

Executive Summary

Alex G. W. Dowling

The Working Group on Security Sector Reform, chaired by the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Study Group on Regional Stability in South East Europe, chaired by the Austrian Ministry for Defence, and the Croat Institute for International Relations (IMO), jointly conceived this meeting as a means to review democratic standards in security sector reform and governance (SSR/SSG) throughout the Western Balkans region. By extension, the aim was to assess the effectiveness of pre-accession SSR conditionality mechanisms used by the international community. The location of the event, in Cavtat, Croatia, reflected a need to ensure the 'ownership' of the process by the Western Balkan policy community. This offers the most effective means of examining local needs and achievements in the area of SSR.

The international community's approach to SSR has seen significant developments in the recent past, not least the EU's adoption of its own SSR concept. Accordingly, the conference also aimed to present these developments to local implementers, receiving their perspectives in return. The norms transfer process in SSG is best understood by appreciating both the recipient perspective, the countries of the region, and that of the initiator, the international community, in parallel. The conference ultimately sought to highlight what remains to be done in the region to achieve the desired standards of SSG and how best the international community may facilitate the process. This symbiotic approach led to broad participation in the event, with representation from: NATO, the EU, member states, policy makers and independent experts from both inside and outside the region. The specific institutions of the security sector that were reviewed were: the armed forces and defence ministries; the intelligence sector; border management; and police and internal security. Self-assessments: studies on these topics were contracted from experts from the countries concerned. They will be published separately in 2007.

The initial phase of the conference focused on the international community's approach to SSR in the Western Balkans. NATO has been the acknowledged leader in the implementation of SSR, primarily in defence reform, in the region, driven by its enlargement process. Albania, Croatia and the Republic of Macedonia are all members of the Membership Action Plan (MAP), whilst Serbia, Montenegro and Bosnia and Herzegovina hope to join the Partnership for Peace (PfP) Programme. NATO has gradually moved beyond narrow defence reform into broader SSR, dealing with: military and defence organisations; law enforcement agencies with military status; and, intelligence and security services. The 1994 PfP Framework Document introduced defence reform as a component of NATO's role. By 2005, the promotion of democratic values and encouraging larger policy and institutional reform were part of NATO's expanded brief, complementing efforts by other international organisations. PfP tools were intended to be used for these ends and have partially been made available to non-members, Serbia and Bosnia and Herzegovina. The principal tool developed by NATO was the Partnership Action and Review Process (PARP), detailing targets for each country in fulfilling Individual Partnership Action Plans (IPAP) and Partnership Action Plans – Defence Institution Building (PAP-DIB). Beyond PfP, MAPs were designed to tackle five areas: political and economic issues; defence and military issues; resource issues; security issues; and, legal issues, all relating to SSR.

Beyond NATO, a number of international organisations are involved in the facilitation and implementation of aspects of SSR; national governments, NGOs, private security companies (PSCs) and intergovernmental organisations all have a role. The lure of membership has given intergovernmental organisations particular leverage in inducing reforms. The OSCE's 1994 Code of Conduct on Politico-Military Aspects of Security, to which all 56 member countries of the organisation are bound, was pivotal in the SSG-norm setting process, as were the broader 2005 OECD DAC guidelines on Security System Reform. The EU, despite many years of SSR-related activities in the framework of enlargement activities, only developed an SSR concept in 2006. UNDP has developed a Justice and Security Sector Reform (JSSR) approach, focusing on those areas relevant to its work. The

Council of Europe and its Parliamentary Assembly have both been involved in SSR activities but with no agreed SSR concept. NATO, despite its extensive and expanding list of SSR activities, also has no SSR concept document and limited discourse on public security, in part reflecting political divisions between members. It was evident from the presentations given that no single, coordinated approach to SSR has developed amongst intergovernmental organisations, but rather a series of approaches, each reflecting the priorities of the given organisation. One of the fundamental challenges in the field of SSR, it was observed, remains the establishment of a commonly-accepted concept and robust implementation guidelines. In the Western Balkans, the need for improved NATO-EU coordination in SSR is particularly acute. Partly for this reason the South Eastern Europe Clearing House was established, which has been a valuable means of improving coordination in defence reform. Nonetheless, it was pointed out that evaluating intergovernmental organisation as if unitary actors are misleading, since the differences amongst their membership are reflected in their work. This was deemed particularly true of the EU and NATO, where members have diverging opinions of the function and worth of each of the organisations.

Over the last year, the EU has judged SSR to be a priority area, reflected in the SSR strategies adopted for both European Security and Defence Policy (ESDP, Council) and community (Commission) SSR activities, subsequently combined into an overall EU SSR concept. Initiated by the British Presidency in the second half of 2005, the subsequent Presidencies of both Austria and Finland continued work in developing an EU approach to SSR. Coordinating EU institutions and capacities was recognised to be essential to SSR activities, requiring cross-cutting competencies and utilising different funding streams. The EU recognition of the importance of SSR is seen in the context of the 2003 European Security Strategy, advocating a more holistic approach to security. The EU perceives itself as a global actor, promoting human rights and freedoms, the rule of law and sustainable development, within both conflict prevention and post-conflict peacebuilding contexts, all SSR-relevant. The countries of the Western Balkans received firm commitments from the EU about its intention to support their efforts

towards membership in the Thessaloniki Declaration in 2003. The recent EU presidencies have sought to reinforce this message, in light of recent signs of ‘enlargement fatigue’ in Europe. This message, it was agreed, is essential in maintaining the reform process in the region, where countries recognise a clear incentive to enact reforms. Nonetheless, the aim of the international community is to see local ownership of SSR, where locals are the drivers and implementers of change. The risk of inflated expectations in the timeframes for EU membership must be carefully managed, one observer suggested, in order to avoid disengagement.

One important element of SSR is the development of national security strategies, for countries to design the concept and direction of reform. The current strategies in the region vary widely, with various countries operating on the basis of documents in need of updating. Conversely, Montenegro probably developed its own strategy too rapidly after independence, publishing the document in June 2006, before September elections. As in other countries of the region, this did not allow for wide participation in drafting the document. Parliaments, opposition parties and civil society organisations are examples of those who should be involved in developing a broadly representative document. It is also imperative, participants were told, for countries to move beyond expressions of aspirations to implementation; a clear set of measures to modernise armed forces is often lacking. Other issues highlighted that could be better articulated were how to implement regional approaches to security and the role of minorities, to minimise ethnic frictions. Some process of regional evaluation of national security documents, as carried out by NATO in the 1990s, was seen as a potentially valuable means of improving the quality and value of such documents.

A comprehensive security review process was recently carried out in Kosovo. The Internal Security Sector Review (ISSR) was conceptualised to consider future internal security needs through a holistic approach, within a strong local ownership context. The means of establishing extensive local participation in an internationally-led exercise was explained. Two rounds of town hall meetings were organised throughout the territory in order to allow representative voices to be heard. Although

ethnic minority voices were successfully included, it proved impossible to ensure significant female participation, although a confidential mailbox system did help to increase female input. The Kosovo Protection Corps (KPC) and the Kosovo Police Service (KPS) were also consulted. This assessment process, led by DCAF, was followed by a review of current security-providing institutions and identification of where capacity was lacking to fulfil the identified tasks. In the resulting 'threat wheel' constructed by the ISSR team, the key threats were often those related to economic instability, such as unemployment, crime and poverty, though for the Serb minority, the threat of ethnic violence remained the greatest perceived threat. Evidently, there is no use in a functioning security sector if people have no provision of basic essentials like food and jobs.

Following these observations on the state of SSR/SSG in the Western Balkans, the focus turned to sectoral analyses.

Of the various sectors, *defence reform* is the most advanced of SSR in the region, having commenced with NATO assistance soon after the Dayton Peace Accords. The reform of the military in post-conflict countries is of course particularly significant and has been slow in the region in comparison to what is demanded of it, perhaps reflecting over-expectations from the international community. Benchmarking has been lacking in the reform process, it was argued, making it difficult to identify progress, whilst comparative analysis is of limited use due to the wide spectrum of dynamics and achievements in the region. In practice, NATO acts as the sole benchmarker, since it is the primary defence policy objective for the countries of the region. NATO itself has no template for the defence reform process, demanding that target countries design their own strategy in order to foster local ownership.

Shifting trends in the region were identified in the defence field, such as: the professionalisation of forces; changed functionality (from territoriality to 'new missions'); the fall in popularity of armed forces; and the diminished social dimension of all volunteer forces. Nonetheless, the military still plays an excessively dominant role in the region. Changing mindsets in the defence sector was deemed a necessity

for effective reform, which may be moving in a positive direction but will ultimately require the next generation of practitioners to provide the solution.

In the case of Bosnia and Herzegovina (BiH), defence reform is seen as a crucial first step in SSR, particularly in fulfilling the aim of membership of NATO PfP. Whilst previously focusing on the task of removing redundant personnel, current reform efforts are concerned with restructuring institutions, with the aim of building modern, relevant, credible and affordable forces to provide both national and regional stability. Essentially, the desire is to build sufficient capacity to make the international security presence, EUFOR, redundant. A unique additional challenge for BiH is to build state defence structures from the entity level institutions that emerged as a result of Dayton, merging the two entity armies and creating state level command and control structures, in order to fulfil international obligations. This was given a legal basis in two defence laws: the 2003 Law on Defence and the 2005 Law on Services. Downsizing also remains ongoing, currently cutting back from 13,000 to 11,000 personnel. A significant impediment is the restricted defence budget, whilst it was also explained that limited local capacity can make absorbing all international assistance difficult, despite feeling compelled to accept all offers of help.

Judging progress in defence reform in Serbia, participants were told, is relative; it may either be examined against the state of Serbia's defence establishment before the transition to democracy, or against rigorous Euro-Atlantic standards of effectiveness and good governance. Following the disintegration of the State Union of Serbia and Montenegro (SCG), Serbia had planned to transfer the Ministry of Defence to Serbia, followed by discussion of a Strategic Defence Review in the parliament, neither of which had happened at the time of this conference, leaving the country with no Ministry of Defence (MoD). Evidently, Serbia is in a state of flux, with a new constitution awaiting approval by popular referendum and elections widely expected in December 2006. Such an uncertain environment makes a stable reform process impossible to design and implement, with the Milosevic era Constitution and Law on Defence still in effect. Despite the armed forces

being under civilian democratic control, problems regarding the division of powers between the President and Prime Minister persist. Whilst the President has had a prominent role in the military since the Milosevic era, the MoD and Finance Ministries remain under the jurisdiction of the government. No national security strategy exists, with separate documents being prepared by the Cabinet and President, again highlighting the problems within the executive branch. The current discourse on defence within the country is still conducted in polarised, ideological terms, as evidenced by disagreements over the aim of NATO membership. Additionally, it was explained that civil society expertise is limited and not utilised, whilst parliament has insufficient expertise in defence and security issues.

Whilst NATO has played the lead role in the field of defence reform, *police and justice reform* has been driven by other international actors, such as the EU and the Stability Pact for South Eastern Europe, which was itself established with an EU mandate. Participants were told of Stability Pact initiatives in the region in the field of policing and crime fighting, under the organisation's Working Table III (Security). The focus has been predominantly on the fight against organised crime, seeking to improve national, regional and international co-operation. The Stability Pact Initiative to fight Organised Crime (SPOC), for example, develops, plans and implements activities in partnership with regional governments in combating crime, as well as supporting parliaments in the region to build expertise and international co-operation in this area. Other examples included the Stability Pact Anti-Corruption Initiative (SPAI), which was established to aid in fighting the corrosive economic and political effects of corruption in the region. A recent significant development in policing was the signing in Vienna of the South Eastern Police Cooperation Convention in May 2006. Based on the EU's Schengen Treaty, it intends to give regional police co-operation a legal basis, and after ratification will provide the basis for future initiatives and projects in the field.

Despite the Stability Pact's coordination role, it was considered that regional co-operation and local ownership remain weak, with a lack of regional harmonisation in certain areas of basic legislation and no

regional networks, for example, in fighting terrorism. Regional co-operation and local ownership should be factored in to the design and implementation of future projects. Police forces also remain politicised, with senior positions changing for political reasons, thus weakening the reform process. Low salaries of special investigators make retention difficult after training. From the international perspective, coordination remains limited, resulting in duplication of training and institution-strengthening. It was suggested that South Eastern Police Chiefs Association (SEPCA) or the Southeast Europe Cooperative Initiative (SECI) could play the role of regional coordinator in future, minimising duplication, whilst EU standards could be applied to assess coordination between law enforcement bodies (police, prosecutor offices, judges and so on) within countries of the region.

In reviewing the progress made throughout the region in police and justice reform, it was suggested that restructuring is the most challenging task, requiring suitable personnel, a sound strategy and necessary finances in order to succeed. Simply reforming police forces is insufficient without reform of the justice system as a whole to ensure the goals of sustained legitimacy, skilled professionalism and accountability. The outcome of reforms must also be evident to citizens as well as bureaucrats, through upholding basic principles of democratic policing, the rule of law and police ethics, such as non-discrimination of minorities (a particularly pertinent concern in the Western Balkans region). Established oversight mechanisms, such as parliaments, ombudsmen, civil society or the media are important to ensure accountability to citizens, whose support is crucial. The Hungarian experience in post-authoritarian reform was offered as a reference point for countries of South East Europe (SEE). The three key tasks there after 1989 were de-politicisation, de-centralisation, and de-militarization of the police force, shifting from an emphasis on protection of the state to one of protection of citizens. Education and training programmes were developed to change practices, instilling principles such as accountability and human rights, thereby changing the public perception of the police force. Nonetheless, it was noted that no single systematic strategy exists for police reform, which should be tailored to specific needs and circumstances. During the reform period, the greatest

challenge is to maintain public order with a police force both in need of and undergoing change.

In Serbia, police reform began after the fall of Milosevic with the stated aim of the 'Four Ds': de-politicisation, de-centralisation, de-militarization and de-criminalisation. However, these aims have never been systematically developed in government policy, whilst reforms have tended to be driven by crises and necessities. An early attempt to articulate a reform strategy saw the creation of a Ministry of Interior 'Vision Document', finally released in 2003 and over-shadowed by the assassination of Prime Minister Zoran Djindjic, thereby losing its momentum. To this day, Serbia lacks a police or national security strategy, with the process of defining priorities in reform based on the OSCE Study on Policing, 2001. However, significant advances on police reform were not possible without a new Law on Police, which was not adopted until November 2005. A structural innovation in the document was the separation of the police service from the Ministry of Interior, with the Director of the police no longer an Assistant Minister, yet it remains to be seen whether the Ministry resists the urge to exercise its still considerable power. Regarding police oversight, which became a central issue after Djindjic's assassination by a man holding a Serbian police badge, the Law on Police of 2005 established internal oversight for the first time but internal oversight practices still need to gain the trust of police officials and the public. External oversight through the parliament's Committee for Defence and Security remains insufficient and post facto, with a lack of expertise, capacity and interest in exercising effective oversight, whilst there is no independent external oversight body. In fighting organised crime, the launch of Operation Sabre following Djindjic's death had a significant impact, as did the creation of the Organised Crime Service, though the development of a national criminal intelligence system is much needed. The establishment of a war crimes unit, prosecutor's office and court chamber, were also symbolically important, despite a lack of significant results to date. The de-militarization of border guards, a function which is planned to be fully taken over by the police by the end of 2006, became a priority as a result of EU demands, but much will need to be done by way of training and legislation in the future. Regarding the final 'D', the issue of de-

centralisation, local police remain hamstrung in dealing with local issues in co-operation with the community, crucial for rebuilding lost public trust. Community policing was referred to in the 2005 National Strategy for EU Integration, though the speaker believed that developing a national communities safety strategy will be key in establishing community policing. Education and training are evidently vital elements in improving public perceptions through changing police culture, which will be greatly aided by the planned creation of the Police Training Centre. It was ultimately suggested that cultural and value changes in Serbian society would be the essential elements to enduring police reform.

In the case of Croatia, reforms have been defined by Ministry of Interior programme guidelines for 2004-7. The sphere of the Ministry of the Interior's activities is defined by the Constitution and other laws, particularly by the Law on the Police specifying the structure, organisation, tasks and competence of the police. The realities of Croatia's geopolitical position, as a bridge between east and west, also influences the role of the police, it was explained. Terrorism and trafficking of humans and materiel are two examples of priorities arising from this position, demanding bilateral co-operation and information exchanges with neighbouring countries. As a consequence of the war, another policing issue highlighted was the large quantity of uncontrolled weapons and explosives that remain accessible to the public, leading to amnesty campaigns. Reforms to date have been focused on such areas as: improving capacity in fighting terrorism, improving the legislative framework and training initiatives. The Ministry of Interior pays particular attention to education and training of police staff, participants were informed, with regular seminars and courses organised independently or in co-operation with the Police Academy, associates and experts. It was also explained that the issue of human resources is an important one, which must be carefully factored in when designing a reform programme.

On the issue of police responsibilities for administrative tasks, such as the issuing of documentation, it was explained that the countries of the region are gradually separating administrative functions from police

work, intended to help overcome corrupt tendencies within that field of policing activities. In discussing the broader issue of de-centralisation of policing in the region, it was noted that the level of democratisation directly corresponds to the level of de-centralisation, thus highlighting the importance of undertaking reforms within the context of an effort to change political and social mindsets. In Hungary, not allowing police to be members of political parties had been an important step in de-politicisation. It was also suggested that increased co-operation between police academies of the region could be a beneficial step. Finally, the ever-present question of local ownership was raised, with some questioning the will, expertise and funds within countries of the region to take up the momentum created by outside reform efforts.

For the EU, the issue of *border security reform* is of particular importance in SEE, due to its position as a natural transit route through which security threats emanate westwards. Although an inherently international concern requiring multilateral solutions, co-operation and coordination have proven to be difficult. The EU's Integrated Border Management (IBM) programme was intended as a remedy to such problems, but has so far, according to a presentation on regional border security, not been implemented in practice, with little co-operation between different institutions such as border guards and customs authorities. Ultimately, police work should not be hindered by the existence of borders, with split jurisdiction benefiting criminals. Like policing, border security should be a service provider to citizens, not a reflection of political interests.

The border and police reform processes in the Republic of Macedonia and Montenegro were explored in more depth. In the case of the Republic of Macedonia, it was noted that a narrow focus on border security reform was insufficient without a broader undertaking of police and Ministry of Interior reform. Identified goals were to achieve greater: efficiency, organisation, expertise and cost effectiveness with improved equipment and a shift in emphasis towards the concept of the police as a citizen service. Macedonia signed a Stabilisation and Association Agreement with the EU in 2001, with Articles 74 to 79 concerned with the area of Justice and Home Affairs. Recently launched twinning

projects are a significant step in Macedonia's reform programme, with expertise provided by 23 domestic and foreign experts, particularly from Brandenburg, Germany. Strategic priorities for the twinning process are: the finalisation of a legal framework; consolidation and evaluation of the new organisational structures; and inter-institutional co-operation between all services involved in crime fighting. The current status of reform in Macedonia was outlined and it was explained that, in the realm of border security, competencies had been passed in four phases from the military to the Ministry of Interior. Efforts are also being made to improve coordination, both at a national and regional level. Nonetheless, various sensitive issues have been encountered in undertaking reforms, not least the representation of ethnic communities in the police services. In the process of transferring from a military to civilian border security force, the OSCE provided a three month training programme for those personnel who shifted from military to civilian competencies. It was acknowledged that the programme was probably insufficient.

In Montenegro, the Project on Border Security was released in December 2003, with the aim of establishing an integrated, civilian service. Legal reform has been carried out with the intention of harmonising national legislation with Euro-Atlantic standards, most notably through the Law on State Borders. Co-operation with border services of neighbouring countries is another important principle of effective border security, leading Montenegro to seek co-operation agreements with its neighbours, including UNMIK in Kosovo. Montenegro has also adopted a National Strategy on Integrated Border Management, as well as a Draft Action Plan, in order to meet EU Schengen guidelines. Indeed, all of these steps may be seen in the light of attempts to meet EU criteria in the realm of border management.

The fourth and arguably most challenging aspect of SSR tackled by participants was that of *intelligence reform*. In former communist countries, there was a long history of politicisation of the intelligence services, without organisational structures or values comparable to western models.

In Bosnia and Herzegovina, the role of the international community in leading intelligence reform has been one of few SSR-related successes in the country. Structurally, the process is complete; the country now has a single, civilian, state-level and multi-ethnic intelligence agency, within the necessary legal and regulatory frameworks and with executive, parliamentary, judicial and internal oversight mechanisms. Since July 2006, the agency has been under full domestic ownership, albeit with international monitoring, and is an increasingly respected international partner for other agencies. The experience demonstrated the prerequisite of international guidance, combined with deep domestic involvement in order to achieve successful reform. It was considered that, because there was no international actor specialised in the field of intelligence reform, the bureaucratic process used was optimal, with only four international personnel leading the reforms. However, because no organisation viewed intelligence reform as part of its mandate, the programme lacked an international sponsor. In future, it was considered imperative that room is found in international SSR programmes for intelligence reform initiatives. Intelligence services are becoming increasingly important in view of developing asymmetrical threats, with international intelligence-sharing critical in this context. Local intelligence agencies in the Western Balkans, it was suggested, were in fact more valuable to western agencies than vice versa, due to the threats exported from the region. Building their capacity is thus an essential task, with the EU's Stabilisation and Association Process providing an opportunity to investigate oversight and legal frameworks and to monitor their activities in combating security threats.

In the case of Serbia, the link between the security services and criminality expanded hugely in the 1990s, during the period of international sanctions, and predictably criminal elements have resisted subsequent attempts to curb their criminal activities. Reform of these institutions has been a key component of Euro-Atlantic conditionality for Belgrade. Legal changes, notably the 2002 Law on Security Services, met minimum requirements only, whilst the removal of senior security officials was not carried out soon after the transition to democracy in 2000, thus allowing criminality to remain ingrained. There is no coordinating body for the five security services, which is currently the

responsibility of the government. Attempts to establish a national security council were thwarted by political arguments over who would chair such a body. Parliamentary oversight remains more theoretical than applied, with the relevant committee lacking specialisation, understaffed and limited in its scope of enquiry, since its hearings are public. There is also insufficient will to exercise effective oversight. There remains insufficient separation between police and security forces, since security officials are mandated to use all police measures, whilst democratic civilian control is not much understood as a concept below top ranks.

Across the region there have been, and remain, numerous challenges in implementing intelligence reform. It was noted that in Croatia, these security services had served on the front line in the wars of independence, this making the concept of oversight somewhat unnatural; as elsewhere in the region, there remains a sense of security services being ‘untouchable’, even in relation to parliament. In the days of Yugoslavia, the intelligence services had been centralised in Belgrade, thus requiring the development of new intelligence capabilities in many places after the break-up of the country. Informing practitioners of the differences between intelligence and police roles was an important task of the international advisers in Bosnia and Herzegovina, with police powers to arrest and interrogate, for example, being beyond the legitimate mandate of intelligence services. In terms of oversight bodies, it was suggested that the most effective oversight should come from inside the intelligence services, since parliamentary control is inherently post-crisis. For ensuring effective parliamentary oversight however, the importance of members of parliament (MP) serving more than a single term was highlighted, in order to build expertise. Without sufficient experience, MPs can be easily misled by intelligence personnel. It was also pointed out that it is simply unrealistic to expect that the quality of parliamentary oversight can be higher than that of the legislature, since oversight is one of its most subtle and complex functions.

Overall, opinions exchanged at the event made clear that a number of themes were recurrent in the assessments of SSR/SSG in the Western Balkans. Much remains to be done to achieve SSG standards commensurate with Euro-Atlantic integration. Integration itself remains

the driving force in undertaking SSR in the region, in turn raising issues of local ownership and indeed the capacity of international actors to coordinate their activities. Regular self-assessment and stock-taking exercises such as this would be beneficial in charting the course of reform efforts in the region. The current lack of benchmarking makes judging progress difficult, consequentially hindering the reform momentum.