central and Eastern Europe: Lessons learned and the Future Research Agendas", *Tim Edwards* offers a well-written intelligent analysis of past Western efforts. He criticizes that a lack of coordination and the simplistic promotion of Western models has not been helpful but that one can now notice the necessary shift in focus from military-political elite to parliamentarians and civil society organisations as a wider security sector is recognized. *David Betz* states that the region will remain a major problem unless civilian political and administrative actors understand the need to acquire expertise so that they can exercise their responsibilities effectively. In Central and Eastern Europe, *Janos Martus* underlines, policy-making remains restricted to the limited confines of military and civil bureaucrats while academics are mostly excluded. He warns against an over-reliance on legislation for the issues at stake. "Civil-Military relations Theory in the Post-Communist World: The Role of Religion" is *Constantine P. Danopoulos* and *Daniel Zirker's* topic. They note that while a few Central European countries appear to have adopted Western values including democratic control of the armed forces – namely the Czech Republic, Hungary, Poland, the Baltics, Slovenia – the majority have not, and the authors look to religion for an explanation for the different attitudes of individuals to state authority and social control. They depict the differences between Catholic and Protestant versus Orthodox and Muslim traditions. *Marjam Malesic* and *Ljubica Jelusic* give an overview of the situation in Slovenia saying that civil-military relations are made up of three main components: the armed forces, the political elite and civil society. They describe their inter-relationships.

Lessons learned and the upcoming research issues are summarised in part IV. Here personal reflections of individuals who have worked or studies the field of SSR are described. Under the auspices of the European Group on Military and Society (ERGOMAS), *Karl Haltiner* draws a picture of the reasons for the renaissance of the issue of democratic control of armed forces. *Hans Born*, *Marina Caparini* and *Karl Haltiner* propose the idea of beginning a European research project on how democratic control functions in reality as the dominant schools of civil-military theory appear to be out of touch with reality. An original and comprehensive approach to measuring civil-military relations is proposed by *Jürgen Kuhlmann* and *Jean Callahan*. Their comparison of nine European Countries offers a good basis for future work in this field. Lessons learned from the perspective of the Centre for European Security Studies are distributed by *Peter Volten* and *Magriet Drent*. *Anna Bolin* points out the possible consequences of the new defence environment and examines new patterns of military deployment on civil-military relations. Co-editor *Marina Caparini* makes recommendations for future research for CCE and the entire SSR. The concluding remarks by *Hans Born* and *Philipp Fluri* stress the importance of the topics discussed and remind us there is a "choice" as long as we respect the opinions of other states.

Conclusion: This is an interesting short volume that hosts a number of important topics, the issues being more relevant now than two years ago. Suffice it to say that after September 11, 2001, SSR is seen in the light of new inter-agency cooperation on national and international levels as there are newly identified risks and threats to democracy. Objectives of reforms become clearer and some governments are more determined to implement them. This book contains a list of contributors and some information on the Geneva Centre for the Democratic Control of Armed Forces (DCAF) but few footnotes. The authors of Chapter 11 are the only ones to suggest background and further reading. The publication definitely lacks an extensive bibliography.

Dagmar Reimann, Tong Norton, England

Claudia Lange

Unreasonableness as a Ground of Judicial Review in South Africa

Constitutional Challenges for South Africa's Administrative Law

Nomos Verlagsgesellschaft, Baden-Baden, 2002, 120 S., € 24,00

Rechtsstaatlichkeit ist einer der juristischen Exportartikel der Bundesrepublik. Im Zusammenhang mit den Regimewechseln der Neunzigerjahre haben viele Staaten beim Aufbau demokratischer Staatssysteme auf deutsches *Know-how* zurück gegriffen. Gerade Südafrika hat während der Beratungen über die neue Verfassungsordnung ab 1993 intensiv auf deutsche Vorbilder zurückgegriffen. Mit dem Inkrafttreten der nunmehr gültigen Verfassung 1997 hat jedoch das Bedürfnis nach externer Beratung im legislativen Bereich nicht abge-