

7. Security Sector Governance Issues in Post-Conflict Societies: Concept, Tasks, Experience in South East Europe

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The purpose of the current chapter is threefold: first, to analyze the security governance activity in the broader context of the purposeful shaping of a regional security community in the Balkans, including the conceptual aspects of the relationship; second, to summarize the findings with respect to the concept of security sector governance, and thirdly – to bridge these findings with the practical implementation of security sector reform in post-conflict situations, bearing in mind the lessons-learned during the recent history of the Balkans, including during the period of fighting terrorism.

The Security Governance Issues and the Concept and Practice of a Balkan Regional Security Community

The first encompassing effort to understand better civil-military relations in South East Europe¹³⁹ viewed these relations as an element of the nascent and gradually evolving Balkan security community, of the region's build-up as a prospective compatible component of the Euro-Atlantic security and civic zone. The construction of a regional security community in South East Europe required a re-assessment of the role of the armed

¹³⁹ Plamen Pantev (ed.), *Civil-Military Relations in South East Europe: A Survey of the National Perspectives and of the Adaptation Process to the Partnership for Peace Standards*, IIF, Vienna, ISIS, Sofia, April 2001, p. 7; p. 10; p. 47; p. 205, and p. 213. Earlier assessments of the role of the building-up of a Balkan regional security community could be traced in: Plamen Pantev, *Coping With Conflicts in the Central and Southern Balkans*, St. Kliment Ohridsky University Press, Sofia, 1995, p. 37. More developed treatment of the subject could be seen in: Plamen Pantev, Valeri Rachev, Venelin Tsachevsky, *Bulgaria and the Balkans in the Common Foreign and Security Policy of the European Union*, Research Study 1, ISIS, Sofia 1995; Plamen Pantev, Valeri Rachev, Tilcho Ivanov, *Bulgaria and the European Union in the Process of Building a Common European Defence*, Research Studies 3, ISIS, Sofia, 1996; Plamen Pantev, *Strengthening of the Balkan Civil Society: the Role of the NGOs in International Negotiations*, Research Studies 4, ISIS, Sofia, 1997 – all could be found in English at: www.isn.ethz.ch/isis/OnlinePublications

forces, of the defense and national security concepts, of the real value of the principles and norms of democracy in a nascent Balkan regional civil society. The state of civil-military relations in the individual countries of South East Europe and of the region was considered both an indicator of the level of evolution of the security community and an opportunity to name the obstacles on the way of the developing process. Reaching a higher level of homogeneity in the area of civil-military relations was accepted as a stable step-stone on the way of building a regional security community in South East Europe¹⁴⁰.

Though the accent has been on the problems of the transitional countries of the region, the question of reforming security institutions in post-conflict societies has been presumed in these initial studies too. The different consequences of the conflicts and wars on civil-military relations in the individual countries, a special focus on Serbia, Croatia, Slovenia and FYRO Macedonia verified the progress of the two generations of reforms in the security sector and democratic control over it¹⁴¹. The conclusions of the study were drawn from the perspective of the respective contributions of the individual countries in the field of the reforming defense establishments and civil-military relations to the maturing of the regional security community in South East Europe.

The Geneva-based Center for the Democratic Control of the Armed Forces (DCAF) carried out in 2002-2004 a comprehensive study of the issue of defense and security sector governance and reform in six South East European countries (Albania, Bulgaria, Croatia, FYRO Macedonia, Moldova and Romania)¹⁴². Initially a stocktaking and self-assessment program showed the national perceptions of the efforts and results in the reform of their defense and security sectors according to the democratic requirements. The research was carefully and competently prepared, organized and carried out. Sixty-six studies were published in two vol-

¹⁴⁰ Plamen Pantev (ed.), *Civil-Military Relations in South East Europe*, Op. cit., p. 10.

¹⁴¹ Plamen Pantev (ed.), *Civil-Military Relations in South East Europe*, Op. cit., mainly 'National Perspectives on Civil-Military Relations' and 'Analysis and Conclusions'.

¹⁴² Eden Cole, Timothy Donais, Philipp H. Fluri (Eds.), *Defence and Security Sector Governance and Reform in South East Europe: Regional Perspectives*, Nomos, Baden-Baden, January 2005, 268 pp.

umes, treating democratic oversight and control over defense; the role of the parliament; transparency and accountability; democratic oversight and control over intelligence, police and border guards; the role of civilians and the military in defense planning; good governance in security and defense reform; the role and place of civil society; crisis management organization; peacekeeping and regional stability, and the international requirements and influence.

A third volume analyses the self-assessment papers, published in the first two volumes, enhancing the relevance of the original papers. This third volume also produced a region-wide analysis of the topical papers. It also included a conclusive chapter, surveying the original volumes, the national and the thematic analyses of the third volume, as well as data from other two DCAF studies on expert formation and on transparency in defense programs.

The author of this important chapter is Timothy Donais¹⁴³. He confirmed the assessments of earlier studies, mentioned in this chapter: “While there is still some distance to travel before one can speak in terms of a genuine security community in South East Europe, and while many sources of tension still exist (such as unresolved future of Kosovo), the countries of the region are slowly moving from confrontation to collaboration”¹⁴⁴. There can hardly be a more fruitful conceptual background on which to assess the security sector governance issues in the transitional and post-conflict countries of South East Europe than the ‘regional security community’ one. It provides the broader societal context and framework that can motivate the activity – national and international, in the direction of improving the security sector reform and performance in the individual countries and region-wide.

In the concluding paragraph of the final chapter of this very useful book Timothy Donais writes that there are “positive signs of growing regional

¹⁴³ Timothy Donais, *The Status of Security Sector Reform in South East Europe: An Analysis of the Stability Pact Stock-Taking Programme*, in: Eden Cole, Timothy Donais, Philipp H. Fluri (Eds.), *Defence and Security Sector Governance and Reform in South East Europe: Regional Perspectives*, Op. cit., p. 221-251.

¹⁴⁴ *Ibid.*, p. 244.

cooperation, which not only is helping to push the reform process forward but is also helping to create, through thousand small steps, a genuine security community in the region”¹⁴⁵. Our own observations and analysis confirm the significance of the broad regional context, provided by the ‘security community’ one in a defined geographic area, for the successful implementation of the security sector reforms. The confirmation of the original ideas, stated in earlier studies on the topic has significant consequences on the ability of the Balkan region to share its own lessons-learned with other post-conflict locations in the world.

An even newer confirmation of the validity of this concept, applied in the process of organizing and executing security sector governance improvements in post-conflict societies is the study carried out by the Institute for Security and International Studies (ISIS), Sofia as part of a co-project with the Austrian Directorate General for Security Policy, the Bureau for Security Policy, the Austrian National Defense Academy and DCAF in Geneva, treating the evolution of civil-military relations in South East Europe while adapting to the fight on terrorism¹⁴⁶. The pressing needs for reform of the security sector in the countries of South East Europe were stemming from the required higher efficiency in the battle with terrorism and from the general trend of establishing a security community of nations in the Balkans – part of the enlarging Euro-Atlantic civic and security space¹⁴⁷.

The study notes also that civil-military relations, democratic control and the security sector reform in South East Europe have become themselves characteristic of the regional security community that is in the process of establishing in the Balkans¹⁴⁸. Thanks to the domestic stabilizing effects,

¹⁴⁵ Ibid., p. 251.

¹⁴⁶ Plamen Pantev, etc. (eds.), *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ISIS, Sofia/NDA, Vienna/DCAF, Geneva, Springer Ferlag, Heidelberg, 2005, 276 pp.

¹⁴⁷ Plamen Pantev (ed.), *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, p. 7.

¹⁴⁸ Ibid., p. 13.

the growing transparency in the security sector in the individual countries, perceived by the neighbors as a de facto confidence and security-building measure the general security situation in the Balkans is improving and the efforts of preventing conflicts become more effective. The region becomes more predictable from a security point of view and the chances of diverting the social attention and energy on economic and other constructive areas increase for the good of the people of South East Europe and the whole Euro-Atlantic zone.

Another significant feature of the shaping regional security community in South East Europe is the anti-terrorism motivation of the security sector reform. It has become clear to all Balkan nations that unless the different components of the security sector function cooperatively it would be impossible to identify and neutralize the terrorist threat. Another feature of a more mature regional security community in South East Europe is the need for good governance of the security sector. People understand, notes the study, how important security is for their everyday life. They also understand that the more economic the 'security commodity' is – the better their economy and standard of living is going to be. This is a major reason why state budgets and professionalism in the security sector turn more and more into topics of public discussion¹⁴⁹.

Another proof of the conceptual link between the 'regional security community' and the 'security sector governance' problematic is the concluding part of the study. It says that though the disparities in the levels of evolution of democratic civil-military relations still exist in the individual countries of South East Europe, the tendencies and directions of the developing issues indicate a value of homogeneity in that area that has never existed before. This is a solid guarantee – despite not all security threats and instabilities have been overcome, that the forming regional security community has passed a philosophic turning point that can be hardly reversed¹⁵⁰.

¹⁴⁹ Ibid., p. 13-14.

¹⁵⁰ Ibid., p. 240.

Security Sector Governance Issues – a Priority Field of Activity in Post-Conflict Societies

The notion of security sector governance is comprised of three normative elements – security, governance, and security governance. The logical examination presupposes to follow their evolution and see how and to what extent they perform a coherent concept.

Security

After the end of the Cold War we witness significant changes in the security landscape, which in turn lead to the widening and deepening of the concept of “security”. “Widening” equals to the inclusion of political, economic, societal and even environmental threats next to the military ones. On the other hand, there is a growing recognition that in the age of globalization and with the proliferation of intra-state wars and conflicts and ‘failed states’, individuals and collectivities other than the state could and, indeed, should be the object of security¹⁵¹. As now security issues are multifaceted the answers given should not be solely at national and international level, but take into account the security concerns of individuals and groups. Thus, the deepening of the concept of “security” marks the shifting of focus from state-centered security and the emergence of new security contenders.

Governance

Hanggi argues that the concept of “governance” is quite a recent one, which has come into use in the context of globalization, reflecting the fragmentation of political authority among public and private actors on multiple levels of governance – national, sub-national and international – which accompanies globalization¹⁵². He has listed three definitions. In its basic notion, governance refers to the structures and processes whereby a social organization – from the family to corporate business to international institutions – steers itself, ranging from centralized control to self-

¹⁵¹ Hanggi, Heiner, Making Sense of Security Sector Governance, in Hänggi, H. and Winkler T.H., eds., Challenges of Security Sector Governance (LIT: Münster, 2003).

¹⁵² Hanggi, Making Sense.

regulation¹⁵³. To cut the long story short, governance is “the capacity to get things done”¹⁵⁴. Governance comprises “the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests through the making and implementation of binding policy decisions in the absence of a central political authority”¹⁵⁵. This definition covers a wide range of phenomena such as the introduction of self-government at the local or sector level, the outsourcing of central government functions to the private sectors, the privatization of security in established democracies and ‘warlordism’ in “failed states”, the increasing network-type of cooperation between governments, international institutions and private actors as well as the post-conflict reconstruction and governance of states and other entities under the auspices of international institutions¹⁵⁶. In the post-conflict context that we are referring to it is important to stress that at the state and sub-state level, governance is mostly exercised by governments, means governance by governments. Yet, we should take into account that government is often forced to share powers with other actors, be it international institutions, foreign powers, armed rebel forces or criminal organizations. There are two pertinent questions to be asked at that point – to what extent is the international community involved in governance issues and to what extent are the above-mentioned “non- statutory” actors influential?

¹⁵³ Rosenau, J.N., ‘Governance in a Globalizing World’, Held, D., and McGrew, A., (eds.), *The Global Transformations Reader*, (Polity: Cambridge, 2000), pp. 181-190. in Hanggi, Making Sense

¹⁵⁴ Czempiel, E.O., ‘Governance and Democratization’, Rosenau, J.N. (ed.), *Governance without Government. Order and Change in World Politics* (Cambridge University Press: Cambridge, 1992), pp. 250-271 (250) in Hanggi, Making Sense

¹⁵⁵ Krahmman, E., ‘Conceptualizing Security Governance’, *Cooperation and Conflict* vol. 38, no. 1 (2003), p. 5-26.; Krahmman, E., *The Emergence of Security Governance in Post- Cold War Europe*, Working Paper 36/01 (ESRC ‘One Europe or Several?’ Programme, University of Sussex: Brighton, 2001), in: Hanggi, Making Sense.

¹⁵⁶ Ibid.

Security Governance

At the state level, security governance refers to the organization and the management of the security sector¹⁵⁷. There is the point of introducing a broader view about what constitutes the security sector in the broader sense of the term, having in mind the specifics of a post-conflict case. According to UNDP there are five categories of actors, comprising the security sector:

1. Organizations authorized to use force: armed forces, police, paramilitary forces, gendarmeries, intelligence services (military and civilian), secret services, coast guards, border guards, customs authorities, reserve and local security units (civil defense forces, national guards, presidential guards, militias);
2. Civil management and oversight bodies: president and prime minister, national security advisory bodies, legislature and legislative select committees, ministries of defense, internal affairs and foreign affairs, custom and traditional authorities, financial management bodies (finance ministries, budget offices, financial audit and planning units), civil society organizations (civilian review boards, public complaints commissions);
3. Justice and law enforcement institutions: judiciary, justice ministries, prisons, criminal investigation and prosecution services, human rights commissions and ombudspersons, correctional services, customary and traditional justice systems;
4. Non-statutory security forces: liberation armies, guerrilla armies, private bodyguard units, private security companies, political party militias, and,

¹⁵⁷ Tanner, F., 'Security Governance: The difficult task of security democratization in the Mediterranean', unpublished conference paper (Geneva Centre for Security Policy: Geneva, 15 November 2002), in: Hanggi, Making Sense.

5. Non-statutory civil society groups: professional groups, the media, research organizations, advocacy organizations, religious organizations, non-governmental organizations, and community groups¹⁵⁸.

Very much similar to this definition is what Ball has put forward. According to her the actors influencing the quality of security sector governance are:

1. Bodies authorized to use force; armed forces; police; paramilitary forces; gendarmeries; intelligence services (including both military and civilian agencies); secret services; coast guards; border guards; customs authorities; reserve or local security units (national guards, presidential guards, militias, etc.).

2. Civil management and oversight bodies; the president/prime minister; national security advisory bodies; legislature and legislative select committees; ministries of defense, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit & planning units), and, statutory civil society organizations (civilian review boards and public complaints commissions).

3. Judicial and public security bodies; judiciary; justice ministries; defense attorneys; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; correctional services; customary and traditional justice systems.

4. Non-state security bodies; liberation armies, guerrilla armies, traditional militias, political party militias, private security companies, civil defense forces and

5. Civil society bodies, professional organizations, including trade unions; research/policy analysis organizations; advocacy organizations; the

¹⁵⁸ UNDP, Human Development Report 2002, p. 87, in: Hanggi, Making Sense.

media; religious organizations; non-governmental organizations; concerned public¹⁵⁹.

David Law is giving a more narrative definition, concerning the statutory and non-statutory actors. Both are actors that have the capacity to use force. The statutory bodies are those jurisdictions with a mandate to provide security from a representative authority such as the armed forces, military reserves, the police, paramilitary forces, intelligence services, and border and customs guards. The non-statutory actors are of two types – there are the bodies that can legitimately contribute to the security of government, business and individuals, but lack a mandate from a representative authority. The second group is this of “the outlaws” – those involved in organized crime and terrorism¹⁶⁰.

In practice these theoretical foundations vary. The level of involvement by the actors mentioned in these five UNDP categories differs widely from country to country depending on the political system. A newly emerging country will be likely to have underdeveloped civil society, judicial, legislative and civil management institutions, with the possible exception of an over-strong executive, as well as statutory security forces that are under-regulated or weak in comparison with both criminal groups and private security operations¹⁶¹. If there is a conflict that accompanies the emergence of the state additional challenge appears, namely the contending with competing security sectors on their soil – in the case of Bosnia and Herzegovina for example. There is the further complication that part or the entire domestic security sector is controlled and managed by foreign troops whether operating under or without a UN mandate. Caparini adds a point in the evaluation of the post-conflict context’s characteristics on the Balkans. For her the national security sectors tend to be fragmented, underdeveloped (although some sectors, typically

¹⁵⁹ Ball, N., Bouta, T. and Van de Goor L., *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, Clingendael, (Netherlands Institute of International Relations, The Hague, 2003).

¹⁶⁰ Law, David, *Security sector reform in the Euro-Atlantic region: An unfinished business* in Bryden, Alan and Hanggi, Heiner (eds.) *Reform and Reconstruction of the Security Sector*, Lit Verlag, Münster, October 2004.

¹⁶¹ *Ibid.*

the armed forces, are overdeveloped for peacetime conditions), over-politicized and structures along ethnic or religious lines. Non-state armed formations, including paramilitary organizations formed along party or ethnic lines, private military companies, criminal groups and guerrilla movements may exist alongside state security structures weakened by corruption¹⁶². From all this we could conclude that the greater the involvement by non-statutory security forces and the lesser that by non-statutory civil society actors, the worse the quality of security sector governance.

Security Sector Governance

Security sector governance combines the concepts of ‘security’ and ‘governance’ at the state level¹⁶³. Thus, it is essentially a state-centric concept but one which shares with the concept of human security a concern for the welfare and safety of individuals, groups and society, which more often than not suffer most from a poorly governed security sector. Security sector governance as a concept covers those components of the public sector in which reside the state monopoly of coercive power and has traditionally been a key feature of the modern nation-state. It reflects the broad notion of security because it does not cover the military alone, but acknowledges the importance and in some countries the predominant role of non-military security forces¹⁶⁴.

Security governance is very much closer to the concepts of good and democratic governance. In 2000, the UN Commission on Human Rights adopted a resolution that gave the common denominator by identifying five key attributes of good governance: (1) transparency; (2) responsibility; (3) accountability; (4) participation; and (5) responsiveness (to the needs of the people)¹⁶⁵. On the other hand democratic governance comprises the rule of law, including legal protection of citizens’ rights, inter-

¹⁶² Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans, in: Bryden, Alan and Hanggi, Heiner (eds.), Reform and Reconstruction of the Security Sector, Lit Verlag, Münster, October 2004.

¹⁶³ Hanggi, Making Sense of Security Sector Governance, Op. cit.

¹⁶⁴ Ibid.

¹⁶⁵ UNCHR Resolution 2000/64, in: Hanggi, Making Sense of Security Sector Governance, Op. cit.

ests, and personal security as well as fairness in the administration of justice and independence of the judiciary. Democratic governance also includes the right of political participation, and transparent and accountable government institutions¹⁶⁶.

The analysts have furthered the examination of that link. Ball gives the following principles of democratic governance in the security sector:

- Accountability of security bodies to civil authorities and civil society
- Adherence of security bodies to international law and domestic constitutional law
- Transparency of security-related matters
- Adherence of security sector to the same principles of public-expenditure management as non-security sectors
- Acceptance of clear hierarchy of authority between civil authorities and security bodies, clear statement of mutual rights and obligations between civil authorities and security bodies
- Capacity among civil authorities to exercise political control and constitutional oversight of security sector
- Capacity within civil society to monitor security sector and provide constructive input into political debate on security policies
- Political environment conducive to an active role on the part of civil society
- Access of security forces to professional training consistent with requirements of democratic societies
- High priority accorded to regional and sub-regional peace and security by policy makers¹⁶⁷.

Based on a document published in 2000 by the UK Department for International Development, the Human Development Report 2002 also summarizes the key principles of democratic governance in the security sector as follows:

¹⁶⁶ Ball, N., Bouta, T. and Van de Goor L., *Enhancing Democratic Governance*.

¹⁶⁷ *Ibid.*

- Ultimate authority on key security matters must rest with elected representatives
- Security organizations should operate in accord with international and constitutional law and respect human rights
- Information about security planning and resources must be widely available, both within government and to the public. Security must be managed using a comprehensive, disciplined approach. This means that security forces should be subject to the same principles of public sector management as other parts of government, with adjustments for confidentiality appropriate to national security
- Civil-military relations must be based on a well-articulated hierarchy of authority between civil authorities and defense forces, on the mutual rights and obligations of civil authorities and defense forces, and on a relationship with civil society based on transparency and respect for human rights
- Civilian authorities need to have the capacity to exercise political control over the operations and financing of the security forces
- Civil society must have the means and capacity to monitor security forces and provide constructive input into the political debate on security policy
- Security personnel must be trained to discharge their duty professionally and should reflect the diversity of their societies – including women and minorities; and,
- Policy-makers must place a high priority on fostering regional and local peace¹⁶⁸.

From an institutional perspective, democratic governance of the security sector would include the following ‘best practices’:

1. A constitutional and legal framework, which constitutes the separation of powers (between government, parliaments and justice courts) and

¹⁶⁸ UNDP, Human Development Report 2002, p. 90. See also UK Department for International Development, Security Sector Reform and the Management of Military Expenditure, p. 46.

clearly defines the tasks, rights and obligations of the security sector within the institutional checks and balances.

2. Civilian control and management of the security sector by the government (civilian control over the Ministry of Defense, other security-related Ministries and the military establishment as a whole, with civilian defense and interior ministers and civil servants having key policy and managing roles and with a clear division of professional responsibility between civilians and the military).

3. Parliamentary control and oversight of the security sector (powers such as approval of defense and related budgets, security-related laws, security strategy and planning, security sector restructuring, weapons procurement, deployment of troops for internal emergency situations and abroad, ratification of international agreements on security issues; instruments such as defense committees, hearings, inquiries and investigations, mandating reports, etc.).

4. Judicial control in the sense that the security sector is subject to the civilian justice system, too, and that there are no specialized courts (e.g. military justice courts) outside the civil courts, and,

5. A kind of ‘public control’ of the security sector through the existence of a security community representing civil society (political parties, NGOs, independent media, specialized think tanks and university institutions, etc.) and nurturing an informed national debate on security issues¹⁶⁹.

Security Sector Reform and the Post-Conflict Context

If democratic security sector governance as laid out above defines the objective that is desirable (but hardly ever met), then security sector re-

¹⁶⁹ Hänggi, H. (ed.) Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?, Working Paper no. 107 (Geneva Centre for the Democratic Control of Armed Forces: Geneva, January 2003). Born, H., and Hänggi, H. (eds.), The ‘Double Democratic Deficit’: Parliamentary

form would be the means of meeting, or coming closer to meeting this objective¹⁷⁰. But what are the objectives of SSR? With regard to the Eastern European transitions Peter Volten is speaking of “unequivocal settlement of the division of roles and responsibilities plus commitment to a force structure that is *useful* and thus appropriate, can be paid for and thus is *affordable*, and can rely on political and societal support and thus is *acceptable*”¹⁷¹. Hanggi points out two normative elements which constitute the core of the SSR concept, namely the development of (1) *affordable* security bodies *capable* of providing security (operational effectiveness and efficiency aspect), and (2) *effective oversight mechanisms* consistent with democratic norms (democratic governance aspect)¹⁷². In post-conflict situations, SSR has to tackle a third objective, namely *to address the legacies of past conflict* including disarmament, demobilization and reintegration (DDR) of former combatants, judicial reform in the form of transitional justice, the proliferation of small arms and light weapons, and anti-personnel landmines¹⁷³. These two, and in the case of post-conflict environments – three objectives, are widely recognized as the core elements of SSR¹⁷⁴. Brzoska sees three clusters of objectives: 1) *the build-up of new security sector institutions*, where none exist or are acceptable for reform by the international community, or the retrenchment of overwhelmingly controlling, present, repressive and threatening state security institutions from intervention into politics, economy, and society, where such institutions continue to exist; 2) the disarmament, demobilization, reintegration, transformation, and prosecution of illegitimate armed non-state actors in order *to re-establish a state monopoly of legitimate violence*; 3) the long-term goals of *building-up accountable, efficient and effective security forces*¹⁷⁵.

¹⁷⁰ Hanggi, Making Sense.

¹⁷¹ Volten, Peter, Report of Study Group B: Harmonising and Reforming Defence in CESS Harmonie Paper № 16

¹⁷² Ball, N., Bouta, T. and Van de Goor L., Enhancing Democratic Governance, in: Hanggi, Heiner Conceptualising Security Sector Reform and Reconstruction

¹⁷³ Edmunds, T., Security Sector Reform: Concepts and Implementation, DCAF Working Paper no. 3 (Geneva Centre for the Democratic Control of Armed Forces: Geneva, 2002)

¹⁷⁴ Hanggi, Making Sense

¹⁷⁵ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices in Bryden, Alan and

In order to achieve these objectives, actors use a wide spectrum of instruments belonging to the SSR “toolbox”, ranging from: (a) strengthening civilian and democratic participation and control through (b) reallocating military (material, economic and human) resources for civilian ends (“conversion”, “demilitarization” and control of military spending) to (c) reforming military and police institutions to perform specific tasks (“professionalization”, “capacity building”), (d) developing an independent judiciary and a humane penal system (“rule of law”) and (e) undertaking security analysis and creating policy models¹⁷⁶. In Caparini’s words, in order that SSR objectives are to be achieved “the localization of security functions as part of the general transfer of authority from international actors to national and regional governments” has to take place¹⁷⁷. Yet, it is necessary to point out that SSR is holistic, thus fusing ends and means, prerequisites and results, actors and policies¹⁷⁸. Probably it is the reason why there exist so many definitions of security sector reform objectives in post- conflict cases.

SSR in post-conflict cases is heavily dependent on: a) the underlying crises and b) nature of war to peace transition and c) the conflict cycle. The possible crises could be of public authority, legitimacy and trust; legality and role of law; state and government capacity; privatization and changed state-marker relations; control and distribution of resources; national identity and citizenship; sovereignty and self-determination; regionally and globally interlocking insecurities¹⁷⁹. The second factor comprises the role of the state and non-state actors, concerning the pro-

Hanggi, Heiner (eds.) Reform and reconstruction of the Security Sector,. Lit Verlag, Munster, October 2004

¹⁷⁶ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

¹⁷⁷ Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

¹⁷⁸ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

¹⁷⁹ Luckham, Robin, Public Security in “Post- Conflict” States, paper presented at “After Intervention- Public Security Management in Post- Conflict Societies- From Intervention to Sustainable Local Ownership”, joint DCAF/ PfP Consortium workshop

vision of security; depicts if they are inherently repressive and/or unstable, how they fit within a wider regional or global environment, etc¹⁸⁰.

Security sector reform is time-sensitive and dependent on the conflict cycle. Very often in post-conflict cases it is considered naive to speak of ambitious holistic SSR programs, because of the fact that it is exercised in its defensive mode and its results could be limited only to stabilization. Under such circumstances it makes sense to concentrate on the international actors' time frame rather than on normative ideas about an extended democratization agenda. Security sector reconstruction and reform programs should therefore avoid simply enumerating prerequisites or normative goals that can only result from a multi-year, evolutionary change. According to Caparini the initial institutional focus of SSR programs in post-conflict context should be police reform and reform of the law enforcement agencies. So, before speaking of SSR in post-conflict societies we should take into account all these factors.

Regional Specifics

There are of course some visible features of the post-conflict situations in the Balkans. The *international involvement* for example is performed in various ways- international peace support forces- (EUFOR/ "Althea" in Bosnia, KFOR in Kosovo), international police forces (European Union Police Missions in Bosnia and Macedonia) or international administrations with wide-ranging powers in Bosnia and Kosovo. This is depriving the local authorities from their original monopoly over the use of force.

BiH is still very much dependant on international assistance. At its 28-29 June 2004 summit in Istanbul, NATO announced that the NATO-led Stabilization Force (SFOR) would be terminated at the end of 2004. On 9 July the UN Security Council welcomed the EU's intention to launch a EU military mission in December 2004, and on 12 July 2004, the European Council issued its decision to replace NATO's mission with a EU-led peacekeeping force (EUFOR) at the end of 2004.

¹⁸⁰ Luckham, Robin, Public Security in "Post- Conflict" States

In the end of 2004 we witnessed the handover between SFOR and EUFOR. The launch of the EU Force in BiH marks the beginning of a new phase in BiH's recovery – its transition from the era of Dayton to the era of Brussels. The EU force works with the EUSR/HR, the EUPM, the EUMM, and the European Commission's assistance programs to support the Stabilization and Association process and the OHR's Mission Implementation Plan. The EU Force helps to buttress the EU's comprehensive approach towards BiH, and supports BiH's progress towards EU integration by its own efforts. NATO's long-term political commitment to the country remained unchanged and the establishment of a NATO headquarters constituted NATO's residual presence in the country. The NATO HQ Sarajevo assumed leadership, in particular, of the defense reform process in BiH on behalf of the international community. Other international actors present are the EU Monitoring Mission, EU Police Mission, EU Special Representative¹⁸¹.

EUFOR is organized along similar lines to SFOR, with three major geographic sectors. It continued with all current SFOR tasks, including the pursuit of war criminals. This task was shared with the NATO HQ in Bosnia: NATO and preliminary USA actively search for Persons Indicted for War Crimes, while EUFOR would arrest them if it encounters them in the course of its regular duties. EUFOR would also be obliged to support civilian implementation of Dayton Peace Agreement.

The EU police mission – Proxima - began work in Macedonia on 15 December 2003 following the end of the EU military operation – Concordia (Invited by Macedonian authorities, the EU launched on 31 March 2003 the military Operation Concordia, the first ever EU military operation, with recourse to NATO assets and capabilities. With an initial mandate of six months, the 400 men-strong mission was extended in July 2003 up to December 15) Proxima was a civil police mission with the aim of supporting the process of reform within the Macedonian police service, with particular emphasis on the fight against organized crime. The decision was taken at General Affairs Council (Joint Action

¹⁸¹ Mid -Year Report To The European Parliament, January - June 2004, OHR in Bosnia

(2003/681/CFSP)), following an invitation by the Macedonian council of Ministers¹⁸².

In the security hierarchy at the pinnacle is the Kosovo force (KFOR), the principle armed force in theatre with substantial resources from NATO. As KFOR is the lead security force for the military dimension, the UNMIK Police must be considered similarly in the area of civilian policing. The UNMIK Police organization is divided into three sections: Civilian police, regular policing and criminal investigation; Border police and Special police Units. KFOR's mandate is based upon the UNSCR 1244 and its annexes. In Section 9 of the Resolution there are eight responsibilities that provide the statutory parameters for the KFOR presence. Similarly there could be found the mandate provisions of UNMIK: "to provide temporary law enforcement and to develop a professional and impartial KPS trained in democratic police work"¹⁸³.

Another major external factor for SSR in the Balkans' post- conflict cases is the disciplining effect of the *EU and NATO/ Pfp bid*. The political scene in BiH is dominated by the consequences of two events in late 2003: the publication in November of the European Commission's Feasibility Study on the readiness of BiH to begin negotiations on a Stabilization and Association Agreement (SAA) and the issuance in December by NATO of benchmarks that the country must meet if it is to join NATO's Partnership for Peace Program (Pfp). Following the publication of these documents, all parties represented in the BiH Parliament signed a common platform pledging to undertake the measures necessary for further Euro-Atlantic integration, the first commitment of its kind in post-war BiH. Macedonia is a MAP country and has also signed SAA in April 2003. The Stabilization and Association Process deals with those aspects of security sector reform proper to EU competence, through the monitoring of discrete elements such as the rule of law, independence of the judiciary, democratic control of the armed forces and anti-corruption measures by way of annual country reports. Meeting NATO's criteria

¹⁸² European Security Review, ISIS Europe, Number 21, February 2004

¹⁸³ Fisher, Jeff, Democratic Control of Armed Forces and Kosovo. Security in the Absence of State, DCAF Working Paper No 66, August 2002

and defense capability standards can be a force for both democratic reform and military modernization, but it also requires subordinating nations' defense culture to NATO's (fast-changing) collective needs, which are not always well-attuned to the post-communist SSR environment¹⁸⁴.

Dilemmas of Externally Driven Security Sector Reform – the Cases of BiH and Kosovo

Speaking from historical perspective, post-conflict situations provide fertile ground for security sector reform, but they are characterized by at least six dilemmas¹⁸⁵.

Firstly, in post-conflict situations are clashing the lack of security and the need to quickly build up institutions which can provide security for the people as well as state institutions with the presence of structures and institutions of war which need to be disbanded¹⁸⁶. This is the case of Kosovo Protection Corps, which was originally established to be demobilization vehicle for the combatants of Kosovo Liberation Army. It is not security, but civil emergency oriented, its mandate crafted in UNMIK resolution of 1998. It has the following five tasks: to provide disaster response service; to perform search and rescue; to provide a capacity for humanitarian assistance in isolated areas; to assist in de-mining and to contribute to rebuilding infrastructure and communities. Although there is supposed to be a 10 percent minority quota in KPC it is almost exclusively ethnic Albanians that form KPC and there are no Serbs among the 5,000 members. For most of the Serbs in Kosovo KPC is seen rather as part of the problem than as part of its solution. A more successful story is the establishment of Kosovo Police Service. It comprises more than 3,500 officers that graduated from Kosovo Police Service School. 20 percent are women and 10 percent are minorities, many from the Serb community. Over the long- term UNMIK Police will phase out

¹⁸⁴ Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

¹⁸⁵ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

¹⁸⁶ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

and handover their policing activities to the KPS. This “mixed type” decision, concerning KPC exposes most of the potential problems of the application of ‘*tabula rasa*’. It is often the prerequisite for buying the acquiescence of former perpetrators. Contrary to the assumed need of an ideational and jurisdictional break with the past, reform begins with the fiction of a zero point in order to limit political opposition and resource needs¹⁸⁷.

Secondly, external input clashes with the need for local ownership. The proper place of the international actors is very difficult to find. As we witness in BiH the OHR has the leading role in the security sector reform and the security sector reform is gradually moving forward. BiH now has a State-level Defense Ministry, headed by an effective minister. Pivotal laws are in place and key appointments have been made. With the confirmation of the last of the general officers by the BiH Presidency on 21 July 2002 (Chief of Joint Staff and Deputy Chief for Operations, and Commander of the Operational Command), top military posts have been filled. There are even three joint army units – one ceremonial, and one for Iraq included. The Intelligence and Security Agency (ISA) became operational on 1 June 2004. The Director General, Deputy Director General and Inspector General assumed their positions as planned. Significant progress has been made in the preparation of rulebooks of which the most important one, the Book of Rules on Internal Organization, was approved by the Council of Ministers on 24 June 2004. The approved organizational structure defined therein had to be in place no later than 31 December 2004. OHR is looking for quick fixes in the field of police reform too. Many claim that it will be preceded by constitutional changes in 2005. The main question is the sustainability of all these reforms¹⁸⁸.

A third, related dilemma pertains to the fundamental democracy deficit of external interventionism. Bosnia and the OHR is again a cease to

¹⁸⁷ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

¹⁸⁸ Mid -Year Report To The European Parliament, January - June 2004, OHR in Bosnia

point. As SSR ultimately concerns the ability of national authorities to govern the security dimension effectively, it is worrying that the domestic political process has been sidestepped in engineering some significant structural changes. Questions may be raised about the legitimacy and durability of measures so lacking in truly local “ownership”¹⁸⁹.

The fourth dilemma concerns the clash of priorities. At least in post-conflict situations externally sponsored SSR is de facto premised on the assumption that public security and the state monopoly on legitimate violence are prerequisites for long-term democratic, developmental or overarching ‘human security’ agendas¹⁹⁰. Bosnia and Herzegovina and Kosovo are cases in point. Here international actors have prioritized the security sector reform over the democratic consolidation. However, some authors claim that democratization has to be prioritized, and that with proper democratization respective governance of security institutions will emerge over time. Luckham shares similar ideas with regard to what he calls “policy dilemmas”, concerning the transformation and democratization of security sector governance. Here pertain at least two: building peace and security from below versus overriding priorities of security law and order; investment of scarce resources in economic and social reconstruction or in security, law and order¹⁹¹.

A fifth dilemma concerns the principle of rule of law. More often than not the national actors are interested in power preservation. The longer term benefits, such as stability through more predictable behavior of disenchanted segments of society, helping to channel distress, and increasing social cohesion, generally only come in the longer term are not that popular.

The sixth dilemma applies to the domains of the international actors. There is the question over the military or development lead. As security sector reform entails instruments not generally in the military’s toolbox,

¹⁸⁹ Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

¹⁹⁰ Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

¹⁹¹ Luckham, Robin, Public Security in “Post- Conflict” States

this constitutes a stretch of the capabilities and capacities of military organizations, in addition to claiming ground traditionally covered by development agencies. However, development agencies generally have little experience, and often limited willingness, to deal with security institutions or to develop programs for security sector reform such as police reform or the design of laws for security sector institutions¹⁹². But it seems to us that what matters more here is the coherence of policies. For example the riots in March 2004 exposed many deficiencies of the security system in Kosovo – it lacked the capacity to anticipate; the chain of command was exposed as disjointed; CIVPOL duties appear to have been prematurely delegated to KPS and at the same time CIVPOL lacking *esprit de corps*; CIVPOL, KFOR and KPS responsibilities divided and therefore obscured. Although it was “military” domination the reaction was far from the point of being described as successful.

Internally Driven Security Sector Reform – the Case of Macedonia

The case of Macedonia is also described as “post-conflict”. But it has to be highlighted that SSR reform is internally driven and governance lies within the national government. Macedonia has phased out the institutional engineering. It has come a long way since 2001. It survived the double shock in early 2004 – the death of President Trajkovski and the violence in Kosovo. This indicates a certain degree of political maturity and democratization. The engagement of the international actors played its role for the stabilization of the country, though sometime described as “confusing” and “incoherent”.

The problems faced by the Macedonian government in the implementation of SSR are mainly crisis-connected. It affected the institutional relationships, exposing unclear relationship between the President and the Government and the weak mandate of the Security Council; it gave some advisory bodies a decisive position; when talking about management it led to the creation of parallel “shadowy” agencies (like the “Lions” for example). In a post-conflict environment it is also hard to apply the principles of transparency and accountability. The Parliament is

¹⁹² Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

marginalized. Weak and unprofessional parliamentary oversight of the budget of the military, the police and paramilitary units made possible the heavy overspending by the MOD and particularly the MOI during the crisis: it was caused mostly by unauthorized recruitment of large numbers of untrained reservists and the acquisition of expensive weapon systems (ground support aircraft for the military, heavy armor and artillery for the police) which did not contribute much to the ability of the armed forces to fight armed ethnic Albanians, who used classical guerilla tactics. At the same time, badly needed improvement of training and C³ were mostly neglected¹⁹³.

The crisis of 2001 highlighted the importance of a truly comprehensive approach in SSR. Despite the government's efforts, the Macedonian police force is still unable to counter security threats, such as organized crime (drugs, arms and human trafficking), corruption and a weak economy and does not yet enjoy public trust and confidence in law enforcement capabilities. One of the reasons is the failure to build up an effective community-based multi-ethnic police service. There continues to be poor communication, co-ordination and intelligence sharing, overly centralized control of the police sector and continuing reliance on heavy-handed tactics, all of which are considered responsible for the general weakness of the Macedonian security forces.

From problem-oriented point of view emphasis should be on areas, which have a synergetic, or multiplier effect, such as education and training. Expectations as to the speed with which these reforms produce visible results should be realistic: vested interest of some political forces in maintaining the status quo, underdeveloped political culture, lack of readiness for compromise and cooperation among political forces, and other factors will undoubtedly hamper progress¹⁹⁴. From institutional perspective reforms should be holistic and future-oriented: while not ne-

¹⁹³Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies in E. Cole, T. Donais and P. Fluri (eds.), Defence and Security Sector Governance and Reform in South East Europe: Self-Assessment Studies – Regional Perspectives

¹⁹⁴Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies

glecting the military, even greater efforts should be made to improve the ability of the government to fight new challenges to security by stepping up police reform (including the full take-over of border security) and other law-enforcement agencies. Rebalancing the relationship among the main players (President, Security Council, Government, Parliament), necessary for more effective parliamentary control can be expected only over a relatively long period of time¹⁹⁵.

Conclusion

Completing the task of constructing a ‘regional security community’ would require SSR and democratic governance of the security sector of the participating countries. Strengthening the democratic governance of the security sector is a complicated political process that goes beyond constitutional and legislative changes. Because what they cannot achieve is to alter the mentality and political culture of those actors engaged in security sector governance. And as a result we face the neat picture, created by “paper reforms”. The principles of democratic security sector governance define objectives that are desirable for all governments and effectively describe an ideal type of security sector governance. But it is also necessary to define the entry points and adjust the broad understanding for objectives to the local needs. The policy dilemmas should find their answers in each and every post-conflict case, which would enable a more focused reform and reconstruction process. On-ground analysis would help for elaboration of individual cluster for progress. Although some cases, like the Macedonian one for example, are also described as post-conflict it would be shortsighted not to distinguish the relatively higher degree of local ownership and different set of priorities.

¹⁹⁵ Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies