

RESEARCH ARTICLE

When civilian control is civil: Parliamentary oversight of the military in Belgium and New Zealand

Philippe Lagassé* and Stephen M. Saideman

Norman Paterson School of International Affairs, Carleton University

*Corresponding author. Email: philippe.lagasse@carleton.ca

(Received 2 March 2018; revised 25 June 2018; accepted 13 August 2018; first published online 18 September 2018)

Abstract

This study introduces a new type of oversight in civil-military and executive-legislative relations: *community policing*. Building on principal-agent theory, this type of oversight emphasises trust rather than confrontation. To illustrate how community policing functions, the study examines how legislative oversight of military affairs operates in Belgium and New Zealand. Legislative defence committees in both countries rely on trust when overseeing the executive's handling of defence affairs. This allows these committees to perform their oversight function at low cost in terms of time and effort, but with a high degree of access to information. Community policing therefore combines the strengths of recognised 'police patrol' and 'fire alarm' oversight, while avoiding their respective weaknesses. However, since it relies on a higher degree of trust and cooperation between the principal and agent, community policing is inherently fragile.

Keywords: Military; Legislature; Oversight; Civil-Military Relations; Belgium; New Zealand

Introduction

In October of 2016, Russia accused the Belgian air force of killing civilians in Syria.¹ In many political systems, this might cause the opposition to attack the government either because they feel betrayed by the government's secrecy or because it is an opportunity to score points. Instead, Belgium's parliamentary committee overseeing secret operations met, sufficient information was provided to prove that the Russian accusation was baseless, and the opposition was then satisfied.² What could have been a conflict within Belgian politics and even a crisis in civil-military relations was quickly defused. This was possible because Belgium has a more cooperative form of civilian oversight over the armed forces. The usual approach to these issues starts with suspicion among and between the various actors responsible for managing one's armed forces,³ which makes the Belgian case puzzling.

¹'Pas de preuve d'un bombardement d'un F-16 belge en Syrie', *L'Avenir* (20 October 2016), available at: {http://www.lavenir.net/cnt/dmf20161020_00899551/la-russie-l-affirme-des-f-16-belges-ont-bien-bombarde-ale} accessed 25 June 2018.

²Sarah Freres, 'Bombardements en Irak et en Syrie: "Le manque de transparence belge profite à Daech"', *DH.Be* (22 March 2017), available at: {<http://www.dhnet.be/actu/faits/bombardements-en-irak-et-en-syrie-le-manque-de-transparence-belge-profite-a-daech-58d184a9cd70a15c9a49239f>} accessed 25 June 2018.

³See, for example, D. D. Avant, *Political Institutions and Military Change: Lessons from Peripheral Wars* (Cambridge: Cambridge University Press, 1994); D. D. Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005); Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge, MA: Harvard University Press, 2003); Peter D. Feaver, 'Crisis as shirking: an agency theory explanation of the souring of American civil-military relations', *Armed Forces & Society*, 24:3 (1998), p. 407; Peter Feaver, 'Civil-military relations', *Annual Review of Political Science*, 2 (1999), pp. 211–41; A. B. Zegart, *Flawed by Design: The Evolution of the C.I.A., J.C.S., and N.S.C.* (Stanford: Stanford University Press, 1999).

This article examines a neglected aspect of civil-military relations and legislative-executive relations: how emphasising trust and confidence building can produce a cooperative form of oversight. Studies of oversight in civil-military and legislative-executive dynamics tend to focus on tensions and crises. One of the reigning frameworks applied to these fields – principal-agency theory – starts with assumptions about information asymmetries and distrust, leading to concerns about shirking and moral hazard. While these points of departure and concepts are useful, they may cause analysts to overlook more cooperative relations between principals and agents. In situations where the principal trusts agents more, and agents are rewarded for living up to that trust, a type of oversight can result that demands limited effort from the principal owing to voluntary transparency from the agent.

Belgium and New Zealand illustrate a form of trust-focused oversight that is best labelled *community policing*. The existing principal-agent literature notes that legislatures use active police patrols or reactive fire alarms to ensure that defence officials and militaries respect the mandates and goals that legislators have assigned them.⁴ These types of oversight tend to rest on suspicion and confrontation towards the agent by the principal. Community policing, on the other hand, refers to oversight that emphasises a comparatively higher degree of trust and collaboration between the principal and the agent.⁵ The aim of community policing is not to detect the agent's shirking through intrusive measures or alerts, but to satisfy the principal's concerns that the agent is being transparent and to assure the agent that the principal respects their autonomy in return. Rather than stressing confrontation, as police patrols and fire alarms implicitly suggest, community policing relies more on confidence-building between the principal and agent.

To preview, community policing functions differently in the two states. In Belgium, it involves satisfying all political factions that they know what the defence minister and military are doing and why, while leaving the executive to set policy and make military decisions. In keeping with the nature of Belgian federalism and the country's factional political culture, the aim is to build confidence among Belgium's political parties. As a result, the Belgian parliament emphasises sharing information in secret committees that include representatives from these parties. The system focuses on making all parties and factions feel that they have been properly consulted and informed.

In New Zealand, by contrast, community policing involves ensuring that the defence ministry and armed forces operate and make decisions with a high degree of transparency and openness. The New Zealand parliament's Foreign Affairs, Defence, and Trade Committee reviews and scrutinises estimates and military acquisitions in a public setting, using unclassified information provided by the Ministry of Defence and New Zealand Defence Force. This process is enabled by the New Zealand government's efforts to increase transparency and establish a bipartisan defence consensus between New Zealand's major parties: these have reduced the level of contention around major policy questions. Underlying New Zealand's approach to community policing is the government's belief that confidence in its ability to control the armed forces is best achieved by showing parliament, and by extension the public, that the defence ministry and armed forces have nothing to hide.

This article contributes to the discussions of civil-military and executive-legislative relations by introducing community policing as an alternative form of oversight. While Belgium and New Zealand may not be very generalisable (we address this further in the conclusion), their experiences may inform our understanding of how oversight is conducted beyond the much-studied American example. We begin by discussing legislative oversight of the military in

⁴Mathew D. McCubbins and Thomas Schwartz, 'Congressional oversight overlooked: Police patrols versus fire alarms', *American Journal of Political Science*, 28:1 (1984), pp. 165–79; Feaver, *Armed Servants*.

⁵Gary J. Miller and Andrew B. Whitford, 'Trust and incentives in principal-agent negotiations', *Journal of Theoretical Politics*, 14:2 (2002), pp. 231–67.

principal-agent theory and how the concept of community policing contributes to the existing literature. Next, we outline its case selection, methodology, and data. We then turn to the Belgian and New Zealand cases. In the conclusion, we discuss the advantages and disadvantages of community policing as a type of legislative oversight.

Principal-agent theory and community policing

Principal-agent theory addresses the problem of how a superior (the principal) ensures that their subordinate (the agent) acts in the superior's interests and faithfully achieves the objectives of the superior, rather than allowing the agent to pursue their own interests or objectives. Simply put, the theory examines how the principal ensures that the agent 'works' rather than 'shirks'. The theory has proved useful for understanding interactions between legislatures and executives. As law-making bodies, legislatures can be understood as principals, while executives, as law implementing and enforcement bodies, can be cast as agents. Mathew D. McCubbins and Thomas Schwartz built on this logic to study how Congress oversees the executive in the United States. In addressing a common lament that Congress was failing to perform its oversight role, McCubbins and Schwartz argued that critics had failed to recognise that there are different types of oversight. Specifically, they noted that congressional oversight seemed to be lacking because observers expected to see active oversight efforts, while Congress was prone to conducting reactive oversight. In making this argument, McCubbins and Schwartz developed a model that differentiates between direct, active, 'police patrol' oversight and indirective, reactive, 'fire alarm' oversight. Congress, they found, is drawn to fire alarm oversight, which explains why critics who expected police patrols felt that congressional oversight was failing.⁶

Police patrol oversight is time consuming. It requires legislators to initiate examinations of executive activities in an effort to detect and remedy instances of officials acting contrary to legislative intent or objectives.⁷ However they are performed, police patrols require a significant investment on the part of the individual legislator or legislative committee. They function on the assumption that the executive may be shirking its responsibilities and must therefore be overseen by direct legislative interventions and investigations. Fire alarm oversight is less demanding. Instead of conducting routine interventions and investigations, legislators rely on other actors, such as auditors, whistleblowers, and the media, to alert them about problems within the executive. Once an alarm has been triggered, legislators can decide whether to examine the matter further or to simply demand that remedial action be taken. Fire alarms thus save legislators time and effort, since they need only react to complaints, rather than actively patrolling the executive.⁸

Principal-agent theory has proved useful when studying civil-military relations as well. The theory can be used to analyse how civilians control the military within the executive.⁹ The distinction between police patrols and fire alarms has also proved insightful in understanding how and why legislatures vary in their efforts to oversee military affairs in different countries.¹⁰ While certain legislatures arm their members with access to classified information on military

⁶McCubbins and Schwartz, 'Congressional oversight overlooked'.

⁷Ibid., p. 166.

⁸Ibid.

⁹Avant, *The Market for Force*; Feaver, *Armed Servants*; David P. Auerwald and Stephen M. Saideman, *NATO in Afghanistan: Fighting Together, Fighting Alone* (Princeton: Princeton University Press, 2014); Philippe Lagassé and Joel J. Sokolsky, 'A larger "footprint" in Ottawa: General Hillier and Canada's shifting civil-military relationship', *Canadian Foreign Policy*, 15:2 (2009), pp. 16–40; Zeki Sarigil, 'The Turkish Military: Principal or agent', *Armed Forces and Society*, 40:1 (2012), pp. 168–90; David Pion-Berlin and Harold Trinkunas, 'Civilian praetorianism and military shirking during constitutional crises in Latin America', *Comparative Politics*, 42:4 (2010), pp. 395–411.

¹⁰David P. Auerwald, 'Legislatures and civil-military relations in the United States and the United Kingdom', *West European Politics*, 40:1 (2017), pp. 42–61; Philippe Lagassé and Stephen Saideman, 'Public critics or secretive monitors: Party preferences and legislative oversight of the military in Canada', *West European Politics*, 40:1 (2017), pp. 119–38.

matters, allowing them to pursue effective police patrols, others leave legislators to work with publicly available information, which leads them to rely on fire alarms when overseeing the armed forces.

Yet, existing principal-agent theories also face important limitations. The assumption that the legislature is the principal and the executive is the agent does not always hold.¹¹ In majoritarian parliamentary systems, the executive is often made up of a party holding a majority of seats in the lower house, and the governing party usually dominates the operations of the legislature. When strong party discipline is also present, the task of overseeing the executive is largely left to opposition parties that do not command a majority and cannot use all of the tools available to the legislature, owing to dominance of the governing party. Indeed, they may have little control of the agenda, limiting their ability to engage in any oversight. In such instances, the notion of a legislative principal and executive agent fails to capture the actual power relations and institutional realities at play. A similar phenomenon can occur in proportional parliamentary systems where a coalition government has formed. If the coalition partners have agreed to work together for the life of a parliament, and party discipline is strong, the governing coalition can control both the legislature and executive.

A second problem is the assumption that the principal and agent will find themselves in a confrontational relationship.¹² Although this assumption may hold in systems that rely on checks and balances between a separate executive and legislature, it becomes more problematic in parliaments that fuse the two and where governments depend on the confidence of the legislature to remain in power. In fused, confidence-based systems, the adversarial and competitive relationship is not between the legislature and executive, but between the government and opposition. When the government holds a minority of seats in the legislature, then the relationship between the parliament and executive will be more adversarial and can resemble that of a separated system. But when a governing party or coalition holds a majority of seats, most of the legislature will be working cooperatively with the executive, and the adversity and competition will be restricted to the government-opposition dynamic. This suggests that, under certain conditions, the legislative/principal-executive/agent relationship may be cooperative, except when the opposition interacts with the governing party or coalition.

In light of these shortcomings, this article proposes a third form of principal-agent oversight: *community policing*. When used in law enforcement, community policing is characterised by an emphasis on greater trust and collaboration between the police and communities.¹³ Introducing this notion in a principal-agent context is meant to explain oversight that focuses on confidence-building and cooperation. This builds on Gary J. Miller and Andrew B. Whitford's challenge to principal-agent relations. While Miller and Whitford focus on how trust may be more efficient than incentives, we suggest that variations in trust may lead to choosing different oversight strategies.¹⁴ American President Ronald Reagan was fond of quoting an apparently Russian maxim: 'trust but verify'. He, of course, said this in the context of US-Soviet arms control, where trust was scant. Reagan would not have said this when considering situations of greater trust,

¹¹Thomas Saalfeld, 'Members of parliament and governments in Western Europe: Agency relations and the problems of oversight', *European Journal of Political Research*, 37:3 (2000), pp. 353–76.

¹²Miller and Whitford, 'Civilian praetorianism'.

¹³Bureau of Justice Assistance, *Understanding Community Policing: A Framework for Action* (Washington, DC: Department of Justice, 2014).

¹⁴We follow Auerswald and Saideman (*NATO in Afghanistan*) in considering a delegation contract (the agreement, formal or informal between the principal and agent) to consist of four parts: agent selection, allocation of discretion, the form of oversight, and incentives. Much of the principal-agent literature focuses on incentives as Miller and Whitford, 'Civilian praetorianism' note. Other scholars have argued that the findings about trust do not necessarily challenge principal-agency logics, but instead the insights can be incorporated. See Manuel Beccerra and Anil K. Gupta, 'Trust within the organization: Integrating the trust literature with agency theory and transaction costs economics', *Public Administration Quarterly*, 23:2 (1999), pp. 177–203.

Table 1. Trust and oversight strategies.

Trust	High	Moderate	Low
Form of oversight	Community policing	Fire alarms	Police patrols

such as US-European trade relations. Thus, we suggest that the form of oversight can vary with the degree of trust (Table 1).

While there is often a mix of oversight strategies, we expect that politicians will rely on less intrusive means of oversight if they are relatively confident that the agents are transparent and cooperative.¹⁵ Conversely, if the relationship is fraught with suspicion, the principals will invest in costlier strategies to oversee the agents, such as police patrols. In the civil-military relations context, commissars serving in most, if not all, military units may prove necessary when distrust is quite high.

When applied to legislative-executive relations, community policing refers to oversight that is meant positively to assure legislators that the executive is honest and transparent in exchange for respecting the executive's autonomy. The legislators' interest in this context remains the same: to ensure that the executive is acting in accordance with the law and the legislature's intent. But the legislature emphasises carrots rather than sticks under community policing. While police patrols can use rewards as well,¹⁶ community policing places far more weight on this type of incentive. Under community policing, the aim is to reward transparency from the executive.

Trust and transparency involve collaborative oversight methods as well. While police patrols rely on intrusive investigations and hearings, community policing relies on 'walking the beat': routine but respectful tours of the neighbourhood that involve gathering and sharing information with members of the community. In a legislative context, 'walking the beat' is analogous to regularly scheduled, informative committee hearings and reviews of departmental reports and budgets. Legislators are kept informed, and they agree not to act unduly confrontational when questioning the executive. The executive, in turn, provides as much information as it can, based on the promise that its autonomy will be respected. The level of effort required by community policing is, therefore, fairly low. Instead of engaging in direct interventions or investigations, the principal relies on a free disclosure of information from the agent. There is no need to undertake onerous oversight, since the agent is expected to be collaborative and transparent.

Community policing sees the principal and agent working together to remedy a situation or achieve an outcome. In turn, community policing depends on the agent readily admitting when there is a problem in exchange for a collaborative approach to solving it. The agent is rewarded by retaining a relative degree of autonomy after the problem is solved and the principal is satisfied that the agent is not shirking. This collaborative approach relies on rewards and eschews sanctions to incentivise the desired behaviour from the agent. It is this avoidance of punishment when problems are transparently disclosed that underlies the agent's willingness to be transparent. Specifically, just as the principal trusts that the agent will be honest, the agent trusts that the principal will be forgiving when errors and mistakes are disclosed. 'Trust generates the willingness to become vulnerable to another ...'.¹⁷

Community policing does not eliminate fire alarm triggers, but it reduces the need for them. By encouraging agents to act transparently when reporting to the principal about their activities and problems, community policing makes leaks, freedom of information findings,

¹⁵In a larger project, we consider even more cooperative forms of principal-agent relations: cheerleading and collusion, where oversight is actually non-existent or undermined.

¹⁶Feaver, *Armed Servants*.

¹⁷Beccerra and Gupta, 'Trust within the organization', p. 183.

Table 2. Forms of oversight.

Oversight	Police patrol	Fire alarm	Community policing
Approach	Confrontational	Confrontational	Collaborative
Effort	High	Low	Low
Information access	High	Low	High
Tools	Sanctions and rewards	Sanctions	Rewards

and media reports less likely to contain previously unacknowledged concerns. Similarly, when an agent acts transparently, whistleblowers will emerge less often and only for more serious scandals. As with problem solving, the transparency involved in community policing relies on the agent not being punished if they openly report an issue to the principal. The trust that underpins community policing thus depends on proactive disclosures from the agent and a sympathetic response from the principal. Hence, community policing seeks to provide the principal a high level of information with less effort and conflict than intrusive police patrols. Both forms of oversight seek to address the fundamental problem of principal-agent dynamics – information asymmetry – but via very different strategies due to variations in trust.

Community policing is likely to emerge in coalition governments where multiple parties participate in the government. It allows members of the governing coalition to oversee the executive, but not in a confrontational manner. While the opposition may still attempt to embarrass or sanction the government, they will be poorly placed to do so unless the governing coalition lacks a majority of seats. In coalition governments, a majority of committee members may seek to cooperate with the executive, while still performing an oversight role. The executive, for its part, is aware that it must maintain the confidence of the legislature, and if a coalition government, unity among its members. Having the legislature engage in community policing serves to assure backbench and coalition members that the government is fulfilling its responsibilities, and thus that it should remain in power. When problems arise, moreover, the executive can admit to them, knowing that its party or coalition members will help to resolve them in a collaborative fashion or allow the government to handle the situation on its own.

A division of labour can still take place in legislatures where committees undertake community policing. Police patrols may be assigned to auditors or accounting officers working for the legislature. Opposition parties will still perform fire alarm oversight, using media reports, leaks, or whistleblowers to critique government policy and demand remedial action. But under a coalition, a committee's reaction to these police patrols and fire alarms will be collaborative. Provided that the executive provides a satisfying response to the concerns and a commitment to improve, the committee will not seek to punish the government. Instead, the aim will be to find a solution that satisfies both the legislative majority and the executive; since they will be part of the coalition, finding this solution should not be difficult, unless the executive has failed to live up to its side of the bargain and deliberately misled the committee. Only when a solution cannot be found, or deliberate deception has occurred, would community policing be abandoned and harsher sanctions pursued.

In sum, community policing adds to the principal-agent theory's existing categories of police patrol and fire alarm oversight (Table 2). Offering a type of oversight that emphasises confidence-building and collaboration over adversarial investigations and sanctions, community policing can help to account for oversight efforts in states where the coalition governments control both branches, and certain parts of the executive are not easily patrolled by a legislature acting alone.

Table 3. Case study interviews.

Country	Govt MPS	Opp MPs	Ministers and advisors	Military leaders	Defence bureaucrats	Auditors	Committee secretaries
Belgium	1	3	4	5	N/A	0	1
New Zealand	2	3	2	4	4	3	1

Cases, methodology, and data

The aim here is to clarify what community policing is and how it can explain one potential pattern of oversight. The cases below are not designed to test the concept, but to illustrate it.¹⁸ The discussion above suggests that the concept would most likely apply to parliamentary systems that routinely produce coalition governments. Parties in these types of parliaments are accustomed to collaborating among each other when governing and formulating policy. These parliaments often see governments formed for various parties within a range of the ideological spectrum, rather than breaking sharply between left and right. As a result, coalition producing parliamentary systems may be habituated to trust and collaboration between and among political actors.

Conversely, we would not expect community policing in presidential systems where confrontation between the legislative and executive branches is institutionally entrenched, such as the United States. While cooperation also features prominently in presidential systems that rely on a separation of power, legislators are expected to maintain a notable degree of scepticism towards the executive. Nor would we expect community policing to operate in parliamentary systems where governments are typically formed by a single party, such as Canada.¹⁹ In these systems, the government-opposition dynamic tends to lead to higher degrees of confrontation and distrust. Indeed, confrontation and distrust will be especially prevalent in parliamentary systems that operate with ‘winner takes all’ electoral systems that discourage parties from cooperating.

To be clear, we do not view coalition governments as sufficient conditions, as trust and distrust can vary.²⁰ However, parliamentary systems that rely on cooperation between parties may be a necessary condition for community policing to emerge. As well, a community policing approach to legislative oversight of the military may be more likely in small countries that feature greater interpersonal connections between politicians, and where defence matters are considered high priorities by the government or the voting public.

To examine how community policing may apply, we selected two most likely cases: Belgium and New Zealand. The two cases are sufficiently similar that we can see how community policing applies, but also have enough differences to show that it works in more than one way.

These countries operate with either a Westminster system (New Zealand) or a Westminster-derived system (Belgium). A hallmark of the Westminster tradition is that Parliament expresses confidence in a government, but the executive is largely in control of its own affairs as long as it holds that confidence. Equally important, the Chamber of Representatives in Belgium and House of Representatives in New Zealand are elected under proportional representation systems, and their governments have tended to be coalitions. Both countries also have strong party discipline and multiple parties.

¹⁸To be clear, our intent is not to use most similar cases to test hypotheses. B. Geddes, ‘How the cases you choose affect the answers you get: Selection bias in comparative politics’, *Political Analysis*, 2:1 (1990), pp. 131–50; A. L. George and A. Bennett, *Case Studies and Theory Development in the Social Sciences* (Boston: MIT Press, 2005); J. S. Levy, ‘Case studies: Types, designs, and logics of inference’, *Conflict Management and Peace Science*, 25:1 (2008), pp. 1–18.

¹⁹Lagassé and Saideman, ‘Public critics or secretive monitors’.

²⁰We return to the scope of this approach in the conclusion.

In addition, both Belgium and New Zealand are constitutional monarchies where the armed forces are formally under the command authority of the monarch but actually under the control of a minister of the crown. This means that Parliament does not share control of the military or responsibility for defence policy with the executive. Parliament merely holds the executive to account for its defence policies and how well it controls the military. Both countries are small powers with militaries of modest means and capabilities. Defence is not a salient political issue in either Belgium or New Zealand, though major procurements and military deployments have attracted attention and sparked debate in their parliaments and within the wider public.²¹ In addition, both countries experienced significant events that led to greater parliamentary involvement in military affairs with an aim towards increasing trust and confidence in how ministers and officials were managing the defence portfolio.

There are notable differences between Belgium and New Zealand, but these are useful for identifying factors that affect how their legislative oversight efforts differ. Belgium is a federation with strong regional cleavages. There is an expectation and tradition that major decisions are made in a consultative fashion, with the various 'pillars', that is, regional and political factions, having their views heard. Indeed, with a bicameral federal parliament, various regional parliaments, and various levels of government, Belgian politics operates with an underlying propensity towards consultation and coalition-building.²² The public's interface with politics and the public sphere, moreover, happens through these 'pillars': political parties, unions, or other associations. The Belgian state and its democracy rely heavily on these pillars to represent the interests of their constituents and members.²³ Indeed, the Belgian political system has been described as a 'partitocracy', rather than a democracy.²⁴ Belgium's political parties, in turn, compete for small swings in the percentage of votes that they can win from their particular regional and linguistic pool, but are largely concerned with negotiating with other parties to form governments and agree on a set of policies that the coalition will pursue.

New Zealand is a unitary state with a single, unicameral parliament. Prior to moving towards proportional representation, the New Zealand executive was considered one of the most dominant in the Westminster tradition. Yet even with the introduction of mixed-member proportional (MMP) representation, the executive remains the dominant institutional actor. Although MMP now virtually ensures that governments will be coalitions, the prime minister and Cabinet remain the most powerful players in the executive and the legislature. Since the introduction of MMP, governments have oscillated between coalitions led by the right wing National Party and left wing Labour Party. Although New Zealand's smaller parties are able to engage in policy-seeking and office-seeking behaviour owing to MMP, National and Labour are largely motivated by vote-seeking.²⁵ This in turn ensures that the two largest parties give significant weight to public opinion and to courting moderate voters. A relatively small shift in the popular vote can make the difference between a National or Labour led coalition, which places the voting public at the centre of these parties' concerns. Yet it further means that both parties recognise that they will inherit programmes and policies from their predecessor, which has encouraged greater bipartisanship in certain policy areas, such as defence.

Semi-structured interviews were used to analyse Parliament's role in overseeing military affairs in both countries. Interviews were requested with all members of legislative committees

²¹Interview with *Mouvement Réformateur* political advisor, 17 November 2016.

²²Interview with Sébastien Pirlot, *Parti Socialiste*, 16 November 2016; interview with defence policy advisors, Office of the Belgian Defence Minister, 16 November 2016.

²³Interview with defence policy advisors, Office of the Belgian Defence Minister.

²⁴On Belgium as a 'partitocracy', see Liven De Winter, 'Parliament and government in Belgium: Prisoners of partitocracy', in Philip Norton (ed.), *Parliaments in Contemporary Western Europe* (London: Frank Cass, 1998) and Wilfred Dewachter, *De Mythe van Parlementaire Democratie* (Leuven: Acco, 2003).

²⁵Kaare Strøm, 'A behavioral theory of competitive political parties', *American Journal of Political Science*, 34:2 (1990), pp. 565–98.

that oversee military affairs, serving and former defence ministers and ministerial advisors, serving and retired military leaders and defence officials, public sector auditors who are assigned the defence portfolio, and the secretaries of their military-focused parliamentary committees. Successful interviews were conducted with individuals from each category.²⁶ These interviews were supplemented with primary documentation, such as committee transcripts and reports, and secondary sources, including academic literature and interviews with subject matter experts.

Belgium: Satisfying stakeholders

Civilian control of the military is largely an executive concern in Belgium.²⁷ The prime minister and the council of ministers provide the overall direction for government policy, including defence.²⁸ The council also reviews the defence budget and major military acquisitions, and a quasi-independent financial review body within the executive, l'Inspecteur des Finances, provides an evaluation of defence procurement programmes for ministers.²⁹ Control of the military is the responsibility of the defence minister and the defence minister's office, which includes political advisors, civil servants, or military officers.³⁰ There is no civilian defence department in Belgium. The armed forces are charged with providing policy advice and managing defence acquisitions, along with conducting operations and readying and generating forces.³¹ Despite the absence of a defence department, civilian control of the military is not in doubt,³² and the defence minister's office contends that it maintains a proper degree of control over the military.³³

Parliament's role in Belgian military affairs is multifaceted. The legislature's first defence-related function is the budget. Given that government formation involves the negotiation of an agreement between parties, budgets are guaranteed to pass unless coalition members defect. Nonetheless, opposition parties will critique and question the government's budgetary proposals, including defence allocations and plans. Parliament's second defence role is legislative. Bills related to defence will be voted on by the legislature after being scrutinised by the national defence committee (Commission de la défense nationale). Accountability and oversight are Parliament's third defence role. Governments can be held to account for military matters by opposition parties during plenary sessions of the House of Representatives (Chambre des représentants). Belgium's national audit office, the Cour des Comptes, also provides audits of various defence-related matters to Parliament. But it is the primarily the national defence committee's duty to hold the defence minister to account and to oversee military affairs.³⁴

The national defence committee is a permanent body that almost always operates in public, without access to classified information. It is chaired by a member of the governing coalition and a majority of its members belong to the coalition as well. The focus of the committee's oversight functions is the defence minister. Only the defence minister appears before the committee on a

²⁶Belgium does not have a civilian defence department.

²⁷Interview with Lieutenant General Philippe Grosdent, Belgian Military Representative to NATO, 15 November 2016.

²⁸The prime minister and deputy prime ministers, however, ultimately decide the most sensitive matters among themselves. Interview with Mouvement Réformateur political advisor.

²⁹Interview with Luc Peetermans, Committee secretariat, Chambre des représentants, 17 November 2016; interview with Major General Rudy Debaene, Director General Material Resources, 18 November 2016.

³⁰The choice to staff official positions in the office with civilians or military officers belongs with the minister and has varied. Interview with Grosdent.

³¹For an overview of the decision-making procedures for operations, see Cour des Comptes, 'Tier des enseignements des opérations militaires à l'étranger', November 2010; interview with Colonel Christophe Closset, Head of Defence Policy, 16 November 2016.

³²Interview with Professor Alexander Mattelaer, 16 November 2016.

³³Interview with defence policy advisors, Office of the Belgian Defence Minister.

³⁴Interview with Pirlot.

regular basis, and if members of the armed forces do appear before the committee,³⁵ they do so as representatives of the minister. The committee is not involved in directly overseeing the military and cannot be said to contribute to civilian control of the armed forces, except by holding the minister to account and reporting on military matters.³⁶

Having the chair and a majority of members belonging to the same coalition as the minister ensures that the committee has little incentive to conduct probing police patrols. Owing to strong party discipline and an incentive structure that rewards party loyalty, coalition members are not inclined to embarrass the government or strongly critique its policies or performance. Rather, coalition members pursue a community policing approach to oversight, questioning the minister in a cordial fashion and outlining ways that the defence portfolio can be improved without going against government policy. Each group that belongs to the coalition can bring their own party's particular concerns and agenda to their oversight role, and secure answers and information from the minister, without undermining the government's cohesion.³⁷ Hence, a community policing approach allows the coalition members to fulfil their parliamentary oversight role, and to 'walk the beat' around the defence portfolio, while also permitting them to help the coalition and demonstrate their loyalty to their party, which can lead to future promotions, such as a committee chairmanship.³⁸

The task of offering more robust critiques of government policy and the minister's performances falls to members from the opposition parties. Since they do not have a majority on the committee or the chair, the opposition members are not in a position to direct the committee towards police patrols. Instead, opposition members are drawn to fire alarm oversight. They rely on reports from the Cour des Comptes, leaks, media reports, and information that they have gathered in secret-cleared committees to highlight problems within the defence portfolio and to question the minister's performance. Fire alarm oversight, moreover, accords with their party and individual preferences. Publicly pointing to problems with the government handling of defence affairs helps the opposition parties' electoral prospects, and demonstrating that an effective criticism raises an opposition member's status in the party.³⁹

An overtly partisan body, the national defence committee operates with an evident government-opposition dynamic. It offers defence ministers an opportunity to explain their priorities and efforts to a sympathetic majority that is intent on advancing the government's overall agenda through its community policing oversight. The trust coalition members bring to their oversight function means they avoid confrontations with the minister, while allowing the various coalition partners to advance their particular concerns and priorities. Opposition members, meanwhile, attempt to advance their own individual reputations and their party's electoral prospects by attracting media attention to the government's failings. The committee is thus a partisan sparring ground, where coalition members cooperate with the defence minister to show that military affairs are being handled well, and the opposition members attempt to sow doubt about the minister's performance.

Although the national defence committee is the public face of parliamentary oversight of Belgian military affairs,⁴⁰ two other committees complement its role and arguably serve more significant functions. From the late 1980s to the late 1990s, the Belgian defence community faced a significant military procurement scandal. Ministers and government officials were accused of taking bribes from the Italian helicopter manufacturer Augusta and the French aircraft firm Dassault. The bribes led to a larger order of helicopters and preferential treatment for Dassault in

³⁵Opposition parties recently attempted to pass legislation that would make the Chief of Defence appear before the national defence committee on a regular basis. It failed to pass.

³⁶Interview with Grosdent.

³⁷Interview with *Mouvement Réformateur* political advisor.

³⁸Interview with defence policy advisors, Office of the Belgian Defence Minister.

³⁹Ibid.

⁴⁰Interview with Pirlot.

retrofitting Belgium's F-16s.⁴¹ In response to the scandal, a special parliamentary committee on military acquisitions and sales was established, the Commission des achats et ventes militaires.⁴² This committee, which has access to classified information, is charged with scrutinising acquisition projects before and after they enter market analysis. The committee then reports on the acquisitions to the council of ministers at both stages. Although the committee's reports do not bind the government, they are an important means of assuring the council that a procurement has the support of the committee and of the various parties that are represented on it.⁴³

The secret-cleared military acquisition and sales committee operates in a less partisan and confrontational manner than the national defence committee.⁴⁴ Although members of the opposition parties have occasionally leaked information from this committee in order to embarrass the government, these instances are relatively rare, frowned upon, and accompanied by sanctions.⁴⁵ One member who was found to have leaked information was removed from the committee.⁴⁶ For the most part, the opposition parties view the committee as an opportunity to assure themselves that a military procurement is not unduly favouring one region, as happened under a previous minister.⁴⁷ As well, it allows them to gain confidence that the expenditures related to the procurement are warranted and that the military's requirements were soundly devised. Coalition members also benefit from knowing that a procurement is fair to their regions and constituents.⁴⁸ In addition, the committee allows coalition members to identify any problems with a procurement, and warn government ministers about them, before they create problems or a scandal in the future. Interviewees noted that the committee allows the parties to feel that they have been consulted about major military acquisitions and to have a greater trust that their regions and constituents are being treated fairly in the procurement process.⁴⁹

Unlike the national defence committee, the main witness at the acquisition and sale committee is the military's head of materiel resources. The military see the committee as a collaborative body, one that allows the armed forces to build support for their procurements, but also receive feedback on potential problems and pitfalls. According to the head of military resources, his appearances serve to build trust in his programmes among the various parties.⁵⁰ His briefings to the committee, and the question and answer sessions, foster mutual respect between the armed forces and the political groups in Parliament. While the committee does experience some partisan bickering, and the military needs to be mindful of the political agendas in the room, it has nonetheless succeeded as a confidence-building measure between the military and Parliament, and the governing and opposition parties.⁵¹

Community policing best describes the type of oversight conducted by the military acquisitions committee. The committee 'walks the beat' around major defence procurements. It engages with the military officer responsible for acquisition in a cordial manner and seeks to inform itself about projects.⁵² For its part, the military provides the committee with the information it requests, in hopes of demonstrating that projects are sound and worthy of support.⁵³ Both the committee and the military work cooperatively to address concerns that arise.⁵⁴ Although the

⁴¹Craig R. Whitney, 'Belgium convicts 12 for corruption on military contracts', *The New York Times* (24 December 1998).

⁴²Interview with Debaene.

⁴³Interview with Peter Buysrogge, *Nieuw-Vlaamse Alliantie*, 17 November 2016.

⁴⁴Interview with Pirlot; interview with Buysrogge.

⁴⁵Interview with Benoit Hellings, *Ecolo-Groen*, 14 November 2016.

⁴⁶Interview with Debaene.

⁴⁷Interview with Peetermans.

⁴⁸Interview with Grosdent.

⁴⁹Interview with Pirlot; interview with Debaene.

⁵⁰Interview with Debaene.

⁵¹Interview with Buysrogge.

⁵²Ibid.

⁵³Interview with Debaene.

⁵⁴Interview Pirlot.

committee is not free from partisanship, the atmosphere is generally cordial.⁵⁵ Most of the parties and members see the committee as an opportunity to inform themselves about defence procurements,⁵⁶ and gain assurances that no regions are being unfairly advantaged and no individuals are gaming the system for their benefit.⁵⁷ The council of ministers, in turn, benefits from all party advice at the beginning and end of a project's market analysis.⁵⁸ A community policing approach allows the committee to perform its oversight function while benefiting all the actors and stakeholders involved.

When asked why they felt that it was important that the acquisitions committee exist, members stated that it was important to have proper consultation with all the parties for defence procurements.⁵⁹ They were also unconcerned by the fact that the committee operates in secret and that it advises the council of ministers, rather than Parliament. What mattered was that the different parties were involved to protect their regions and represent their ideological perspectives. Members further noted that the committee's access to classified information made them better informed and helped them become better parliamentarians.⁶⁰ Specifically, since the acquisitions committee is a small body made up of members who almost all sit on the public national defence committee, these members believed that the secret committee allowed them to ask better, more informed questions at public committee hearings. Indeed, for the opposition parties in particular, having access to classified information was considered important so that they could effectively perform their accountability function on the public committee, even if they could not disclose secrets in public.⁶¹

In 1994, Belgian paratroopers were killed in Rwanda at the beginning of the Rwandan genocide. As a result of this tragedy, a parliamentary committee on expeditionary military operations was created. Originally housed in the Senate, the committee was moved to the Chamber in 2014. However, the committee has kept the same chair, Francis Delpérée, since its inception. Delpérée left the Senate for a seat in the Chamber the same year that the committee moved. His chairmanship has brought continuity to the committee and its proceedings.⁶² Indeed, he was retained as the chair of the committee under the current coalition, despite being a member of an opposition party. The committee meets at least once a month when Belgian forces are deployed abroad.⁶³ The defence minister briefs the committee personally, and a senior military officer who accompanies the minister provides technical details upon request.⁶⁴ The committee's role is to oversee expeditionary missions and keep members informed of the mission's objectives, successes, and setbacks, as well as the military's rules of engagement and other operational details that may be of interest.⁶⁵ In order to allow the committee to have a comprehensive understanding of the military's activities, members are granted access to classified information and the proceedings occur *in camera*.⁶⁶

Although the committee has been the subject of notable leaks, and the Cour des Comptes and opposition members note that the committee could provide better information,⁶⁷ its value for

⁵⁵Interview with Debaene and interview with Buysrogge.

⁵⁶Interview with Hellings.

⁵⁷Interview with Pirlot.

⁵⁸Interview with Debaene.

⁵⁹Interview with Pirlot.

⁶⁰Interview with Hellings.

⁶¹Ibid.

⁶²Interview with Francis Delpérée, Centre démocrate humaniste, 16 November 2016.

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Interview with Delpérée; interview with Grosdent.

⁶⁶Interview with Delpérée.

⁶⁷The Cour des Comptes noted that the government could provide better justifications for the initiation of operations. See Cour des Comptes, 'Tier des enseignements des opérations militaires à l'étranger', p. 23.

both the government and opposition has been recognised.⁶⁸ For the opposition parties, the operations committees allows them to be informed about military missions, and to conclude that they are being consulted and that any questions they may have are being answered.⁶⁹ Because the executive has the authority to deploy forces without Parliament under the Belgian constitution, parliamentary votes on military deployments are only required during caretaker governments. As argued by Daan Fonck and Yf Reykers, moreover, when the executive has held votes, these parliamentary consultations are meant to build support for the government's policy and decision.⁷⁰ Therefore, the committee is one of the only means that the opposition has to exercise influence over the conduct of operations and to gain detailed information about how operations are being conducted.⁷¹

Given the secrecy surrounding military missions, the committee offers the opposition the ability to question and hold the minister to account for classified matters.⁷² For members of the governing coalition, the committee serves to reassure the parties that the minister is being transparent about missions and their objectives.⁷³ Coalition members can also be reassured that the minister is taking steps to avoid mistakes or casualties that could undermine confidence in the government or the operation. Equally important, the committee gives members of all parties a sense that they are being consulted and kept informed about military operations, which interviewees said was essential for fulfilling their role as parliamentarians and representatives.⁷⁴

For the government, the operations committee diminishes the chances that opposition parties will criticise military deployments after they are underway. Since the opposition is kept informed about the operations, they cannot claim that they are being kept completely in the dark, but nor can they reveal sensitive information that might embarrass the government. The government can also use the operations committee to assuage concerns or correct misperception. Recently, for instance, the Russian government accused Belgian forces of having killed civilians in Syria. The government immediately convened the operations committee and presented members with evidence that the charge was false. While members could not discuss the details of what they had learned, they could publicly state that they were satisfied that the Russian government's accusation was incorrect. A potential scandal was addressed before it could take root.

Belgium's military benefits from the operations committee as well. It offers the armed forces a chance to highlight their accomplishments and efforts to all parties in Parliament. Furthermore, it allows the military to highlight any capability deficiencies that they have, and the effect that these shortfalls are having on operations. The military, therefore, uses the committee to build confidence in their abilities, as well as lobby for more resources.

Community policing best describes how the expeditionary committee conducts oversight. The underlying aim of the committee is to provide members with information and assurances about how the Belgian armed forces are conducting their missions. Monthly meetings allow the committee to 'walk the beat' around Belgian operations. In so doing, the committee serves to build trust and confidence between Belgians political parties, the defence minister, and the armed forces. Since the committee has access to classified information, members are not able to discuss everything they have learned in public, but the presence of all parties satisfies the norm that all factions be consulted and kept in the loop. When potential problems or scandals arise, the

⁶⁸Yf Reykers and Daan Fonck, 'Who is controlling whom? An analysis of the Belgian federal parliament's executive oversight capacities towards the military interventions in Libya (2011) and Iraq (2014–2015)', *Studia Diplomatica*, 68:2 (2015), pp. 91–110.

⁶⁹Interview with Delpérée.

⁷⁰Daan Fonck and Yf Reykers, 'Parliamentarisation as a two-way process: Explaining prior parliamentary consultation for military interventions', *Parliamentary Affairs* (2018), pp. 1–23; advanced article available at: doi:10.1093/pa/gsx081.

⁷¹Interview with Hellings; Interview with Delpérée; Reykers and Fonck, 'Who is controlling whom?'

⁷²Interview with Hellings.

⁷³Interview with Mouvement Réformateur political advisor.

⁷⁴Interview with Hellings and interview with Pirlot.

committee allows the government and opposition to address them in a cooperative fashion, as the case of the Russian accusation demonstrates. Opposition parties often publicly state that they still have concerns following a committee, which is to be expected in a partisan setting, but the committee can keep such tensions at a rhetorical level. Indeed, while the Green Party (*Écolo-Groen*) feels that too much secrecy surrounds military operations and that these missions should be debated more openly at the national defence committee, they nonetheless held that the process provides parties with sufficient insights into Belgium's military activities.⁷⁵ Similarly, as noted by Fonck and Reykers, although the minister and military are careful not to disclose more information than is necessary, they ultimately benefit from exposing the opposition to classified information.⁷⁶

Belgium's community policing approach differs from what we might expect from 'police patrol' oversight in the following ways. Rather than conducting in-depth investigations of procurements and operations, the Belgian committees survey the state of affairs with the help of the government. The aim of the committees is not to identify or correct shirking on the part of the executive or the military; rather, the aim is to keep the legislature, and as a result all the major parties, informed. Similarly, the committees do not call specific witnesses or demand information from the government or military. Instead, they work with the executive and military to identify the best official or officer to brief them.

In summary, parliamentary oversight of military affairs in Belgium relies heavily on community policing oversight. This approach characterises how the government and coalition partners interact at the national defence committee. It also captures how the two security-cleared committees approach their oversight of military acquisitions and expeditionary operations. The committees build trust, however uneasily, between Belgium's political parties, the defence minister, and the armed forces. This approach works because of an underlying sense that stakeholders should be consulted, even if they cannot publicly disclose what they have learned.

New Zealand: Nothing to hide

As in Belgium, civilian control of the military is largely an executive matter in New Zealand. Responsibility for the armed forces and defence affairs belongs with the minister of defence.⁷⁷ The minister works with a civilian Ministry of Defence (MOD) to formulate defence policy and manage military procurements, while the New Zealand Defence Force (NZDF) conducts operations under the minister's control. Owing to the doctrine of collective ministerial responsibility, the prime minister and Cabinet partake in major defence decisions and in setting the government's priorities and budget, which include military expenditures. New Zealand governments must maintain the confidence of Parliament to remain in power. This includes passing budgets and critical legislation. Parliament, however, has no direct role in setting non-legislative government policy or in controlling elements of the executive, such as the armed forces. Parliament has had influence over New Zealand defence policy in the past, but this has fallen off of late, owing to greater transparency from the executive and a bipartisan consensus on defence issues. Today, Parliament's main role in defence affairs is to improve transparency within the defence portfolio and avoid the civil-military tensions and crises that New Zealand experienced between 1984 and the mid-2000s.⁷⁸

In 1984, Labour Prime Minister David Lange announced that nuclear powered or armed ships would no longer be able to visit New Zealand ports. This dealt a severe blow to New Zealand's place in the Australia, New Zealand, United States (ANZUS) alliance. It also meant that the

⁷⁵Interview with Hellings.

⁷⁶Fonck and Reykers, 'Parliamentarisaion as a two-way process'; Reykers and Fonck, 'Who is controlling whom?.'

⁷⁷Interview with Gerry Brownlee, Minister of Defence, 11 August 2016.

⁷⁸Interview with Wayne Mapp, former FADT member and defence minister, 10 August 2016.

NZDF's underlying strategic planning assumption, that New Zealand would be wholly allied with and fight alongside the United States if necessary, was shaken.⁷⁹ The Lange government's move away from ANZUS also coincided with a major effort to cut public sector expenditures, including the defence budget. These cuts continued during the National governments that replaced Labour in 1990, with defence spending falling to approximately 1 per cent of New Zealand's gross domestic product. As a result, over the next decade and a half, New Zealand governments and the armed forces struggled to come to terms with how the NZDF would be structured and what its reason for being would be.

By the late 1990s, inter-service rivalries sparked by budget cuts and partisan politics had left the Army feeling neglected by National-led governments.⁸⁰ Army leaders thus decided that they would align themselves with the Labour Party to secure defence policies that favoured the land forces. In a violation of norms of democratic civil-military relations, the Army succeeded in steering the defence platform of a major political party.⁸¹ The Army's influence within Labour coincided with a debate over which military capabilities would need to be sacrificed to keep the military affordable. Leading up to the 1999 election, the Labour Party expressed its opposition to the National government's plans to acquire new F-16 fighter aircraft. Whether this was the result of the Army's influence or not, Labour policy favoured land forces over air combat. Labour ultimately carried the 1999 election and New Zealand abandoned the F-16s and its air combat capability entirely in 2003. Instead, Labour's defence policy focused on enhancing the Army, which included the acquisition of 105 Light Armoured Vehicles (LAV) III in January 2001.⁸²

By 2000, the Army's inappropriate intervention in politics had come to light. A letter tabled in Parliament showed that army officers had conspired to improperly advance their service's interests within the NZDF. A 2001 report further indicated that NZDF officers had made significant use of leaks to influence force-structuring during between 1997–2001.⁸³ In August 2001, moreover, the Office of the Auditor-General (OAG), an officer of Parliament, concluded that the LAV III acquisition was riddled with problems. When the LAV IIIs experienced further setbacks upon being introduced into service, faith in the leadership of the NZDF evaporated. Despite the NZDF's successful operations in Bosnia and East Timor during this period, political leaders no longer had faith in the military's highest-ranking officers. An entire generation of NZDF flag and general officers was passed over when a new Chief of Defence Force was appointed in 2006.⁸⁴ Over the next ten years, the government sought to reestablish faith in New Zealand defence affairs, and the NZDF worked to rebuild the trust of ministers and Parliament.⁸⁵

Learning from the United Kingdom and Australia, the New Zealand government adopted a Major Projects Report (MPR) process for major procurements. Under the MPR structure, the MOD and NZDF prepare an annual report that outlines the status of procurement programmes and details project risks, schedule, costs, and other information. The report provides an in-depth examination of each ongoing military programme. As part of the MPR, auditors from the OAG examine the reporting work and provide an assurance that the report is accurate to the best of their knowledge. Auditors interviewed as part of this research indicated that the defence department and armed forces have become less guarded over the past decade and that the MPR has encouraged a culture of openness and transparency. Liking themselves to watchdogs in the MPR process, the auditors noted that they 'watch more than they bark'. When asked whether they would characterise their efforts as a police patrol or fire alarm, one auditor noted that their

⁷⁹Interview with Mapp; Interview with General (rtd) Rhys Jones, former Chief of Defence Force, 12 August 2016.

⁸⁰Interview with Jones.

⁸¹Ibid.

⁸²Peter Greener, *Timing is Everything: The Politics and Processes of New Zealand Defence Acquisition Decision Making* (Canberra: ANU E Press, 2009)

⁸³Ibid., ch. 7.

⁸⁴Interview with Brownlee.

⁸⁵Ibid.

role was ‘community policing’ – helping MOD and NZDF to perform better self assessments, while reassuring readers of the report that the state of defence projects are being honestly presented in the document.⁸⁶ In effect, the auditors’ role is to ‘walk the beat’ around major defence projects through the MPR process.⁸⁷

Beyond MOD and NZDF, the New Zealand Treasury produces a major projects report, where it publishes about its defence projects. Given that the Treasury is an integral internal check on defence programmes, this provides an additional level of transparency. Certain cabinet material and ministerial briefs related to defence have been made public as well. These efforts earned New Zealand an ‘A’ rating from Transparency International, a fact that defence officials noted with pride.⁸⁸ While it is unclear whether these transparency efforts will avoid the defence procurement tensions that New Zealand experienced in the past, the government, MOD, and NZDF are optimistic that the effort will succeed.

As the executive focused on addressing New Zealand’s civil-military challenges and procurement controversies, Parliament’s relative influence over defence matter declined. During the force structure debates of the late 1990s, Parliament’s Foreign Affairs, Defence, and Trade (FADT) committee was at the forefront of debates about the NZDF’s future capabilities. Following the first election held under mixed-member proportional representation, National governed in a coalition with a sizable number of Association of Consumers and Taxpayers (ACT) MPs. Indeed, National was sufficiently dependent on its coalition partners that ACT could exercise notable independence.⁸⁹ One ACT MP, Derek Quigley, who had previously been a National minister, chaired FADT during this parliament. Under his chairmanship, FADT produced a report, titled *Defence Beyond 2000*. The study helped define the NZDF’s force structuring dilemma.⁹⁰ *Defence Beyond 2000* would influence the Labour government’s defence policy after the 1999 election.⁹¹ Of note, both Quigley and Wayne Mapp, a National member who would later become defence minister, recognised that the purpose of the report was to shape Labour’s defence policy, and the forces that a future National government would inherit.⁹²

Following Labour’s 2003 decision to abandon air combat capabilities and the 2006 decision to bring in a new generation of general and flag officers to repair the country’s fractious civil-military relationship, the two major political parties tacitly agreed to a bipartisan consensus on defence issues.⁹³ Labour and National sparred on the margins and preserved a government-opposition dynamic that courted voters between elections, but the force structure changes brought in by Labour were accepted by the National leadership. This quiet consensus was reflected within FADT, where Labour and National members engaged in partisan tussles, but no major policy debates.⁹⁴ Similarly, both National and Labour members noted that FADT is less partisan than other committees, and that the respective roles of the government and opposition are respected and understood.⁹⁵ Opposition members pointed out problems with departmental estimates and procurements and that government members seek to guard the minister, yet there was fundamental agreement between the two about the direction of New Zealand’s defence

⁸⁶Interview with auditors from the Office of the Auditor-General, 12 August 2016.

⁸⁷Interview with senior Ministry of Defence official, 10 August 2016.

⁸⁸Interview with senior Ministry of Defence officials, 9 August 2016; Transparency International Government, *Defence, Anti-Corruption Index: New Zealand 2015 Country Summary* (2015).

⁸⁹Interview with Mapp.

⁹⁰Interview with former FADT analyst, 11 August 2016.

⁹¹Ibid.

⁹²Interview with Mapp.

⁹³Interview with Ron Mark, New Zealand First MP, 10 August 2016.

⁹⁴Interview with Mark Mitchell, National MP and Chair of FADT, 9 August 2016; interview with Kennedy Graham, Green Party MP, 9 August 2016; interview with Mark.

⁹⁵Interview with David Shearer, Labour Party MP, 10 August 2016; interview with Mark Mitchell, National MP and Chair of FADT, 9 August 2016.

affairs.⁹⁶ Moreover, both parties believed that there was a need to improve trust and transparency.⁹⁷

Defence is a relatively small part of FADT's mandate. The committee is primarily concerned with reviewing treaties.⁹⁸ Oversight of defence matters occurs three to four times a year and occupies only about 20 per cent of its time.⁹⁹ The first of these is an annual review of the MOD and NZDF estimates. In preparation for this review, FADT members send three tranches of questions to both agencies, with each tranche seeking to dive into more details.¹⁰⁰ These tranches each include approximately three hundred written questions on a variety of topics.¹⁰¹ The content of the questions is guided by current events and controversies,¹⁰² with the opposition looking to raise doubts about the MOD and NZDF's performance, and government members seeking to hold the executive to account in a softer manner.¹⁰³ In effect, government members on FADT adopt a community policing approach to the estimates, using their time to 'walk the beat' around the MOD and NZDF. Their goal is to assist the defence minister in highlighting policy successes and strong performances, while adopting a cooperative attitude towards the MOD and NZDF when addressing problems and challenges that the estimate reviews brings to light.¹⁰⁴ The report produced by FADT as part of the estimates process is generally positive, rather than combative, and it emphasises the collaborative approach taken by the majority of the committee towards the executive and defence agencies.¹⁰⁵

Opposition parties, on the other hand, are drawn to fire alarm oversight, using information disclosed in the tranches or estimates documents to critique the executive.¹⁰⁶ NZDF leaders noted that the opposition makes effective use of the information available to them and that their appearances before FADT can feel inquisitorial at times.¹⁰⁷ As well, opposition parties have tried to drive a wedge between the government and NZDF.¹⁰⁸ Nonetheless, both NZDF leaders and senior officials from the MOD noted that their best response has been to answer honestly and be as transparent as possible.¹⁰⁹ While the opposition asks difficult questions that can keep officers and officials 'on their toes',¹¹⁰ the emphasis on transparency has helped to rebuild confidence in both organisations. Similarly, while problems inevitably arise, and the opposition understandably aims to exploit them for political gain, the underlying consensus between National and Labour, MOD/NZDF transparency, and a generally cordial relationship between the defence establishment and FADT has thus far helped avoid the emergence of new scandals akin to the LAV III. At the of this research, for example, there was a low-level controversy around the replacement of the Navy's frigates and the NH90 helicopter acquisition, but these issues were being dealt with more cordially at FADT than they might have been in the past.

FADT's greater ease with defence procurements has been helped by the introduction of the MPR.¹¹¹ The report gives FADT a detailed overview of the state of major defence procurements, and the committee can choose to conduct hearings on the report, as happened in 2016. These

⁹⁶Interview with Shearer; interview with Mitchell; interview with Mark.

⁹⁷Interview with Shearer.

⁹⁸Interview with John Thomson, Clerk of FADT, 10 August 2016.

⁹⁹Interview with Mitchell.

¹⁰⁰Interview with Air Vice-Marshal Kevin Short, Vice Chief of Defence Force, 8 August 2016.

¹⁰¹Interview with Defence officials, 9 August 2016.

¹⁰²Interview with Thomson; interview with senior Defence officials.

¹⁰³Interview with Short.

¹⁰⁴Interview with David Bennett, National Party MP, 11 August 2016.

¹⁰⁵Interview with Thomson.

¹⁰⁶Interview with Brownlee; interview with Mitchell.

¹⁰⁷Interview with Lieutenant General Tim Keating, Chief of Defence Force, 8 August 2016.

¹⁰⁸Ibid.

¹⁰⁹Ibid.

¹¹⁰Interview with Short.

¹¹¹Interview with Shearer.

hearings on the MPR are characterised by a community policing approach as well. The report allows the FADT to 'walk the beat' around defence procurements, rather than pursuing costly investigations into individual programmes or relying on fire alarms to identify mismanagement within an acquisition project. Evidence that this is largely a community policing exercise is found in the fact that the 2016 review was initiated by an FADT with a majority of members from the governing coalition and a National chair.

The defence minister invited committee members to visit various defence programmes and installations, such the C-130 upgrade and a special operations force base and training exercise. Certain committee members were further invited to take part in the consultations surrounding the development of the 2016 Defence White Paper.¹¹² Each of these consultations and activities contributes to an executive-driven, collaborative approach to defence matters, with FADT's oversight role being respected and acknowledged, but in a manner that emphasises community policing. These site visits further allow FADT to 'walk the beat', gathering information in a cordial manner, with the executive offering the invitation to the committee.

Finally, FADT examines the annual reports of the MOD and NZDF. These reports outline the ministry's and military's performance and operations. They also include an independent auditor's report from an OAG official. FADT's scrutiny of these reports allows the committee to examine ongoing operations and future plans. The committee then issues its own report outlining its findings. As with the estimates report, the tone of this document is collaborative,¹¹³ and is generally positive about the executive's willingness to seek solutions to outstanding issues.

FADT normally operates in public with no access to classified information. On rare occasions, witnesses can request that their testimony be given in a closed session.¹¹⁴ When this happens, the chair will remind members of their obligation to keep the information secret. Were a member to violate this commitment, the House could sanction them.¹¹⁵ Closed sessions are principally used to deal with commercial sensitive or private matters, rather than operational questions or national security questions. When asked whether they were dissatisfied by their lack of access to classified information, National and Labour members denied that it presented a problem.¹¹⁶ According to interviewees, the executive's efforts to promote transparency mean that the committee has the information it needs.¹¹⁷ National and Labour members further noted that the presence of smaller parties on the committee argued weighed against giving FADT access to classified information, since these smaller parties could not be trusted with state secrets.¹¹⁸

The comfort that both National and Labour members feel towards working with unclassified information can also be linked to their respective roles on the committee. The executive makes New Zealand defence decisions. When a sensitive or controversial choice must be made, such as a major military deployment, the prime minister will typically inform the leader of the opposition. Efforts are made to ensure that there is a degree of bipartisan consensus.¹¹⁹ Both parties have come to accept the force structure changes initiated by the Clark government, and there is an underlying agreement that the civil-military tensions and procurement problems of the 1990s and 2000s should not be allowed to recur. Nonetheless, the two major parties are competitors who are courting median voters. They require an arena for partisan sparring over defence issues. Having FADT operate in public without classified information serves this purpose. The opposition is given the chance to critique the executive and score political points through fire alarm

¹¹²Ibid.

¹¹³Interview with Mitchell.

¹¹⁴Interview with Thomson.

¹¹⁵Interview with Thomson; interview with parliamentary staff, 12 August 2016.

¹¹⁶Interestingly the CDF held that he would like FADT to have access to classified information in order to be able to better brief and inform them. Interview with Keating.

¹¹⁷Interview with Mitchell; interview with Bennett.

¹¹⁸Interview with members of FADT, 10 and 11 August 2016.

¹¹⁹Interview with Mapp.

oversight, while government members can constructively scrutinise the defence ministry and armed forces with a community policing approach. Thanks to the government's push for transparency in defence matters, both parties can fulfill their roles using publicly available information, while avoiding the tensions of the past two decades.

In sum, community policing captures how civilian oversight of the armed forces is conducted within the executive in New Zealand and by government members of FADT. The OAG 'walks the beat' around the MOD and NZDF as these two agencies prepare the MPR and their annual reports.¹²⁰ The Treasury seeks to work collaboratively with the MOD and NZDF, while acting as an effective challenge function. The MOD itself, moreover, is meant to act as a collaborative civilian check on the NZDF in formulating defence policy advice and managing acquisitions. Opposition members serving on FADT are driven to fire alarm oversight of the defence portfolio owing to their vote-seeking preferences. They will seek to highlight mismanagement and other problems. Government members, however, will conduct community policing oversight, scrutinising estimates, annual reports, and the MPR in a manner that aims to build trust and confidence in the MOD and NZDF, and in the minister's handling of the overall defence portfolio.¹²¹ Owing to the high degree of transparency the government has created in defence affairs, the executive can state with confidence that it has nothing to hide,¹²² and government members on FADT can encourage the MOD and NZDF to address any problems they or the OAG have identified in a collaborative manner.

Conclusion

Community policing is a form of oversight that emphasises confidence-building and collaboration between the principal and agent. In contrast with principal-agent models that stress competing incentives between principals and agents, community policing builds on a strand of the principal-agent literature that has identified the importance of trust and assurance. This type of oversight is well suited to executive-legislative relations in coalition governments. In such settings, opposition parties may be drawn to fire alarm oversight, and legislative officers may be tasked with police patrols, but members of the governing coalition will typically seek to cooperate with the executive, not confront it. While coalition members may still aim to perform an oversight function, party dynamics will steer them away from police patrols and fire alarm towards community policing.

The forms that community policing take can vary significantly, as the Belgian and New Zealand cases demonstrate. In Belgium, building confidence between stakeholders is important, and committees with parliamentarians of all parties are given access to classified information to ensure proper consultation. Government-opposition dynamics are present, particularly at the public national defence committee, but a modicum of trust and collaboration is sought within secret-cleared committees that oversee procurements and expeditionary operations. In New Zealand, community policing is most evident in the oversight conducted between OAG, MOD, and NZDF. Yet the executive's dominance of Parliament also ensures that the FADT's oversight of defence matters largely reflects a community policing approach as well. Government and coalition members who sit on the FADT will work to oversee the MOD and NZDF in a respectful and collaborative manner, drawing on the executive's efforts to make as much information available as possible. Opposition members will be more critical, but thanks to a bipartisan consensus between the two major parties, these critiques stay at a surface level. The bipartisan consensus and New Zealand's efforts to make the defence portfolio as transparent as possible have led FADT to focus on 'walking the beat' rather than engaging in major policy debates or

¹²⁰Interview with auditors from the Office of the Auditor-General, 12 August 2016.

¹²¹Interview with Thomson; interview with Bennett.

¹²²Interview with Keating.

deeper investigations. In so doing, FADT is facilitating wider MOD/NZDF efforts to rebuild trust by showing that they have nothing to hide.

These two cases suggest that community policing may be a response to past failures of oversight. Indeed, one avenue for future research would involve examining whether failures tend to encourage the adoption of a community policing approach. Belgium developed new institutions to oversee procurement and operations because of scandals that revealed Parliament's limitations. These new institutions and the lessons of the scandals fostered a greater effort by all sides to improve transparency. Likewise, a very severe crisis in New Zealand's civil-military relations led to a new consensus among the major parties, the Ministry of Defence and New Zealand's military that produced greater transparency and, with it, greater trust. This raises a question for future study: why do some political systems respond to past failures with cooperation, new institutions, and transparency while others respond by developing more conflict, distrust, and micromanagement?

The advantages of community policing are found in offering legislators a means of conducting oversight when their party is in power. Rather than facing a trade-off between being a loyal party member and a parliamentarian, community policing allows these legislators the opportunity to build confidence between the branches and work collaboratively to solve problems. Community policing thus allows legislators in an executive-dominant system a means of reconciling their two sets of obligations. In addition, community policing is an attractive form of oversight when the aim is not to direct the executive, but to build trust between various stakeholders. Furthermore, in a parliamentary system where legislators do not have direct control over parts of the executive, community policing may be the only viable option.

Yet, community policing comes with significant downsides as well. Ultimately, this form of oversight is ill equipped to deal with situations where trust between the principal and agent breaks down. It is inherently fragile, and it does not offer the principal a strong means of verifying that the agent is being forthright. Nor does it offer strong disincentives for agents to shirk if they do not have a strong interest in doing so. As a result, community policing cannot, and does not, operate in the absence of police patrols or fire alarm oversight efforts by other actors. In the end, it is an approach that complements these two traditional models of oversight, rather than offering a stand-alone practice.

This article considers how legislators and other actors may develop different forms of oversight depending on the degree of trust between civilians and the military. This raises a key question for future research: why does trust vary among democracies, over time and perhaps among different issue areas? The case studies here suggest that smaller size and less interest in defence affairs may be factors, or it may be explained by parliaments that routinely produce coalition governments. Accordingly, future research might examine whether community policing is seen in Nordic countries that are similar to Belgium and New Zealand in terms of size and government formation.

Past failures may lead to efforts to build greater trust, as we see in Belgium and New Zealand. However, past failures have produced intense oversight in some cases, such as Germany,¹²³ and non-existent oversight in other cases, such as Japan.¹²⁴ More work is therefore required to determine which lessons are to be learned from the past and why.¹²⁵ Likewise, more work is required to see if community policing type oversight happens in larger countries and within

¹²³Arthur Hoffmann and Kerry Longhurst, 'German strategic culture and the changing role of the Bundeswehr', *WeltTrends*, 22 (1999), pp. 145–62.

¹²⁴Stephen Saideman with Takako Hikotani, 'Japan in a More Dangerous World: Weak Civilian Control and Problematic Military Adaptation', American Political Science Association conference, 30 August to 3 September 2017, San Francisco, California.

¹²⁵We are grateful to one of the reviewers for pointing out this challenge.

other kinds of political structures. The purpose here was to establish that there is a third form of oversight. The next step is to see if the concept has limited or wider application.

To conclude, this article contributes to the literature on civil-military relations by proposing a third form of oversight – community policy – and raising the possibility that oversight can be cooperative. It also addresses cases that are usually ignored – smaller countries that often play significant roles in multilateral military operations. Drawing on an existing literature about the importance of trust and cooperation in principal-agent theory, the article expands understandings of how legislatures oversee military affairs and proposes another way of analysing how oversight is conducted.

Acknowledgements. This article was supported by Social Science and Humanities Research Council (SSHRC) research grant. Invaluable assistance in securing interviews was offered by Simon O'Connor, MP and Sean Palmer in New Zealand, and by LGen Marquis Hainse in Belgium. The authors wish to thank David Auerswald, Lindsay Cohn, Daan Fonck, Norman Hillmer, Patrick Mello, Kathleen McInnis, Gavin Raymond, and Yf Reykers for their comments on drafts of this piece. Valérie Black St-Laurent provided valuable research assistance. The authors also wish to thank the editor and the three peer reviewers for their constructive critiques and comments.

Philippe Lagassé is Associate Professor of International Affairs and Barton Chair at the Norman Paterson School of International Affairs, Carleton University.

Stephen M. Saideman is Professor of International Affairs and Paterson Chair at the Norman Paterson School of International Affairs, Carleton University.