



Towards an Open and Accountable NATO

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Thank you Jane - I am sorry that you have to put up with me for a second time today - but rest assured I am not on any of the panels tomorrow!

Back in those optimistic pre-Tea Party days in January last year, at a swearing-in ceremony for senior US officials, President Obama said, "For a long time now there's been too much secrecy in this city", adding, "Transparency and rule of law will be the touchstones of this presidency." "Starting today, every agency and department should know that this administration stands on the side not of those who seek to withhold information, but those who seek to make it known."

While President Obama was talking about Washington DC, he could have equally been referring to this city. And while most people equate a lack of transparency in Brussels with the institutions of the EU, it is my contention that there is an even greater democratic deficit at the heart of NATO. This deficit can be seen to exist at four levels:

1. *The lack of transparency on the inner workings of the Alliance.* Decisions of the North Atlantic Council (NATO's top authority) are expressed in communiqués but these are often bland and much other committee work goes unreported (e.g. the Military Committee, the Nuclear Planning Group). Moreover, most of the alliance's work takes place away from the glare of publicity in an assortment of projects involving over 400 specialised agencies, centres, committees, groups and panels.

2. *Secrecy and classification rules that are a legacy of the Cold War era.* NATO is the only major intergovernmental body not to have even a basic information disclosure policy. There have been a number of interesting developments in the 'right to know' field recently, including a new information disclosure policy adopted by the World Bank and an interagency task force review of national security classification policy in the United States. NATO, however, continues to be a closed and secretive organisation distant from the general public.

3. *Weak parliamentary and public oversight.* 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 constrained by difficulties of accessing relevant information. Further, the role of national parliaments in its arguably most important function—of assenting to policy—is particularly underdeveloped. Many parliaments simply lack the power of prior authorization of national involvement in NATO military operations or of determining the length of time of any such deployment. Given the proliferation of NATO missions, this is a significant failing. Further, because NATO lacks a dynamic treaty base (the North Atlantic Treaty remains essentially unaltered since its adoption in 1949) and legal system (akin to the EU) parliaments are rarely afforded the opportunity to debate and decide upon major initiatives within the Alliance. Executive prerogative often renders the positions of NATO members (and thus the eventually decisions reached within the Alliance) out of reach of parliamentary oversight. Finally, while many countries have held referenda on EU membership, few have held parallel votes on accession to the Alliance.

And in the case of the Strategic Concept review process, as far as I am aware, only in one Member State, Germany, was a parliamentary hearing held to discuss the draft. I don't know about you, but I find that woeful.

4. *Weak mechanisms of engagement.* The NATO Parliamentary Assembly is unelected and, despite its title, lacks a formal connection to the Alliance. NATO also entertains little serious engagement with civil society. Its public diplomacy is more a means of transmitting policy than involving scholars, non-governmental organisations (NGOs) etc. NATO has also worked in the field with NGOs e.g. in Kosovo and Afghanistan, but these bodies have no lobbying or policy-shaping roles.

This democratic deficit matters for a whole host of reasons. It could be disguising mistakes and inefficiencies, and certainly encourages “business as usual” or “Group Think”. It also increases the vulnerability and malleability of public opinion in foreign affairs - at a time when current security threats, as in Afghanistan, are a matter of perception and judgement rather than fact. Moreover, current NATO operations involve real and growing risks and costs that need to be adequately explored and debated.

I would stress that this ‘democratic deficit’ is by no means all of NATO’s doing - NATO’s public affairs and diplomacy division, for example, has attempted to bring the Alliance closer to the people and often uses creative forms of communication to do so - but within the limitations of NATO’s own disclosure mandate and with a clear public relations

remit. And the Secretary General Anders Fogh Rasmussen initially placed a welcome emphasis on public consultation in the process towards a new Strategic Concept, which he correctly describes as “by far the most open and the most inclusive process of policy development NATO has ever conducted”.

But in this regard NATO was starting from a historically low point of almost no consultation on earlier strategic concepts. And although NATO has generally surpassed expectations by organising a series of Harmel-plus type consultations, with the eminent persons group headed by Madeleine Albright at its heart, having published the Expert Group's analysis and recommendations, the transparency door slammed shut during the drafting and negotiation phase. While there may be a case for allowing governments to discuss finer points in private, not least to enable consensus building around some of the more contentious issues, it does threaten to undermine the whole transparency exercise. Moreover, indications are that as little as 90 minutes may be set aside for substantive discussions on all issues - the new Strategic Concept just being one item on an agenda that is also expected to include Afghanistan, missile defences and NATO-Russian relations. Again this is woefully inadequate executive oversight.

Another major problem is the dearth of what the *New York Times* describes as “the journalism of verification”: that is, discovering information, examining it for its truth and narrating it in a comprehensible way. Without such investigative journalism, there is a real danger of the official version of events becoming the only version. This is especially true when the media reproduce press releases from NATO or from the defence ministries of member states unchecked and unchallenged as the cheapest way to acknowledge new information. The contesting of official versions of civilian casualties arising from drone-strikes in Afghanistan and Pakistan is just one example of the important but diminishing role of good journalism.

The bottom line is that the vital habits of democracy are based around reliable sources of information and then deliberation and debate. NATO's purpose has to be clear to all citizens, and only then will they will be able to better hold it to account. So what needs to be done?

Four reforms are urgently required (and these are set out in the draft Citizens Strategic Concept). ***First, national parliaments in member states need to sharpen their scrutiny of NATO affairs.*** At a minimum, this means establishing a permanent standing parliamentary committee dedicated to NATO. In the UK, for example, there is a parliamentary European Scrutiny Committee, made up of MPs who assesses the legal and/or political importance of each EU document, decides which EU documents are debated, monitors the activities of UK Ministers in the Council, and keeps legal,

procedural and institutional developments in the EU under review. There is also a Foreign Affairs Committee and a Defence Committee, both of which cast their gaze on NATO from time to time – as might one or two of the other 30 or so UK parliamentary committees. There is also a non-parliamentary Intelligence and Security Committee, which reports to the Prime Minister and is staffed by officials from the Cabinet Office – and no doubt this also touches on intelligence sharing within the Alliance. But my point is this: if NATO is the cornerstone of British defence policy—at a great cost to both ‘blood and treasure’ (since April 2001 over £11 billion has been spent on military operations in Afghanistan, on top of the normal defence budget, and earlier this week the death toll of British troops in the conflict surpassed 300) — why is there no permanent standing committee dedicated to NATO?

Second, the democratic mandate of the NATO Parliamentary Assembly needs to be strengthened. In particular, there needs to be greater accountability and openness about how members are selected. We need candidates of independent mind. Candidates who enjoy cross-party support. And candidates who have command of their briefs. At a minimum, the NATO PA representatives should be on fixed term appointments and subject to some form of intra-parliamentary election process (similar to that which has just been introduced in the UK for select committee chairs).

Third, NATO should adopt an information openness policy consistent with the access to information laws already in place in the Alliance's 28 member countries. Such a policy should include 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.

The right of access to information is firmly established in international and national law as a human right and is essential for upholding the values which NATO was created to protect. It therefore applies to all national and international public bodies and should also apply to NATO. At the Lisbon Summit this weekend wouldn't it be good to see the Heads of State announce new rules on NATO transparency and ethics, and like President Obama, demand that officials disclose more information?

Fourth, since NATO has been unwilling to publish a working draft of the Strategic Concept, it should instead call upon Member State Parliaments to ratify the document agreed to in Lisbon, and require ratification by all 28 Member States

before it comes into effect. The NATO Secretary General should also be tasked with publishing an Annual Report on the implementation of the Strategic Concept – and a new Concept Paper should be published every five years.

In conclusion, in order to deepen and extend the shared values-base within the Alliance, NATO needs to become closer to its citizens. This means an updated, more open, transparent and accountable Alliance, appropriate to 21st century expectations. Parliamentary accountability within NATO requires clear and adequate mechanisms, and a relaxation of secrecy rules.

Thank you for listening and I look forward to a vigorous discussion.