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STUDY ON DEMOCRATIC CONTROL OF ARMED FORCES

**THE ROLES OF ARMED FORCES
IN COUNCIL OF EUROPE MEMBER STATES**

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1. Introduction

In the past decade the European armed forces have undergone a profound shift in both the range and focus of their roles. The mandates of Council of Europe (CoE) member states' armed forces have increasingly been expanded to include roles beyond the territorial defence of the state, which is traditionally perceived to be the principal prerogative of national militaries. This change is a central dynamic in the development of what has been termed the 'post-modern military,' which is epitomised by a move towards volunteer armies, a greater variety of missions and looser ties with the nation state.² The shift in the functions of armed forces has resulted from a changed international environment since the end of the Cold War. This environment has been characterised by the declining potential for conventional war in Europe and an increase in the threat presented by international terrorism, failed states and non-state actors.

Armed forces fulfil both internal and external roles, the scope of which are defined and constrained by constitutions, national statutes, governmental acts, national security policies and international law. The tasks performed by national militaries vary not only according to national legal frameworks but also as a result of differing democratic decision-making procedures and variant historical contexts. This paper will discuss the range of roles played by the armed forces of CoE member states, drawing upon examples from a variety of CoE member states.³

2. Selected international documents on role of armed forces

There are no specific international agreements on the roles of armed forces and each state enjoys the sovereign entitlement to define the mandate of its armed forces, subject to the constraints of international law (and in particular the UN Charter, see below). Nevertheless, several intergovernmental organisations have adopted documents which include provisions for or limitations on the role of armed forces in terms of permissible and non-permissible operations. In this context, the Organisation for Security and Cooperation in Europe (OSCE) Code of Conduct and the Parliamentary Assembly of the Council of Europe's Recommendation 1713/2005, are briefly discussed as they elaborate on the role of armed forces and also apply to all CoE Member States

OSCE Code of Conduct

One of the most detailed international agreements on the conduct of armed forces is the OSCE Code of Conduct of Politico-Military Aspects of Security, adopted in 1993 in Budapest.⁴ This code of conduct is relevant for determining roles of armed forces. The Code stipulates that while each state is free to choose its own security arrangements, they have to be in accordance with international law and OSCE Commitments (Art 10). The external role of the armed forces should 'contribute to international peace and stability' (Art. 13) as well as the inherent right of states of individual and collective self-defence (Art. 9). The Code also acknowledges 'internal security missions' of the armed forces (Art. 36). Non-permissible roles for armed forces are also cited and these would include: any use of force against the territorial integrity or political independence of any state; any use of force in a manner which is inconsistent with the Charter of the United Nations or the Final Helsinki Act (Art. 8); as well as attempts to impose military

² See Charles Moskos. C, John Williams and David Segal, *The Post Modern Military, Armed Forces After the Cold War*, (New York, Oxford University Press, 2006), pp. 1-2.

³ This paper is based on an analysis of secondary research, due to time constraints the examples used are drawn from a select number of Council of Europe Member states.

⁴ 'Code of Conduct on Politico-Military Aspects of Security', adopted by OSCE Participating States in Budapest on 3 December 1994. http://www.osce.org/documents/sg/1994/12/702_en.pdf, (accessed 2 August 2007).

domination upon other states (Art. 13). Furthermore, the Code specifies that the use of force should always be commensurate with internal and external security needs (Art. 12 and 36). Finally, it is stated that internal security missions need to be in conformity with constitutional procedures, under effective control of constitutional authorities and subject to the rule of law (Art. 36).

It is clear from the contents of the Code of Conduct that although OSCE participating states are concerned that the use of force for maintaining internal and external security should remain sovereign matter, the use of force should be applied proportionally, in compliance with international law and subject to constitutional and democratic decision-making procedures.

Council of Europe Parliamentary Assembly Recommendation 1713

In 2005, the Parliamentary Assembly of the Council of Europe (PACE) adopted Recommendation 1713/2005 which called upon CoE member states to adhere to the principles of democratic oversight of the security sector, including intelligence services, police, border guards and the armed forces.⁵ With regards to the armed forces, the Recommendation stipulates that national security is the armed forces' main duty. This essential function must not be diluted by assigning the armed forces auxiliary tasks, save in exceptional circumstances.' (Art. IV-a). Moreover, the Recommendation states that the deployment of troops abroad should be in accordance with the UN Charter, international law and international humanitarian law, while the conduct of the armed forces should be subject to the jurisdiction of the International Criminal Court (Art. IV-e).

Through this Recommendation, PACE established national security as the framework within which all missions of the armed forces should be situated. Missions that cannot be justified within the context of this framework of national security should be avoided.

3. Roles of armed forces in Council of Europe Member States

The two documents discussed above indicate that armed forces may fulfil both external and internal security roles. In this section these two areas of competencies will be further elaborated, in reference to the armed forces of CoE member states.

External roles of armed forces

The external roles of armed forces are to a large extent regulated by international law pertaining to the use of force, outlined in the United Nations (UN) Charter.⁶ According to the Charter, states may resort to the use of force: in self defence, in collective self defence or to restore international peace and security (when authorised by the UN Security Council).⁷ Within this framework states have established remits for their armed forces and these are normally outlined in either a constitution or national statutes (or a combination of the two). It should be noted that the majority of states do not differentiate between the types of overseas operations that their armed forces are permitted to carry out.⁸

⁵ 'Democratic Oversight of the Security Sector in Member States', Recommendation 1713/2005 of the Parliamentary Assembly of the Council of Europe, Strasbourg, 23 June 2005.

<http://assembly.coe.int/Documents/AdoptedText/TA05/EREC1713.htm> (accessed 2 August 2007).

⁶ United Nations Charter. <http://www.un.org/aboutun/charter/> (accessed 14 August 2007).

⁷ See Chapter VII of the United Nations Charter.

⁸ George Nolte and Heike Krieger, 'European Military Law Systems : General Comparative Perspective' in Nolte. G (ed), *European Military Law Systems*, (Berlin, De Gruyter Rechtswissenschaften, 2003), p. 39.

Defence against external threats

The defence of the state against external threats was the foundational role of most European armies and remains a core function of the armed forces in all CoE member states. Central to this task is the defence of national territory and in states such as, Italy, Germany, Poland, Denmark and Turkey this role is provided for in constitutions.⁹ In contrast, in the United Kingdom (UK) the military's role in the defence of the national territory is outlined in a governmental act.¹⁰ Many states also task their armed forces with defending particular national values or institutions from external threats. For example, in Italy, the law on the 'Rules for the Institution of the Professional Military Service' stipulates that one of the roles of the armed forces is to 'safeguard free institutions.'¹¹

Collective Defence

While all states have the right to utilise their armed forces for collective self defence under the UN Charter, a number of CoE member states are also members of alliances that demand collective defence.¹² Most prominent among these is the North Atlantic Treaty Organisation (NATO), which contains a provision in its founding treaty that stipulates that all members should exercise their right of collective defence in the event of an attack on one member state.¹³

Peacekeeping and crisis management operations

The armed forces of CoE member states have played an increasing role in UN and EU-led peacekeeping missions.¹⁴ These missions range from observation missions which involve the deployment of armed forces to monitor a ceasefire or peace agreement, to peace enforcement operations whereby 'peacekeepers' attempt to impose peaceful outcomes through the use of force.¹⁵ The participation of armed forces in peacekeeping missions is generally justified in reference to either international security or national security due to the potential for conflict states to become bases for terrorist activity, transnational crime and refugee flows, which may in turn, pose a threat to European states. The participation of armed forces in peacekeeping missions is also justified by governments in humanitarian terms, based on the need to alleviate human suffering caused by conflict.

The frameworks regulating the participation of armed forces in peacekeeping and crisis management operations vary significantly between states. In the UK this function of the armed forces is consistently outlined in Ministry of Defence policy statements, in Denmark crisis management is explicitly cited as a role of the armed forces in the Danish Defence Act of 2001, and in Poland the armed forces are authorised to take part in 'peace operations' by a statute.¹⁶ The basis for the participation of both the German and Italian armed forces in this type of

⁹ *Ibid*, pp. 32-33.

¹⁰ *Ibid*, p. 38.

¹¹ *Ibid*, p. 37.

¹² See Article 51 of the United Nations Charter.

¹³ See Article 5 of the North Atlantic Treaty, NATO, The North Atlantic Treaty, April 1949. <http://www.nato.int/docu/basicxt/treaty.htm> (accessed 2 August 2007).

¹⁴ For details of European Union peacekeeping mission please refer to http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=268&lang=EN&mode=g (accessed 2 August 2007). For a comprehensive review of UN peacekeeping operations please see, Michael Doyle and Nicholas Sambanis, *Making War and Building Peace, United Nations Peace Operations*, (Princeton, NJ, Princeton University Press, 2006).

¹⁵ Doyle and Sambanis, p. 1, p. 11.

¹⁶ Nolte and Krieger p. 40.

mission is somewhat more unclear. The Italian armed forces may participate in peace operations which are in conformity with international law and according to the decisions of the international organisations of which Italy is a member; it is not clear whether they would be authorised to participate in a peacekeeping mission which did not have a basis in the UN Charter.¹⁷ In Germany, the armed forces are permitted to take part in peacekeeping operations if they take place within the context of a collective security arrangement, it is less certain as to whether German forces may participate in unilateral or bilateral peacekeeping operations.¹⁸

States also reserve the right to utilise their armed forces to evacuate citizens from the territory of another state when the lives of their nationals are deemed to be at risk due to a crisis.¹⁹ This role for the military is often not explicitly referred to but falls under crisis management or humanitarian missions, which are established roles of armed forces. Nevertheless, in the UK, the Ministry of Defence has explicitly stated that the armed forces may be used for this purpose at the request of Foreign and Commonwealth Office.²⁰

Peace-building operations

In addition to participating in peacekeeping operations, European armed forces have increasingly played a role in post-conflict reconstruction efforts in states that have experienced civil war. Since the early 1990s peace operations have encompassed a broader range of functions, including: institution building; the development of infrastructure; support for the rule of law and good governance, security sector reform (SSR); and disarmament, demobilisation and reintegration (DDR) programmes.²¹ CoE member states have contributed their armed forces to these efforts, both through multilateral peace-building missions organised under the auspices of the UN, the EU and the OSCE, and through unilateral operations. In the context of multidimensional peacekeeping, the UN Department of Peacekeeping Operations Handbook lists a wide range of tasks for the military, including human rights monitoring, security sector reform and training, support to humanitarian activities, support for international sanctions, restoration and maintenance of law and order and de-mining.²² This list of tasks, which complement the more traditional peacekeeping roles of the military (see above) illustrates the numerous non-traditional tasks that are now undertaken by armed forces in the context of peace-building operations.

Evaluation

The external roles played by armed forces have steadily expanded since the end of the Cold War. The armed forces of CoE member states now fulfil a diverse range of functions in which they collaborate with groups of other states, intergovernmental organisations, non-governmental organisations and the private sector. Although national militaries are making valuable contributions to peace operations and crisis management around the world, it is

¹⁷ *Ibid*, p. 40.

¹⁸ *Ibid*.

¹⁹ As occurred in July 2006 when many CoE member states dispatched their armed forces to evacuate their citizens from Lebanon following the outbreak of hostilities between Hezbollah and Israel.

²⁰ Nolte and Krieger, p. 49.

²¹ The shift to multidimensional peace operations can be traced to the publication of 'An Agenda for Peace' which was formulated by the United Nations Secretary General, Boutros Boutros Ghali in 1992. See Boutros Boutros-Ghali, *An Agenda for Peace: Report of the Secretary General*, (June 17, 1992). <http://www.un.org/Docs/SG/agpeace.html>. (accessed 12 August 2007).

²² United Nations Department of Peacekeeping Operations, 'Handbook on UN Multi-dimensional Peacekeeping Operations', Chapter V: The Military, (United Nations, New York, December 2003). <http://www.peacekeepingbestpractices.unlb.org/pbpu/handbook/Handbook/5.%20Military.html>, (accessed 14 August 2007).

imperative that the missions in which they participate are mandated by, and enjoy the legitimacy of the international community. It is crucial that these missions enjoy legitimacy not only for the participating state, but also for the members of the armed forces that are required to participate in operations. The expansion of the role of armed forces to include a multiplicity of peacekeeping and peace-building operations has also generated challenges for armed forces that are not traditionally trained in these areas of work. There is also a risk that the broadening of the role of armed forces may overextend militaries, detracting from their central task of defending the state against external threats.

Internal roles of armed forces

States have a greater degree of latitude in determining the functions that their armed forces may perform domestically. It is important to note that the range and extent to which armed forces perform internal security roles is generally dependent upon the existence of intermediary security forces.²³ In states that have intermediary security services, the armed forces are usually more restricted in the internal roles that they may fulfil. The changing nature of the threats posed to national security and in particular the rise of international terrorism has resulted in the re-emergence of an internal role for the military in many European states. The key criteria against which the assessment of whether to deploy armed forces internally should be made are: proportionality, meaning that the use of force should be commensurate to the inter security needs; and subsidiarity, which implies that the armed forces should be confined to supporting the civilian authorities and should be subordinate to local or national civil authorities.

The internal roles played by armed forces can be categorised in three groups: (1) military assistance in maintaining public order; (2) military assistance in case of disasters; (3) military assistance in tasks not directly related to national security.²⁴

Military assistance in maintaining public order

Armed forces may provide support to civilian authorities when they can no longer maintain law and order.²⁵ Military assistance in law enforcement is a particularly controversial area, and the extent to which armed forces may provide support varies greatly between CoE member states. The scope of potential military roles in this area is often dependent upon the (non)existence of militarised police forces, in states where intermediary forces exist, the armed forces are generally more restricted in this area. In most states, the use of the armed forces in maintaining public order is governed by strict laws and in many cases an official 'state of emergency' is required before troops can be deployed.

Counter-terrorism operations

The increased perception of the threat posed by international terrorism has led to a rise in use of the armed forces to support civilian law enforcement agencies in many CoE member states. According to Anthony Forster, all states have begun a legislative process to further integrate armed forces into internal security arrangements to enable them to be involved in both responses to emergencies, and in pre-emptive operations.²⁶ In CoE member states there have been several prominent examples of armed forces playing pro-active role in counter terrorism

²³ Anthony Forster, *Armed Forces in Society*, (Basingstoke, Palgrave, 2006), p. 229.

Examples of intermediary security forces are Italy's Carabinieri, the French Gendarmerie, Turkey's Jandarma, Spain's Guardia Civil and Romania's Jandarmeria.

²⁴ See for example, Forster, A, *Armed Forces in Society*, (Basingstoke, Palgrave, 2006), p. 227.

²⁵ Forster p. 228.

²⁶ Forster p. 238.

operations, these include: the deployment of 16,000 Greek troops to support the police during the Olympics in Athens in 2004,²⁷ and the deployment of 450 British soldiers at London's Heathrow airport, in response to intelligence concerns about potential surface-to-air missile attacks against aircraft.²⁸

Under the German Constitution troops may be employed internally during a state of 'defence or tension' to protect civilian facilities, or to support police forces.²⁹ In February 2006 the German Federal Constitutional Court indicated that terrorist attacks constitute 'grave accidents' and therefore the army may be deployed in a preventative capacity.³⁰ However, it is noteworthy that the Basic Law limits the role of the army to assisting the police, and they are not authorised to use military munitions.³¹

In the UK, the armed forces are restricted to providing aid to the civilian authorities during a state of emergency. Apart from providing support with bomb disposal the British army has rarely been used to provide support to the civilian authorities in counter terrorism operations. However, in 2004 parliament passed the Civil Contingencies Act which broadened the definition of an emergency to include 'serious disruption to the political, economic and administrative stability of part of the country, or a threat to its security.'³² Moreover, the act outlines the emergency powers of armed forces, allowing them to order evacuations, confiscate property, impose curfews and ban travel.

In Turkey the armed forces enjoy wide-ranging powers in counter terrorism operations as part of their mandate to defend the country against internal as well as external threats.³³ This is evidenced by the Turkish military's ongoing battle against the PKK (Kurdistan Workers Party).

Protection of public buildings and installations

The guarding of installations by armed forces is another area in which armed forces are deployed to assist in maintaining public order. A prominent example of this is the role played by the French military in guarding nuclear installations throughout the country.³⁴ The protection of foreign embassies and missions is another guarding role that is played by armed forces. While in the majority of CoE member states the police or private security companies guard these buildings, in Switzerland, 1100 conscript soldiers are deployed to guard foreign embassies. This has been the source of much controversy, with objections raised to the non-specialist nature of the troops involved, the presence of uniformed officers on the streets, as well as the costs incurred by the military.³⁵

²⁷ Timothy Edmunds, 'What are armed forces for? The changing nature of military roles in Europe' *International Affairs*, Vol.82: 6, 2006, p. 1071.

²⁸ BBC News, 'Blair Authorised Terror Alert Troops,' 17 February 2003.
http://news.bbc.co.uk/2/hi/uk_news/2747677.stm. (accessed 3 August 2007).

²⁹ Article 87a of The German Basic Law.

³⁰ Federal Ministry of Defence, *White Paper on German Security Policy and the Future of the Bundeswehr*, October 2006,

http://www.bmvg.de/portal/PA_1_0_P3/PortalFiles/C1256EF40036B05B/W26UWAMT995INFOEN/W_2006_eng_DS.pdf?yw_repository=youatweb p. 57. (accessed 2 August 2007).

³¹ *Ibid*

³² Forster p. 239.

³³ Forster p. 237.

³⁴ Forster p. 239.

³⁵ Swissinfo, 'Fewer soldiers to stand guard over embassies,' 11 June, 2007.
<<http://www.swissinfo.org/eng/swissinfo.html?siteSect=43&sid=7915538>> (accessed 14 August, 2007).

Protection of borders, coastal waters and airspace

The protection of borders, airspace and coastal waters are additional roles that are played by the armed forces in many CoE member states. Armed forces are often responsible for protecting civil aviation and this task has become more significant since 11 September 2001. In CoE member states there has been considerable debate on strengthening the mandate of national air forces, allowing them to shoot down civilian aircraft that are believed to have been hijacked. In May 2004, the air forces of three European states were simultaneously involved in tracking a plane that had failed to respond to air traffic controllers.³⁶ In the UK alone, British Royal Air force jet fighters were scrambled on six occasions in 2006 to intercept suspicious passenger planes entering UK airspace.³⁷

At sea, armed forces are involved in both fisheries protection and operations to prevent the trafficking of narcotics into the national territory. The British and Dutch navies have both been proactive anti-narcotics operations.³⁸ The British Royal Navy also has squadron specifically dedicated to the protection of fisheries, which operates under the Department for the Environment.³⁹

Military assistance in case of disasters

Armed forces provide support to the civilian authorities and the population in response to a range of natural and manmade disasters. The majority of CoE member state armed forces are either expressly permitted (either through constitutional provisions, statutes or governmental acts) or not explicitly disallowed from performing these tasks. The focus is on manmade and natural disasters including biological disasters.

Disaster relief operations

The participation of the German armed forces in disaster relief operations is strictly regulated under constitutional provisions but the use of the military is permitted in event of natural disasters or humanitarian catastrophes which occur within Germany.⁴⁰ An example of this was the deployment of 5,000 *Bundeswehr* personnel to tackle the flooding of major rivers in 2002.⁴¹

³⁶ Craig Whitlock, 'E.U.'s Patchwork Of Policies Leaves It Vulnerable to 9/11-Style Attack,' *Washington Post*, 18 January 2006.

http://www.washingtonpost.com/wp-dyn/content/article/2006/01/17/AR2006011701639_pf.html (accessed 14 August 2007).

³⁷ BBC News, 'RAF Jets Scrambled in Six Scares,' 1 November, 2006.

http://news.bbc.co.uk/2/hi/uk_news/politics/6107690.stm (accessed 14 August, 2007).

³⁸ See Ministry of Defence, 'Ocean Thwarts Drug Smugglers in the Caribbean' 26 June 2007. <http://www.mod.uk/DefenceInternet/DefenceNews/MilitaryOperations/OceanThwartsDrugSmugglersInTheCaribbean.htm>. (accessed 14 August, 2007).

³⁹ Forster p. 241.

⁴⁰ Nolte and Krieger p. 46.

⁴¹ Federal Ministry of Defence, *White Paper on German Security Policy and the Future of the Bundeswehr*, p. 72.

The Swiss armed forces are constitutionally permitted to participate in disaster relief operations with the military being authorised to conduct tasks ranging from providing advice to civilian authorities to rescue missions and evacuation assistance, which they provided during floods of August 2007.⁴²

In Denmark there are no specific constitutional provisions which delineate the military's role in domestic crisis situations, however, the Minister of Defence is authorised to instruct the armed forces to provide 'humanitarian help at home.'

In Poland the armed forces are authorised (under the Defence Act of 1997) to take part in mitigating the effects of natural disasters, extraordinary threats to the environment and to participate in search and rescue missions.⁴³ Similarly, the Italian military is authorised to undertake disaster operations in 'in circumstances of public calamity and in other cases of extraordinary necessity.'⁴⁴

In the UK the armed forces have the same powers and obligations as any citizen, to provide support when the civil power requires assistance in combating disasters. In addition the government can invoke powers under the Emergency Powers Act (as well the more recent Civil Contingencies Act, see above) to proclaim a state of emergency.⁴⁵ Once a state of emergency is in force the government may enact regulations to employ the military in any tasks of national importance. However, in practice, a state of emergency has not been required for the armed forces to be deployed in crisis situations. The army has frequently been involved in the management of crises, in 2001 the armed forces were called upon to provide logistical support during the foot and mouth crisis.⁴⁶

Military assistance in the case of biological disasters⁴⁷

Armed forces can also be called upon to assist public authorities in case of biological disasters, i.e. the outbreak of pathogenic micro-organism and toxins.⁴⁸ Biological threats may originate from attacks of states, non-state actors, or more likely as a result of natural developments. Most states have a clear legal framework in place which stipulates when and how various actors should be involved in the management of biological risks, these provisions normally including provisions for civil-military cooperation. For example in France, the military police can be activated at short notice to ensure safety of major governmental bodies in contaminated areas, to control individual or collective violence in contaminated areas, as well as enforce a control safety cordon around contaminated zones. Military intelligence plays a role in detecting deliberate biological threats in an early stage. The French military has special chemical,

⁴² Federal Department for Defence Civil Protection and Sport, *Swiss Armed Forces*, (Bern, 2006), p39. See also 'Heavy Rain Brings Chaos Across Switzerland,' *Swissinfo*, 9 August 2007, <http://www.swissinfo.org/eng/swissinfo.html?siteSect=881&sid=8092728> (accessed 14 August 2007).

⁴³ Nolte and Krieger p. 37.

⁴⁴ *Ibid* p. 43.

⁴⁵ *Ibid* p.47.

⁴⁶ *The Guardian*, 'Soldiers drafted in to halt spread of disease,' 31 August, 2001. <http://www.guardian.co.uk/footandmouth/story/0,,545024,00.html> (accessed 2 August 2007).

⁴⁷ Because of the internal role of armed forces in the case of biological disasters, we discuss the issue of biological disasters within the context of internal security roles; nevertheless, the threat can also originate from sources outside the country.

⁴⁸ Sergio Bonin, *International Biodefense Handbook 2007: An Inventory of National and International Biodefense Practices and Policies*, Center for Security Studies, ETH Zurich, 2007, p. 28. Available at: http://www.crn.ethz.ch/publications/crn_team/detail.cfm?id=31124

biological, radiological and nuclear units which are trained and equipped to prevent and handle military or technical incidents.⁴⁹

Roles of the armed forces not directly related to national security

The roles of the armed forces described so far, are all related to maintaining external and internal security of the state. These missions can be legitimised from the point of view that national security was at stake. However, armed forces of CoE member states are also engaged in operations which cannot be justified in direct reference to national security.

Replacement of vital services during industrial action and other interruptions

In some CoE member states the armed forces are deployed temporarily to provide services which are normally provided by government departments (or the private sector) but rendered temporarily unavailable. This practice is most common in the UK, where since 1995, almost 20,000 armed forces personnel have provided fire cover when fire-fighters have taken industrial action.⁵⁰ The British army was also deployed to transport petroleum during the 2002 fuel crisis, during which time protestors prevented the distribution of fuel.⁵¹

The involvement of armed forces in business

In some CoE countries, most notably Turkey, the armed forces are also involved in business.⁵² The Turkish Armed Forces Pension Fund (OYAK) has business interests in 29 companies, concentrated in the automotive, cement, financial, service and iron and steel sectors. Many of the investments are joint ventures with well-known international names, such as Renault and AXA.⁵³

Involvement in the education of civilians

Armed forces (and in particular those with conscription) have for long been perceived as mechanisms of socialisation, used to instil particular values in young people. For example in Moldova, the armed forces are perceived to have a unifying role that '(...) contributes to the education of the young generation in the spirit of patriotism and the need to defend the country. This idea underscores the notion '(...) that the armed forces – assuming a professional attitude of political neutrality and impartiality – can serve as a mechanism unifying society beyond party lines and the political power game.'⁵⁴ In a number of CoE member states the armed forces have also been directly involved in providing education to civilians in school. This is the case in Russia where the armed forces are legally involved in teaching youngsters in public schools as

⁴⁹ *Ibid.* pp. 29-33; 62-67.

⁵⁰ See Forster p. 244.

⁵¹ BBC News, 'Fuel Drought as Blockades End' 14 September 2000.

http://news.bbc.co.uk/2/hi/uk_news/924882.stm (accessed 2 August 2007).

⁵² The role of armed forces in military industry (such as, the production of military hardware, clothing, ammunition) is not covered in this paper.

⁵³ OYAK Armed Forces Pension Fund 1961. Further information is available at: <http://www.oyak.com.tr/english/about-oyak.html> (accessed 14 August 2007).

⁵⁴ Edwin R. Micewski, 'Civilian and Democratic Control of Armed Forces in South East Europe: An Analysis of the Stability Pact Self-Assessment Studies', in Eden Cole, Tim Donais and Philipp Fluri (eds.), *Defence and Security Sector Governance and Reform in South East Europe Self-Assessment Studies*, Regional Perspectives, (Berlin, Nomos Publishers, 2005).

<http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=fluri&lng=en&id=19101&nav1=4> (accessed 14 August 2007), p. 10.

part of a mandatory military education, which includes, patriotic education and basic military drills.⁵⁵

Provision of cartographical and meteorological services

Armed forces frequently provide cartographical and meteorological services which are used on a regular basis by both civilian authorities and the population at large. Militaries already conduct this work for their own purposes and are able to render these services effectively because they possess the requisite infrastructure and enjoy unprecedented access to the national territory. In Switzerland, the Federal Department of Defence runs 'Swisstopo,' which is the national topographical office, producing official maps.⁵⁶ Moreover, the Italian military provides regular meteorological reports which are then transmitted to the civilian authorities.⁵⁷

Improper roles

A final set of internal roles performed by some armed forces, which are not directly related to national security may be labelled as 'improper.' These are tasks which are beyond the legitimate use of armed forces and examples include the use of the armed forces to harvest vegetables, and to perform infrastructure improvements.⁵⁸ This type of role should be viewed as being outside the legitimate roles of armed forces for a number of reasons. Firstly, as Ferenc Gazdag suggests, the performance of these roles detracts from the primary mandate of armed forces and risks diminishing fighting readiness.⁵⁹ Secondly, armed forces may be exposed to the risk of becoming involved in corruption when fulfilling these tasks.⁶⁰ Finally, armed forces are neither trained engineers nor farmers, and are therefore unlikely to perform these tasks as efficiently as civilians.

Evaluation

The deployment of armed forces internally is perhaps more controversial than their use in external operations. A number of objections to the use of armed forces internally are worthy of discussion, these relate to: the lack of the competences in required tasks; the risk of overstretch; the politicisation of the military; and in some contexts there are also historical associations which raise concerns about the involvement of armed forces in society.

Armed forces are not primarily trained in many of the competences that are required to fulfil internal security roles. This problem is particularly pertinent in relation to the role of armed forces in providing assistance in maintaining public order. Soldiers are not trained in skills such as crowd control and public relations, and the gap between policing and military skills might create severe problems, including the risk that the military may use of force disproportionately.

⁵⁵ Federal Law No. 100-FZ of 21 July 2005 on Amendments to the Federal Law on Military Duty and Military Service and Article 14 of the Law of the Russian Federation on Education. See Center for the Development of Democracy and Human Rights, "Legislative Process in the State Duma: Human Rights Analysis", No. 90, 26 October 2005, <http://www.demokratia.ru/en/>. (accessed 2 August 2007).

⁵⁶ See <http://www.swisstopo.ch>. (accessed 15 August 2007).

⁵⁷ Forster p. 241.

⁵⁸ This was reported to be occurring in Russia in the 1990s, see CNN, 'Elite Troops Sent to Harvest Crops as Russia Falter,' September 1998, <http://www.cnn.com/WORLD/europe/9809/13/russian.army> (accessed 2 August 2007).

⁵⁹ Ferenc Gazdag, cited in Forster p. 243.

⁶⁰ *Ibid.*

In addition to lacking the relevant training for internal operations, the majority of CoE member state armed forces are already overstretched and simply cannot afford to spare troops for internal operations. If this argument is extended to its logical extreme, the commitment of armed forces personnel to internal operations could jeopardise national security, if troops are not available to safeguard against external threats to security.

The deployment of armed forces internally creates the potential for the military to either become politicised or to at least be viewed as being politicised by the public. This risks compromising the status of the military as politically neutral and independent from any specific political agenda. The deployment of the armed forces to support the police in managing civil disturbances is an example of where this problem may arise. Concerns about the politicisation of the military have also been raised in relation to the use of armed forces to substitute for civilian services during periods of industrial action.⁶¹

The involvement of armed forces in private business is also problematic. Participation commercial enterprises distracts the military from its core task of protecting national security and also risks the erosion of civilian budgetary control of the military because it enables the armed forces to be partly financed outside the treasury. There is also a risk that members of the military may be more likely to be involved in corruption if they are involved in business alongside their role in the armed forces.

In post-communist states these concerns are particularly salient, in light of the historical linkages between authoritarianism and the past use of the armed forces to protect regimes. Democratisation processes in these states have required extensive reform of the security sector to ensure that armed forces can no longer pose a threat to societies and are separated from politics. Therefore, the deployment of armed forces for maintaining public order risks sending the wrong signals to the population.

A further challenge facing post-communist CoE member states is that many of the new constitutions do not specifically articulate political responsibilities in relation to crisis management. At the same time, there is limited political precedent or experience in how to exercise political leadership regarding the use of the armed forces during domestic catastrophes.⁶² These issues were clearly highlighted by the management of the severe flooding that beset much of central Europe in 2002.

4. Conclusions

1. Each CoE member state enjoys the sovereign entitlement to define the mandate of its armed forces, subject to the constraints of international law, the national constitution, national law and national democratic decision-making procedures.

2 Since the Cold War, there has been a refocusing of defence and security policy in many CoE member states in response a changed international strategic environment and a new range of threats. There has been a move away from the focus on traditional military security to embrace a more comprehensive approach to security. Consequently, armed forces are increasingly mandated with a broader range of external and domestic security roles, beyond their traditional task of the territorial defence of the state.

3. The most significant external security roles of the armed forces of CoE member states include: defence against external threats, peacekeeping and crisis management operations, peace building operations and collective defence.

⁶¹ Forster p. 244.

⁶² Edwin R. Micewski, p. 6.

4. Armed forces are faced with two major challenges in the area of external security roles:

(a) As soldiers are primarily trained and equipped for territorial and collective defence, there is a potential gap between traditional military skills and the competencies required for peacekeeping and peace-building operations;

(b) In order to avoid overstretch of armed forces, the new range of tasks need to be balanced with the more traditional territorial and collective defence tasks.

5. Armed forces of CoE member states also perform a wide range of domestic security roles including military assistance in maintaining public order, military assistance in case of man-made and natural disasters, as well as roles not (directly) related to national security.

6. While carrying out domestic security tasks, armed forces should remain subordinate to the civil authorities, and if force is used it should be commensurate with the security needs and in accordance with the principles of subsidiarity and proportionality.

7. In the case of domestic conflicts and disputes, the deployment of the armed forces needs to be treated with caution, due to the risk of the politicisation of the armed forces.

8. The armed forces should exercise prudence when fulfilling roles that are not directly related to national security. These types of tasks may distract the armed forces from their primary national security functions, diminish combat readiness, and can erode the principle of civilian supremacy. Moreover, there are some tasks which armed forces should never carry out, these include, involvement in non-military related commercial activities, agricultural work and needless to say, any roles which are illegal.