



NATO Parliamentary Assembly

DEFENCE AND SECURITY  
COMMITTEE

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NATO SPECIAL OPERATIONS FORCES IN  
THE MODERN SECURITY ENVIRONMENT

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DRAFT REPORT\*

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\* Until this document has been approved by the Defence and Security Committee, it represents only the views of the Rapporteur.

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## **I. INTRODUCTION**

1. NATO special operations forces (SOF) are executing critical missions from direct action to situational awareness to training in today's complex international security environment. For example, a coalition of international special forces is supporting local forces in the fight against Daesh, and other special operations task groups (SOTGs) are embedded working across the Middle East and Africa to help forces focus on small unit tactics, techniques, and procedures as well as military operations. Beyond the struggle to counter violent extremism, NATO SOF are also working to help Allies maintain an edge over rising near-peer threats.

2. As the unpopular and largely unsuccessful wars in the Middle East and Southwest Asia draw down, the desire for special operators will increase. Special operations forces have a deniable nature about them permitting political leadership to avoid public disapproval of deploying conventional forces. Small in footprint, special forces provide plenty of other benefits to achieve policy goals at a fraction of the cost.

3. The challenge of today and tomorrow's international security environment is playing itself out in the grey zone competition between NATO and its principal foes. The murky terrain below the threshold of war is one not particularly suited to NATO's strengths. As Russia uses its military instruments to support its elements of national power, NATO Allies all too often use their military instruments to defend their national instruments of power. Robust, capable, and interoperable Alliance Special Forces will be key to levelling the playing field.

4. NATO Special Operations Headquarters is working to train, advise, and assist NATO Allies and Partners to achieve this. As this draft report shows, much more can be done to resource this institution's efforts.

5. This draft report examines the new, dynamic role special forces play in today's operations, training, and planning. Ultimately, the draft report will seek to broaden NATO legislators' understanding of the costs and benefits of increased use of SOF in a challenging security environment. As is clear from this draft report: parliamentarians need to think seriously about the role and use of SOF, understand the challenges needed to get appropriate interagency cooperation to address critical issues such as funding, control, and operational oversight.

## **II. TODAY'S SECURITY ENVIRONMENT - OPPORTUNITY AND CHALLENGE FOR SOF**

6. NATO's scramble to adapt post-2014 can be lumped into two broad challenges: Russia and Jihadi-inspired violent extremism. But, thinking of these as distinct poles seeking to undermine the peace and security of Allied populations and territory, however, masks the complexity of the threats they pose.

7. Russia is a revisionist state opposed to the political, economic, and security arrangements in Europe dictated by the Euro-Atlantic community. Emboldened by recent advances in its conventional military capabilities, Russia is increasingly aggressive in its political, economic, and security brinkmanship with the West. Russia is far from a strictly conventional threat, however, requiring only the calculation of the right balance of conventional, nuclear, and air and missile defence systems to counter it. In reality, Russia also poses a suite of asymmetrical challenges, some of which are more often associated with non-state armed groups and criminal networks than modern nation states.

8. Islamist-inspired violent extremism is a major security challenge for all Allied states today. The number of European and North American citizens committing violent acts in the name of jihadist-inspired extremist ideologies is growing and it is testing the limits of our police forces and causing deep civil society turmoil (Vidino, et al., 2017). Intelligence estimates put the number of

Europeans rushing to join Daesh after its rapid rise in 2014 at 5,000; about 1,500 of these are expected to try to return home (Renard and Coolsaet, 2018).

9. Feeling the heat from active military campaigns against them in Syria, Iraq, Libya, and Afghanistan, Daesh leaders are encouraging people to act with any means available wherever they can – as a result random stabbings and vehicle slaughter has accounted for the highest number of successful attacks in recent years – one study identified 51 such lone wolf attacks in the three years from June 2014 to June 2017 (Vidino, et al., 2017).

10. In numerous conflicts around the world from Afghanistan to the Middle East to West Africa, jihadist-inspired armed groups are wreaking havoc on weak states and causing the displacement of large numbers of local populations, many of whom are continuing their flight all the way to Europe and joining the ranks of growing refugee and migrant flows. Today’s international jihadist-inspired terrorist groups, such as Daesh, are also using some methods and tactics more associated with state actors – holding territory, taxing civilians, building more structured conventional-style fighting forces, etc. As such, these groups are having an even more profound impact on the ground in war-torn societies seeking to find a means of political and social reconciliation. Transnational jihadist groups, local non-state armed groups, and lone wolf individuals all employ the tactic from a position of relative weakness to disrupt and sow fear and doubt about the current political order’s ability to maintain peace and security.

11. This complex spectrum of threats is forcing political leaders and policy advisors to expand their understanding of security in new ways – as they seek to find the appropriate instruments of national power (diplomatic, informational, military, economic, financial, intelligence, and law enforcement (DIME-FIL) to match the near and longer-term goals to maintain the peace and security of the populations for which they are ultimately responsible.

**The Grey Zone**

12. Expanding our understanding of security is made more difficult by the fact that the main threats to NATO today operate in what academics, and increasingly policymakers, call the Grey Zone. The Grey Zone is where state and non-state actors “employ threats, coercion, cooption, espionage, sabotage, political and economic pressure, propaganda, cyber tools, clandestine techniques, deniability, the threat of the use of force, and the use of force to advance their political and military agenda” (Roberts, 2016). As Frank Hoffman notes: “The term captures deliberate multidimensional activities by a state actor just below the threshold of aggressive use of military force” (Hoffman, 2015). Figure 1 below depicts the placement of the Grey Zone in the spectrum of security challenges.<sup>2</sup>



13. Though Hoffman notes only state actors, the term can be expanded to quasi-state actors like Daesh. Why would a state or quasi-state actor seek to exploit the Grey Zone? States or any other actor trying to challenge a state have two basic choices when it comes to designing defensive

<sup>2</sup> Graphic borrowed from Dr. Frank Hoffman, “The Contemporary Spectrum of Conflict: Protracted, Gray Zone, Ambiguous, and Hybrid Modes of War” Heritage Foundation, 2016 Index of U.S. Military Strength <https://index.heritage.org/military/2016/essays/contemporary-spectrum-of-conflict/>

frameworks – matching (such as the U.S. – U.S.S.R. did in the Cold War) or offsetting, which means investing in the capabilities to undermine their competitor's advantage (Goldman, 2011).

14. Given the conventional and (still) technological superiority of NATO member states, particularly the United States, adversaries are investing in and honing their Grey Zone capabilities – which is shifting the understanding of defence and deterrence today for all NATO members. In fact, it is fundamentally reshaping all Alliance members' understanding of modern security.

15. The Grey Zone exists between war and peace. It is sub-Article 5, of course, because triggering Article 5 would allow the NATO Allies the ability to bring to bear the capabilities and resources that would overwhelm their adversaries.

16. Given their training, education, and operational dynamism across a range of tasks, there is an increasing tendency to see Special Forces as the answer to the kind of defence, deterrence, and situational awareness needed by Allies facing threats emanating from the Grey Zone.

### **III. SOF IN THE MODERN INTERNATIONAL SECURITY ENVIRONMENT**

#### **A. BRIEF HISTORY OF SOF TO TODAY**

17. While all countries with a solid military tradition could vaunt their own SOF<sup>3</sup>, modern age warfare initially made them less relevant. During the Cold War, Special Forces were a marginal component of the Allies' defence strategy. In a period where the risk of an all-out war was concrete and large-scale operations were still common, small specialised units were openly disregarded by other military forces, as succinctly summarised by former Vietnam veteran General Eric Shinseki: "No Special Forces soldier ever pulled me off the battlefield" (Rumsfeld, 2011).

18. A mythology about Special Forces as the invisible elite willing to take on the most dangerous of tasks grew. Despite high-profile failures, such as the botched Operation *Eagle Claw*, their image seized the popular imagination. Special forces were especially critical to the United Kingdom during the political-military crises in Northern Ireland and the Falkland Islands. They were also critical to French efforts in both Algeria and Indochina.

19. The current SOF resurgence has its roots in the 1987 US SOF reform, which put them under a unified command, United States Special Operations Command (USSOCOM). Under USSOCOM, US SOF successfully spearheaded missions in various theatres, from Haiti to Iran. In particular, some of the new command components, such as the Joint Special Operations Command (JSOC) and the Science and Technology Division, were tasked to identify capability gaps and suggest innovations to maintain the technological advance over competitors. The first consistent use of SOF after the end of the Cold War was in the former Yugoslavia, as SOF first helped NATO forces during the operations in Bosnia and Herzegovina and Serbia, and then contributed to the training of the Kosovo Liberation Army and to capture suspected war criminals (Moran, 2016a; NSHQ 2018).

20. 2001 is the benchmark for the start of a new era for SOF. After 9/11, the George W. Bush administration boosted SOF capabilities and used them to spearhead the Global War on Terror. This decision had two consequences: first, US SOF gained first-hand experience in counter-terrorism and counter-insurgency operations, which became their main field of activity, and their successes drastically improved their reputation; second, many Allies followed the American example, by improving their SOF capabilities.

21. SOF budgets increased dramatically after 9/11; from \$2.3bn in 2001 to \$10.4bn in 2016 (Naylor, 2016). This was mostly due to two factors: first, the use of SOF had proven to be much more

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<sup>3</sup> In the pre-contemporary era, perhaps the most well-known examples are certainly the Japanese Ninjas and the Ottoman Janissaries.

cost-effective than large-scale operations; second, public opinion was largely losing its appetite for further wars after the heavy investments of Afghanistan and Iraq. As such, SOF was considered a satisfying compromise to carry out necessary operations in war theatres (Barno and Sharp, 2012). Today, Allied use of SOF to carry out foreign policy objectives has even further increased. For example, during the first 200 days of the Trump presidency, USSOCOM carried out more than 100 operations, representing a fivefold increase over President Obama's final 200 days (Zenko, 2017).

22. In parallel to the United States, many European countries started to implement their own SOF joint commands; due to resource limitations, however, results have been mixed. Some nations with dictatorial pasts have had to fight with the public opinion to implement reforms in the military sector, while others have their individual efforts hampered by their limited size and budgets (Murphy, 2016). In this sense, neither NATO Special Operations Forces Headquarters nor the EU<sup>4</sup> have been provided with sufficient resources or political will to create the operationally-required and desired Allied-wide SOF capabilities.

23. As recent developments suggest yet another revision of the Allies' defence posture, the Allies should take into account the Russian development of new SOF competences. In recent years, NATO witnessed a successful increased use of SOF by Russia, with the most memorable example being the Russian annexation of Crimea, successfully conducted by Russian *spetsnaz*<sup>5</sup> brigades (Galeotti, 2014). In other words, SOF capabilities might be the factor that tips the balance in a hybrid warfare scenario.

## B. WHAT DO SOF ACTUALLY DO?

24. Definition: NATO *Allied Joint Doctrine for Special Operations* defines SOF as the following: "Military activities conducted by specially designated, organised, selected, trained, and equipped forces using unconventional techniques and modes of employment". The definition goes on to specify: "These activities may be conducted across the full range of military operations, to help achieve the desired end-state. Politico-military considerations may require clandestine or covert techniques and the acceptance of a degree of political or military risk not associated with operations by conventional forces. Special Operations deliver strategic or operational-level results or are executed where significant political risk exists."

## C. PRINCIPAL SOF TASKS

25. Three broad categories define Special Forces' principal tasks: Military Assistance (MA), Special Reconnaissance (SR), Direct Action (DA) – these mission sets are common to all NATO member state SOF forces.

26. *Military Assistance* consists of training, educating, advising, and supporting partners (most often in the partner's area of responsibility). MA is often provided by the Allied power until the partner is able to carry them out independently. MA activities, however, can lead to cross-pollination, as MA activity can bring new information/insight into an area for both SR and DA tasks. *Special Reconnaissance* tasks are essentially ISR activities for informing areas or mission sets that are extremely dangerous, hostile, or politically sensitive. *Direct Action* can be defined as any action taken by the Allied SOF forces from precision strike operations from targeted killings to arrests of war criminals, etc. to complete a mission.

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<sup>4</sup> In 2001, following 9/11, the EU approved the founding of ATLAS Network. Recognising not all EU member states have the capability to intervene in all crisis situations, ATLAS was meant as an association to provide a framework for exchange of information in situations requiring "special intervention units". While the idea could have easily become the basis for a EU platform for sharing SOF capabilities, at the time of writing the member states have not given ATLAS further support.

<sup>5</sup> Literally: Special Purpose Forces; it is the umbrella term in Russian for SOF.

27. In addition to the above, Special Forces often play a key role in several other types of tasks from counterinsurgency, counterterrorism, counter CBRN to Hostage rescue/release operations.

#### **D. EVOLUTION OF ROLE OF SOF IN NATO<sup>6</sup>**

28. NATO SOF developed out of the recognition that Alliance SOF capabilities and activities desperately lacked coordination. NATO's post-Cold War transition to neighborhood expeditionary operations exposed the need for interoperable SOF capabilities to do a range of tasks from ISR to hostage rescue/release operations to counterinsurgency. Beginning in Bosnia and Herzegovina in 1995 where NATO Allied forces felt the Bosnian battlefield space was 'stove-piped' (or too many discrete channels of information funneling to national authorities at the cost of benefitting other Alliance forces in the field). The far expeditionary CT/CI operation in Afghanistan in 2002 showed the high cost and reduced benefit of a lack of interoperability between NATO national SOF.

29. The eventual solution to rectify the lack of NATO member state SOF interoperability began with the 2006 Riga Summit Declaration, which endorsed a set of initiatives to strengthen the Alliance's ability to adapt to a new security environment. Language in the Declaration specifically noted: "The launch of a special operations forces transformation initiative aimed at increasing their ability to train and operate together, including through improving equipment capabilities." This became known as the NATO SOF Transformation Initiative (NSTI).

30. NSTI had three core missions establishing: 1) a Director Special Operations Office, which would be able to provide direct SOF advice to SACEUR; 2) a NATO SOF Coordination Centre to create a direct link between national SOF and NATO and help coordinate matching national SOF capabilities directly to NATO needs; and, 3) a federation of centers to coordinate NATO and national SOF training and education. By 2010 Allies established NATO Special Operations Headquarters (NSHQ), which was designed to be a standing headquarters with a coordinating function, rather than a NATO Special Operations Command.

#### **E. NSHQ TODAY**

31. NSHQ's core function is the coordination of the development of SOF capability and interoperability for Allies and Partners.<sup>7</sup> NSHQ is also tasked with providing a robust advisory capacity for NATO decision makers – from planning, doctrine, and standards publication to direct advice. NSHQ personnel seek to provide strategic and operational planning to help NATO member states employ "relevant, ready, and integrated SOF for NATO" in today's complex security environment. Currently, NSHQ is heavily involved (often even taking the lead) in drafting the Alliance's much-anticipated Counterterrorism Action Plan, which it will deliver in April in time to be presented at the July summit in Brussels.

32. The United States currently provides up to 93% of total NSHQ funding. The US Congress oversees five distinct spending frameworks for NSHQ. NSHQ draws resources and personnel from the 26 Allies today possessing SOF.<sup>8</sup>

33. Commanders at the NSHQ will be quick to highlight the NATO Special Operations School as the organisation's "crown jewel". The NATO SOF School seeks to "provide synchronised, standardised, efficient, and effective NATO SOF training and education [...] to build Alliance and

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<sup>6</sup> The information provided below extends from a number of interviews and briefings the author and NATO PA Defence Committee staff had with NATO SOF Commanders at NSHQ, NSHQ Commanders Conference, and staff at the Global SOF Foundation (GSF). Any fault of misinterpretation is our own.

<sup>7</sup> A task greatly assisted by its Battlefield Information Collection and Exploitation Systems (BICES). Currently, all NATO and approved SOF partners are able to share, access, and collaborate on all releasable information on BICES.

<sup>8</sup> Luxembourg, Iceland, and Montenegro do not currently possess Special Forces.

Partner Nation SOF capability, capacity, and interoperability.” Currently, the school offers 27 different resident courses focusing on – professional development, operational studies, intelligence and technical exploitation operations, SOF air development, and SOF medical training and education. Current NSHQ development with partners is focused on heavily resourced programmes in Ukraine, Georgia, and Tunisia. NSHQ noted a strong desire to expand their partner development programmes, but stressed this is still not a political priority at NATO, which limits the programme’s potential.

## **F. NATO SOF AND POST-2014 ADAPTATION**

34. NATO responded to Russia’s 2014 annexation of Crimea by revamping the NATO Response Force (NRF) via the Readiness Action Plan (RAP), which sought to scale the number of forces capable of responding to a contingency to 40,000 and make them more flexible and adaptable, with the objective of guaranteeing rapid reinforcement and mobility. The RAP also established the Very High Readiness Joint Task Force (VJTF) as the spearhead of the NRF, capable of deploying 5,000 brigade-level troops within two to seven days’ notice to the periphery of the alliance.<sup>9</sup> After its reform, the NRF contains air, land, maritime and Special Operations Forces (SOF) components.

35. NSHQs principal role in the NRF is to coordinate Allied SOF capability development in order for nations to complete the Long-Term Rotation Plan for the NRF; including the NRF Special Operations Component Commands (SOCC) and the Task Groups (and Units) beneath them. As building the SOCC is the most challenging role for Allied nations to fill, NSHQ has a dedicated *Zero to NRF SOCC* programme, which provides a five-year structured approach to developing a nation’s ability to provide a SOCC. The programme includes education, training, exercises, and evaluation. Depending on the need, the programme can also include NATO assistance in the provision of Communication Information Systems (CIS) and other enabling capabilities the nation may not be able to resource independently.

36. As NATO continues to adapt its defence and deterrence posture to the post-2014 security environment, SOF have a key role to play. NSHQ is seeking to transition from the above-mentioned operational command and control capability to providing a strategic theatre Special Forces capability to the Alliance. As a theatre SOF Component, NSHQ will link more closely to the Director of Special Operations Office at SHAPE to provide strategic advice and synchronise the Special Forces domain across the entire theatre as a level above the Operational Joint Force Commands.

## **G. NATO SOF REGIONALISATION?**

37. There is a desire today to push SOF command, control, and planning to the regional level via an expanded network of SOCCs. This would mean a coordination of the member state SOF capabilities in any one region to tap into joint tasking, which would then make a regional picture – combined regional SOCCs would then be pulled together to form a more complete intelligence picture of any form of hybrid developments across Alliance territory to be compiled into a coordinated picture in Brussels.

38. The principal driver behind NATO SOF regionalisation is that, as implied above, NATO SOF is having a hard time filling the required number of SOCCs as per its ambition levels. As many nations are still short on resources and capability, the creation of composite SOCCs with discrete roles for each nation allowing for a stronger, more resilient network. Regional SOCCs could be configured by linguistic commonality, geography, historical linkages, or by capability.

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<sup>9</sup> This Committee addressed more in details the impact of the decision in the 2015 report [167 DSCFC 15 E bis], *NATO’s Readiness Action Plan: Assurance and Deterrence for the Post-2014 Security Environment*, by Xavier Pintat.

#### IV. ALLIED SOF AND COUNTERTERRORISM

39. SOF have become the de facto military instrument of choice for the broader global counterterrorism campaign begun in the aftermath of the 9/11 attacks. As noted above, there are two main kinds of SOF deployment: *direct* missions to track, arrest or kill terrorists and their abettors; or, *indirect* methods, which often involve SOF train, advise, and assist missions of partner forces (both state and non-state). SOF direct and indirect missions in the era of the global war on terror have been extremely successful. Examples of both abound. The hunting and elimination of Osama bin Laden was able to add a degree of closure to the trauma of the 9/11 attacks. While it can be argued the training, advising, and assisting of the Iraqi Special Forces proved to be the lynchpin that saved Baghdad from falling during the darkest hours of the 2014 Daesh onslaught upon the country.

40. Coupled with remotely piloted aircraft for ISR and precision strikes at distance, SOF forces are the political weapon of choice today to implement small footprint counterterrorism (CT) and counterinsurgency operations in complex security environments. SOF prevails in today's counterterrorism policy environment for two main reasons: first, the cost-effective nature of the use of SOF; and, second, the covert nature of SOF operations allows decision makers a more discreet option to consider for the selective use of force, rather than larger complex, personnel heavy operations, which can be politically sensitive.

41. Policymakers, however, should be wary of the overuse and the longer-term policy-strategy mismatch that result from the overreliance on SOF.

##### ***Problems of Long-Term CT Strategy and Reliance on SOF – Example of Daesh and Taliban***

42. Many of Allied nation's most recent SOF-heavy operations should underscore two key attributes about the use of SOF. First, special operations are almost always part of a larger strategic goal, which require support not only from other military instruments of power, but national ones as well as such as economic and political. While SOF can help achieve tactical success, broader strategic goals necessitate an investment of more sustained effort and political will. Second, a common use of SOF in Allied global CT strategy is to capture or eliminate 'high-value' targets within a specific terrorist organisation, which will precipitate its collapse or obsolescence.

43. As studies have shown, high-value targeting strategies have not been as effective as hoped (Long, 2017). Despite efforts to decapitate and erode the groups' leaders and effective middlemen, the strategy is largely ineffective due to the groups' organisational strategy –highly institutionalised groups such as the Taliban have proven to be able to quickly absorb shocks to their leadership structure.

44. Further, those groups that have been beaten down through the attrition of a high-value capture and kill strategy, such as Daesh, have found the ways to regroup, resource, and reemerge. As the state part of ISIS fails, the group will retreat to what all armed terrorist groups seem to do today – plan to regroup by using a mix of international and regional terrorism and local insurgency to keep their cause alive, maintain relevance and then resurge. The conditions on the ground in Iraq and Syria today still offer ripe spaces for the group to resurge: The rule of law is far from being established and it is rather the rule of the local strongman over a conflict-traumatized people. Once again, the military campaign to deny territory moved far ahead of efforts to find suitable political reconciliation on the ground.

45. In addition, it should be noted there are clear legal and human rights issues regarding targeted killing of outside of the legally prescribed battlefield. This issue is at the centre of the current debate in the United States about the need for a new authorisation for the use of military force. Further, the

divergent perspectives on the question of what are and what are not extrajudicial killings fuel social media speculation and distrust, not to mention the propaganda of the very terrorist organisations our nation's forces are fighting.

## **V. RUSSIAN USE OF SOF**

46. Russia is using SOF to disrupt and destabilise its near abroad in an effort to maintain influence and control over the political developments in those regions: The most recent example being the annexation of Crimea.

### ***Russia's Annexation of Crimea and Continued Interference in Ukraine***

47. As this committee debated during its 2015 report on Hybrid Warfare, Russian interference and then subsequent annexation of Crimea was an example of all elements of Russian state power combined to achieve a short-term strategic outcome. Russian Special Forces played a key role in Moscow's ability to deceive, disrupt, and then seize territory in Ukraine.

48. In the early months of 2014, Ukraine civil society was in a very public struggle for its future – either remain in the Russian sphere of influence or move closer to the Euro-Atlantic community via closer association with the European Union and NATO. By the end of February, Russia initiated a large-scale snap exercise of up to 150,000 personnel, which was able to divert attention from Russian actions in Crimea. Quickly, a large-scale cyber-attack was launched against Ukrainian public and private institutions, which was followed by a classic electronic warfare tactic of jamming communication systems on Crimean institutions. The electronic warfare attack was able to isolate the peninsula from Kiev so it would not be able to muster a coordinated response. Soon, unidentified Russian Special Forces infiltrated and seized key military and government locations across the peninsula. Russia also used a disinformation campaign and diplomatic support from Moscow to push through a trumped-up referendum on independence. All the tactics used managed to stay short of war, and still achieve the desired political outcome.

49. Russia continues to interfere in Ukraine. The sustainment and training of insurgent forces in East Ukraine is the perfect example of a MA mission. Moscow's support of proxy forces to maintain Kiev's inability to control all Ukrainian territory distracts it from its efforts to further Euro-Atlantic integration projects. Non-military means to destabilise Kiev include: use of control of natural resources to exert economic and political pressure, cyber-attacks, use of criminal networks, etc. All of this is happening under an incessant barrage of propaganda and *dezinformatzia* or fake news to unanchor people's perceptions of truth by keeping various narratives of any particular news event alive to even the reinterpretation of recent and long historical past.

50. It is clear from the above that Russia conceives of its military forces, and therefore including SOF, in support of all elements of its national power, which it uses towards its grand strategic goals. This differs significantly from the Alliance. NATO Allies seem to conceive of their forces to be deployed in defence of their national instruments of power. This will lead to a perpetual strategic imbalance and weakness when faced with Russia – As a result, NATO continues to respond to Russia, rather than anticipate its actions.

## **VI. SOF AND PARLIAMENTARY OVERSIGHT IN THE GREY ZONE**

51. As previously discussed, SOF are most effective in the grey area between war and peace. However, as this grey area is inherently vague and used to justify a wide array of activities, there are growing concerns about accountability.

52. These accountability concerns manifest in two ways. First, Special Forces traditionally do not require parliamentary approval for deployment. Second, governments usually report successful operations, but often keep silent over botched operations. Consequently, the public perceives SOF operations to be more reliable than they might be in actuality because of selective use of data.

53. Understandably, secrecy is still a predominant feature of SOF operations. In principle, SOF units are under the same military justice system of regular troops. However, the secrecy of their operations means that courts are often unable to access full files, including the identity of the personnel: as such, the lack of information surrounding operations makes personnel hard to prosecute for serious mistakes and negligence—if not worse. Furthermore, in an era where defence budgets are shrinking, governments' eagerness to increase SOF funding raises questions about their real motives. Officials have asked whether boosting SOF capabilities is dictated purely by strategic considerations or if it is to conduct ever larger military operations away from the public scrutiny.

## **A. SELECTED OVERVIEW OF ALLIED PARLIAMENTARY SOF OVERSIGHT**

### **1. THE UNITED KINGDOM**

54. In 2015, this Rapporteur made an enquiry in the House of Commons after the Prime Minister's cabinet vowed to increase the SOF budget by GBP 2 billion. The cabinet failed explain why such an increase was needed. This Rapporteur also oversaw a parliamentary inquiry that debated whether the Ministry of Defence should lose its immunity from prosecution—known as Crown Censure—over incidents during exercises after the incidental deaths of three Special Air Services candidates during a training exercise (Moon 2015; Townsend, 2016).

55. Any information concerning special operations activities is highly classified. UK parliamentarians have discussed the release of information concerning these operations on multiple occasions, most notably as a means of requesting further details over British Special Air Service's involvement in the global war on terrorism (Parliament of the United Kingdom, 2002).

56. Details over operations are excluded from UK Freedom of Information Act and from its 30-year rule on the public disclosure of government documents. Former British defence secretary Philip Hammond was quite outspoken over the government's policy: "We never comment on the disposition of our special forces anywhere in the world and that will remain our policy" (Moran, 2016a). Indeed, on his public website, the British Ministry of Defence does not acknowledge SOF as deployed troops (The British Army, 2018). Available data has either been approved by the Ministry of Defence or leaked. The UK's SOF involvement in Libya was revealed incidentally by King Abdullah of Jordan during a briefing with the US Congress (Ramesh, 2016). An independent investigation by VICE News accuses UK special forces of being responsible for death of civilians in Yemen, while the government had never acknowledged a military presence there (Shabibi and Watling, 2016).

### **2. THE UNITED STATES**

57. The US policy over SOF is also characterised by scarce accountability. In principle, traditional military activities require Congress to be briefed in advance. However, the White House has classified SOF activities, as not falling under this category (Rhodes, 2011). The US President enjoys a great degree of autonomy over his foreign policy choices as commander-in-chief and due to congressional approve of the global war on terrorism. There is also concern over the CIA's paramilitary wing, often composed by former SOF troops. To be deployed, the CIA requires presidential approval and must notify the leaders of congressional intelligence committees. However, US law exempts the CIA from this procedure if it concerns covert operations needed to carry out clear<sup>10</sup> foreign policy goals. For clearly convenient reasons, CIA opts for a broad interpretation of

<sup>10</sup> Title 50 of the US Code covers CIA activities. The US Code outlines the procedures governing *War and National Defence*; Title 50 covers intelligence operations, espionage, military equipment and assets,

what falls under covert operations, thus avoiding congressional scrutiny over most of its activities (Moran, 2016b).

58. The US Congress has also an oversight and a limited advisory role. For example, USSOCOM commanders are not exempt from being called to testify and provide a general account of their activities. In November 2017, congressional representatives from both the House and Senate Armed Services Committees voiced their concerns over the increasing use of SOF at a policy forum organised by the Global SOF Foundation, arguing that units are fatigued by repeated and uninterrupted deployments (Brimelow, 2017).

### 3. FRANCE

59. In France, the *Commandement des Opérations Spéciales* (Special Operations Command, COS) was established in 1992 following the blueprint of the USSOCOM. Since its inception, as of 2017, the ministry of defence had recognised 25 operations conducted by French Special Forces, but it is likely many more were conducted in secret (Schumacher, 2017). The COS established a prominent role in the French defence strategy, as it managed to secure a considerable budget to invest on new technological capabilities (Guibert, 2018). On the other hand, its missions are characterised by the same lack of information found in the United States and in the United Kingdom.

60. In recent years, French military involvement in Libya was made public only through a journalistic investigation by *Le Monde*. As a consequence, the then-Minister of Defence Jean-Yves Le Drian launched a criminal investigation for the violation of national defence secrecy (Guibert, 2016). In 2017, the government announced the death of a French soldier in Iraq, without revealing either his identity or the exact place of his death, to preserve the larger objectives of the mission: France had never recognised an official deployment of troops in the area (Kujawski, 2017). From a legal perspective, the secret deployment of special forces could be considered in violation of the French Constitution: in principle, the French Constitution says the French president should always give notice to parliament within three days of a military operation, while a deployment of more than four months would require parliamentary approval (Thomas, 2015). In order to shed light over its activities, the COS Commander, General Grégoire de Saint-Quentin, had a Committee hearing in June 2016: at the hearing, General de Saint-Quentin argued discretion to be an intrinsic characteristic of COS missions, in order to maintain a strategic advantage on the field (*Assemblée Nationale*, 2016).

### 4. CHALLENGES OF PARLIAMENTARY OVERSIGHT OF SOF IN OTHER MEMBER STATES

61. Problems concerning lack of parliamentary oversight are present also in other NATO countries. In 2016, Italy reorganised its special operations' command structure, passing the authority of Special Forces missions to the secret services. As such, the Italian government acquired full control over their deployment, effectively removing any oversight role from the Parliament. The reform was suspiciously timed with reports that Italian forces have been operating in Libya: most likely, the government wanted to avoid a parliamentary debate over such a divisive issue (Kington 2016). In Canada, Special Forces share a similar fate to their US counterparts, as their use has grown significantly in recent years for counterterrorism operations, but it seems to have done so away from public knowledge or oversight by parliamentarians (National Post, 2015).

62. Overall, secrecy is a crucial part in the success for operations conducted by Special Forces. However, this should not become a blank check for governments to decide what they want to reveal if anything to the general public. While recognising the strategic importance of SOF, parliamentarians should still be able to exercise some form of control over their activities. Aside from conducting parliamentary hearings, parliamentarians usually have voting powers over the defence budgets,

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emergency powers, and other defence-related topics. Title 50 is a common reference to the powers the Director of National Intelligence is able to confer to the US intelligence agencies for operations.

and therefore, also over SOF funding. Parliamentary information requests about exactly what their nation's SOF forces are requesting funding for in their budgets may shed more light on the types of activities they will be executing. Funding spent on new equipment and technologies for effective intelligence, surveillance, and reconnaissance operations is money well spent; non-traceable funding, however, will raise more than a few eyebrows about the ways in which any nation's Special Forces are directing national resources.

## **VII. INTERIM CONCLUSIONS: WAYS FORWARD FOR NATO PARLIAMENTARIAN CONSIDERATION?**

63. It can be argued that SOF are victims of their own success. SOF can carry out operations more cost-effectively than regular forces, and their reputation within the general public prevents the stigma associated with purely military operations. As a result, in recent years decision-makers have begun to deploy SOF in lieu of conventional forces as much as possible. In a vicious circle, the effectiveness of SOF made them responsible for operations that would have otherwise been carried out by conventional forces, which has thus further encouraged decision-makers to approve detrimental cuts to defence budgets. The breaking point may be close: in the words of USSOCOM Head General Raymond Thomas III, "We are not a panacea" (SOFrep, 2017). Across the Alliance, nations are struggling to fill their ranks with soldiers capable enough to perform the demanding duties of Special Operations.

64. Despite the above, capable Special Operations Forces remain essential to dealing with the challenges of today and tomorrow's international security environment. International security competition and those elements seeking to undermine the Alliance will increasingly attempt to do so via Grey Zone tactics – coercion, cooption, espionage, sabotage, political and economic pressure, propaganda, cyber tools, clandestine techniques, etc. These instruments allow competitors to attempt to remain below the threshold of Article 5, which would bring to bear the overwhelming power of the Alliance into a conflict – which, at present, any opponent would lose. To parry competitors' Grey Zone tactics, SOF can provide essential special reconnaissance, intelligence and precision operations.

65. Currently, the Alliance has the means to provide uniform, capable, and interoperable SOF across all member states. The key channel through which this happens is the NATO Special Operations Headquarters. As the Alliance is adapting, so is NSHQ.

66. Member state parliamentarians should know, however, that NSHQ is faced with the dilemma many institutions and services face in today's security environment: limited resources being stretched over too much demand. For example:

- NATO's demands on fielding special operation commands will soon need to scale to include another level of battalion-level HQs.
- The Alliance's increased demand of policy planning from NSHQ, which at current levels, is diverting precious resources away from other institutional core tasks.
- NSHQ is perennially understaffed; currently running at only 70%. Member state parliamentarians should inform themselves about what their nation is doing to support this critical institution to Allied-wide capable SOF development.

67. The drive for an increasingly regionalised Alliance SOF presence still lacks the necessary political will. It is hampered by having to navigate the challenges of pushing against an institutionalised reticence in NATO to have control over all elements in its force structure at all times. The two-level game currently blocking increased regionalisation is finding the correct balance between increased resources and adaptation inertia. We must recognise that as security competition between NATO and its competitors is increasingly played out in the Grey Zone a more efficient SOF structure will increase the clarity of the security picture facing the Alliance.

68. Regionalisation would provide clear benefits: regional NATO SOF component commands would allow for expanded situational awareness capacity that has a clear edge in terms of speed and accuracy. The Alliance desperately needs this in the face of hybrid tactics which attempt to sow chaos, confusion, or discord about the reality on the ground.

69. A more efficient regionalised SOF presence would build significant resilience and strength to the Alliance's new defence and deterrence posture. Coordinated regional SOF would assist greatly with Brussels's oft-repeated desired to have a 360-degree security posture, backed by a dynamic and mobile deterrent – which a cadre of elite, highly educated, trained, and rapidly deployable SOF across the Alliance's disparate regions would strengthened greatly. A regional NATO SOF architecture would increase Alliance understanding of the new more nuanced and complex challenges to its security.

70. We must ask ourselves several basic questions. Do we have an understanding beyond the balance of forces assessment used when examining Allied conventional defence posture? Do we have the forces available, on a regular basis, that are capable, able, adaptable and structured to deal with a Ukraine-like attack on our countries? Can we afford to delay putting the regional structures in places to provide the responses we require?

71. Ultimately, Special Operations Forces should be thought of as a complement to broader whole-of-government approach to security, rather than as a panacea to complex issues. Parliamentarians need to think seriously about these issues and work to get the right kind of interagency cooperation to address these growing and complex challenges.

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