



Study Group Information

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Security Sector Reform in South East Europe – from a Necessary Remedy to a Global Concept

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Introduction

This publication is based on the results of a seminar that took place in October 2006 in Cavtat, Croatia. The partners to this project, the PfP Consortium Security Sector Reform Working Group (under the chairmanship of the Geneva Centre for the Democratic Control of Armed Forces – DCAF) and the PfP Consortium Study Group on Regional Stability in South East Europe (under the chairmanship of the Austrian Ministry of Defence), together with the Croat Institute for International Relations – IMO – Zagreb, together with the Western Balkan policy community, reviewed the democratic standards for security sector reform and governance and the development of the pre-accession SSR conditionality in the light of the evolving Security Sector Reform concepts of NATO, the EU and other International Organisations.

The project objectives were to have experts from Western Balkans countries report on the status of defence, intelligence, border security and police/internal security reform in their country on the basis of a pre-established questionnaire and to document these reports on behalf of the international community in a publication.

DCAF's core business is Security Sector Reform and Governance. Since 2000 DCAF is chairing the PfP Consortium's SSR-Working Group, which allows DCAF to share its experience with another community of interests. The SSR-WG brings together Security Sector actors (AF, BG, police, intelligence agencies, parliamentary oversight structures, academic and civil society networks) that otherwise do not meet. Being one of the groups that internalized the NATO-PfP "Defence Institution Building" concept, the SSR-WG links SSR with the conditionality of PfP and NATO about democratic defence institutions. It helps identify the gaps in different topical areas and geographic regions (with this publication devoted on South-Eastern Europe), highlighting the need for implementation and education and training. Therefore the PfP Consortium with its training and education angle, as well as NATO/PfP's "education for reform"-initiative present a platform to bring these concepts closer to those that have to work with them.

Since 1999, the Austrian Ministry of Defence and the National Defence Academy have been supporting the Study Group Regional Stability in South East Europe of the Partnership for Peace Consortium of Defence Academies and Security Studies Institutes. The cooperation between the Swiss and Austrians has helped in combining our forces over the past years, wherever DCAF – with its globally acknowledged role in SSR concepts and training – and Austria – generally accepted as one of the EU countries with predominant experience in SEE matters – have managed to generate an added value.

The Austrian European Union Presidency decided to put the case of furthering the Stabilisation and Accession processes of the Western Balkans high on the agenda of its presidency. Within the Austrian MoD, the topic of Security Sector Reform became one of the prime objects for research and policy, defining a comprehensive SSR concept for SEE as an essential element in ensuring security, democracy and a productive social and economic development in the entire region. To that end, the collaboration with DCAF became even more meaningful, having had DCAF assisting the EU-presidency in the preparation of the documents needed in order to present the way ahead in SSR and SSG in the Western Balkans.

The perspective of accession into Euro-Atlantic structures constitutes one of the most powerful and convincing incentives for reform in the region. EU insistence on SSR and support for relevant efforts is geared towards accelerating the accession process through need-oriented advice as well as human and financial support. A comprehensive but nevertheless flexible strategy for SSR in the countries concerned is therefore an essential part of EU efforts to help enhance stability as well as social and economic progress in the Western Balkans. From a European Union perspective, this workshop can be understood as a further stepping stone in taking stock of the progress made in SSR throughout the region, especially in the tour d’horizont of the four key SSR areas: defence, police and justice, border and intelligence reform.

Anja H. Ebnöther, Assistant Director, DCAF
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Foreword

Neven Pelicarić

As it is well-known, full inclusion into the Euro-Atlantic integrations is one of Croatia's strongest motivating factors and a driving force in shaping our policies. Croatia is ready to meet all criteria necessary for a full-fledged membership both of the European Union (EU) and NATO. Croatia has already been firmly entrenched in the European processes and with the opening of accession negotiations our ties with the EU are becoming stronger and stronger every day. Furthermore, Croatia has always been committed to play a constructive role in the stabilisation of South East Europe (SEE) as the Union's partner through enhancement of bilateral relations with our neighbours and by comprehensive regional co-operation.

At present, the countries of the region are going through different stages of the process of transformation and have achieved maybe different levels of democratisation but they are all progressing in the same direction. Reforming the security sector into a democratic and professional service to the citizens is of great importance for our long-term stability and economic development. Moreover, it is a precondition for the EU and NATO accession.

With regard to Croatia's EU accession process, explanatory and bilateral screenings for Chapter 31, Common Foreign and Security Policy, as one of the last in the row, have been successfully completed presenting Croatia's accomplishments in the implementation of ESDP standards concerning both civilian and military crisis management.

The NATO membership perspective rests upon the same political values and criteria, with security and defence co-operation gaining even more importance in today's world burdened with new kinds of security threats.

SEE is a very sensitive area not only due to the recent conflicts, but also due to its position on the so-called *Balkan Route*. The European Union and NATO could ill-afford to have a “black hole” in such an important geo-strategic area, if for nothing else than for its religious and ethnic diversities and divisions with potentials for extremisms and violence.

The SSR (Security Sector Reform) in SEE has gained in importance since it comprises border management, police reform, intelligence reform and very importantly parliamentary oversight. The process of reforming the security sector should involve the local government as well. So far, civil society has played a constructive role in the region by promoting the reforms in this sensitive sector. Croatia as well supports the development of the civil society and the Government adopted the National Strategy for Civil Society Development in July 2006. In this light, today’s conference is the best example of civil society contribution to reform processes.

Similar to the EU mechanisms that are to ensure adequate preparedness of South East European countries to join the EU, NATO has its own specific mechanisms to guide aspirant countries to the stage where they are capable of joining the Alliance. In the case of Croatia, and some other South East European countries, these are the Partnership for Peace and the US-Adriatic Charter, through which we can show our commitment and achievements.

NATO has praised Croatia’s achievements, among which participation in the US-Adriatic Charter and contribution to NATO mission in Afghanistan have their prominent place. We have completed the fifth Membership Action Plan (MAP) Cycle and I believe we have every reason to expect that at the forthcoming NATO summit in Riga a strong commitment to Croatia’s future membership will be confirmed.

The Republic of Croatia has a key, forerunner role in the stabilisation of the region as a country, which could serve as a role model to the region in the efficient implementation of the reforms of the security system. Croatia has made a significant progress in fulfilling the political criteria, our economic performance is very good, defence and judiciary reforms

are well underway, and we are making headway in the implementation of NATO legal and security requirements. The Annual National Programme (ANP), for the fifth MAP cycle (2006/07) was adopted by the Government on 14 September 2006. Last year the “Strategic Defence Review” (SDR) was adopted by the Government and welcomed by NATO. It is followed by the “Long-term Development Plan (LTDP) for the Armed Forces” (2006-2015), which has been adopted by the Government and the Parliament.

A profound transformation of the Croatian Armed Forces is well under way with a goal of having modern, fully professional, well-equipped, mobile, deployable, NATO-compatible and, very importantly, financially affordable military forces.

During the previous Action Plan, the legislation has been amended, and in accordance to that, the reform of the security/intelligence system has started. On 30 June 2006, the Security and Intelligence System Act was adopted. The Act foresees two agencies: the Security and Intelligence Agency, and the Military Security and Intelligence Agency.

The new Act lays the ground for adopting three laws, which will be the basis for organising a uniform system of information security – the Data Secrecy Act, the System of Information Security Act, and the Security Clearances Act, which will be adopted by the end of 2006.

The Republic of Croatia has already developed significant crisis management capacities. Improved capacities will qualify Croatian forces for participation in complex civil and military conflict management operations led by the EU and NATO.

The reform of the home affairs has also been focused on the European criteria and standards. In 2002, the Ministry of Interior has started a set of reforms of the Croatian Police in the areas of the internal democratisation of the police force, police educational system, public relations reform, the organisation of the communal police, the enhancement of the crime prevention, and the reform of the operational-preventive work of the policemen.

The Republic of Croatia has continued to play an active role in many regional initiatives, which have further contributed to the stabilisation of the region.

Euro-Atlantic integration is our goal – but not an aim in itself. Once achieved, it proves that the country has reached a level of stability, democracy, competence, efficiency, reliability and economic development, which ensures its individual successful future existence, as well as its contribution to the strengthening of the EU and its constructive participation in global affairs.

The reform of the security and defence system of the countries of the so-called ‘Western Balkans’ is one of the key processes of the association and integration into Euro-Atlantic organisations, and this is a process not the least separated from the process of the judiciary reform, fight against the corruption and organised crime, and the process of the approximation of national legislation to the *acquis communautaire*.

Croatia has a generally accepted profile of a stable, democratic European country which is rapidly progressing in the process of the security system reform, capable of taking its share of responsibility for strengthening regional, European and Euro-Atlantic values in the name of peace, stability and progress. Of course, the image underlines the responsibility. The Republic of Croatia will be up to the challenge, as I am confident that the rest of the region will follow.

Partnership for Peace and Security Sector Reform

Chris Morffew

Background

In recent years the international community has expanded its focus from Defence Reform to look at the wider aspects of Security Sector Reform (SSR), but what is SSR? From a NATO perspective, SSR encompasses, but is not restricted to, defence reform, security service reform and border security. Furthermore, while many international organisations are involved in SSR, NATO fully understands that in some areas of work it only plays a supporting role.

From a NATO perspective actors in the security sector will be limited to: military and defence organisations; law enforcement agencies with military status; and, intelligence and security services. The national bodies charged with oversight of the security sector, and thus falling under the umbrella of SSR, will include, but not necessarily be limited to: the government; national security advisory bodies; legislature and legislative select committees; ministries of defence, internal affairs, and foreign affairs; financial management bodies such as finance ministries, budget offices, financial audit and planning units; and civil society organisations such as civilian review boards and public complaints commissions.

NATO involvement in SSR can be traced back to the 1994 Partnership for Peace (PfP) Framework Document, which included objectives to ensure 'democratic control of defence forces' and 'the development, over the longer term, of forces that are better able to operate with those of the members of the North Atlantic Alliance'. The basic document of the Euro-Atlantic Partnership Council (EAPC) envisaged specific subject areas on which Allies and Partners would consult that included, but were not limited to: political and security related matters; defence planning and budgets; and, defence policy and strategy.

In recent years NATO has intensified its efforts in the area of SSR. Based on the comprehensive review of the EAPC and PfP agreed at Prague in 2002, the Council agreed to harmonise the EAPC Action Plan and the Partnership Work Programme. In the Overarching Guidance for the first Euro-Atlantic Partnership Work Plan (EAPWP) in 2005, which was restated in 2006, one of the agreed objectives was to promote democratic values and foster transformation across the Euro-Atlantic area. To this end it was agreed that the Alliance would provide interested Partners with political and practical advice on, and assistance in, the defence and security related aspects of domestic reform, including armed forces under civilian and democratic control. This reform objective went on to say “NATO will encourage larger policy and institutional reform and support it within its competences and resources, complementing efforts by other international organisations.”

NATO’s aim is to promote democratic control, transparency, the rule of law, accountability and informed debate, and to reinforce legislative capacity for adequate oversight of security systems. Partners are encouraged to seek advice on SSR through the many PfP tools currently in use. These tools are NATO’s primary mechanisms to assist nations in the implementation of SSR. For nations wishing to join PfP, such as Serbia and Bosnia and Herzegovina, some of these mechanisms have already been made available through tailored co-operation programmes.

PfP Tools

The Euro-Atlantic Partnership Work Programme (EAPWP)

The EAPWP provides a detailed map of the entire partnership field. The Overarching Guidance clearly sets out structure, substance, political priorities and practical objectives of cooperation in 33 agreed areas. A catalogue of 2000 annual activities organised and conducted by NATO staff and nations is developed and maintained through an electronic database known as ePRIME.

ePRIME

ePRIME, the successor to the Partnership Realtime Information, Management and Exchange system (PRIME), was launched in July 2006 and is the primary internet-based tool used to manage and deliver co-operation programming. This includes an electronic library for EAPC/PfP documents, a catalogue of co-operation activities updated daily, as well as search tools, distance learning modules and collaboration tools such as instant messaging, chat and working groups.

The Individual Partnership Programme

Each nation in PfP produces an Individual Partnership Programme (IPP) that sets out national policies, objectives and the forces and assets that will take part in co-operation programmes. The individual activities that a PfP nation takes part in are selected from the EAPWP.

The Planning and Review Process (PARP)

PARP is the primary tool to support NATO's broad defence reform objectives and for improving interoperability and developing partners' capabilities to plan, programme, budget and procure equipment. Furthermore, the Membership Action Plan, which I will come back to, and Individual Partnership Action Plans draw extensively on work done in the context of PARP. PARP Ministerial Guidance has, since it was first approved in December 1999, consistently recognised the need for the defence related aspects of SSR and the most recent guidance, PARP Ministerial Guidance 2005, states that "PARP plays a valuable role in assisting nations in pursuing national defence reform efforts, including in support of wider reform efforts as envisaged by the Report on the Comprehensive Review of the EAPC and PfP agreed at the Prague Summit." In addition, PARP supports the implementation of Individual Partnership Action Plans, the Partnership Action Plan for Defence Institution Building, and the Partnership Action Plan against Terrorism; in these areas, the development of detailed planning targets covering a range of issues related to reform and developing capabilities provides a structured framework to define implementation plans as well as a

mechanism to monitor progress. Many Partnership Goals have been addressed to nations in the areas of defence reform, defence institution building, reform of intelligence and security services, border security and financial management of defence. The vast majority of these Partnership Goals have been welcomed by all partners and work on their implementation has been very successful.

The Individual Partnership Action Plan (IPAP)

The concept of Individual Partnership Action Plans came from the Prague summit in 2002. In the IPAP modalities, Allies restated their determination “to continue and enhance support for, and advice to, Partners, in their efforts to reform and modernise their defence and security systems to meet the challenges of the 21st century; identified as an indicative issue for discussion/co-operation with Partners was “Defence and security sector reform””. Each IPAP formulates general principles and goals of co-operation, and specific objectives to be pursued in each cycle. These objectives can be organised under four general chapters: Political and Security Policy Issues; Defence, Security and Military Issues; Public Information, Science and Environment and Civil Emergency Planning; and, Administrative, Protective Security and Resource Issues. Almost the entire chapter on Defence, Security and Military Issues is implemented through the PARP. So far five nations have developed IPAPs in conjunction with NATO staffs.

The Partnership Action Plan for Defence Institution Building

At the Istanbul Summit, NATO initiated the Partnership Action Plan for Defence Institution Building (PAP-DIB). PAP-DIB aims to reinforce efforts by EAPC Partners to initiate and carry forward defence reforms and restructuring of defence institutions to meet their needs and the commitments undertaken in the context of the PfP Framework Document and EAPC Basic Document, as well as the relevant OSCE documents, including the OSCE Code of Conduct on Politico-Military Aspects of Security. It provides a common political and conceptual platform for bi-lateral and multilateral co-operation in developing and sustaining efficient and democratically responsible defence institutions

including the armed forces under democratic and civilian control. However, PAP-DIB does not have its own mechanism for implementation; this is achieved through the PARP and IPAP processes.

The Partnership Action Plan Against Terrorism

The Partnership Action Plan against Terrorism (PAP-T) is the main platform for co-operation on combating terrorism. It is a loose political and conceptual framework rather than a structured mechanism for systematic co-operation. However, consideration is being given to enhancing the military dimension of PAP-T in the Military Training and Exercise Programme.

Clearing Houses

A Clearing House is an informal forum for discussions on assistance programmes and initiatives envisaged by NATO authorities as well as nations, this forum is also used to avoid duplication and to de-conflict aspects of specific programmes.

The Education & Training for Defence Reform Initiative (EfR)

NATO's EfR supports education of civilian and military personnel in efficient and effective management of national defence institutions under civil and democratic control. This includes a collaborative network of NATO and national institutions willing and able to offer education to support the implementation of PAP-DIB.

The Training and Education Enhancement Programme (TEEP)

The TEEP is the primary tool to promote training to support military interoperability. It promotes collaboration amongst national institutions primarily focused on operational/tactical level training for personnel taking part in multinational HQs.

The Operational Capabilities Concept (OCC)

The OCC evaluates the level of interoperability and military effectiveness of Partner forces. This includes a database of forces declared available for NATO-led non-Article 5 operations as well as an evaluation and feedback mechanism to ensure compliance with NATO standards and requirements.

The Political Military Framework (PMF)

The PMF sets out principles, modalities and guidelines for the involvement of all partner countries in political consultations and decision-shaping, in operational planning, and in command arrangements for NATO-led operations to which they contribute.

NATO/PfP Trust Funds

NATO/PfP Trust Funds are a mechanism to pool voluntary contributions to destroy antipersonnel land mine stockpiles, surplus munitions, unexploded ordnance and small arms and light weapons; as well as supporting nations to manage the consequences of defence reform.

The Membership Action Plan (MAP)

Finally, although not strictly a PfP tool the MAP process makes a significant contribution to NATO's wider involvement in SSR. The five chapters of the MAP cover: political and economic issues; defence/military issues; resource issues; security issues; and, legal issues. All of these areas will normally fall under the general heading of SSR. Similarly, NATO policies on combating organised crime, trafficking in human beings and civil-military co-operation all have implications for the implementation of SSR.

Through its involvement in SSR, NATO has assisted Partners to adapt defence structures and improve all aspects of the management of defence. The quality of border security has improved and has made significant progress towards European standards. In Central and Eastern

Europe democratic control of the armed forces, the security services and other paramilitary forces, has improved significantly. For Partners in the MAP, NATO's involvement in SSR has been particularly important in preparing for eventual NATO membership.

NATO and SSR in South East Europe

Serbia's Tailored Co-operation Programme (TCP)

Following the assassination of Prime Minister Djindic and the important pro-reform steps taken by the subsequent government, the North Atlantic Council approved a two pillar approach for measures of co-operation between NATO and Serbia and Montenegro pending fulfilment of the outstanding conditions for PfP membership including full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY). The first pillar included measures specifically tailored for participation by Serbia and Montenegro personnel such as courses, seminars and expert team visits. The second pillar consisted of activities such as training courses, conferences and military exercises for observers from Serbia and Montenegro. Through the TCP, Serbia is effectively gaining access to a number of the activities available to PfP nations through the EAPWP, the EfR and the TEEP.

The Defence Reform Group

In July 2005, the North Atlantic Council tasked the Political-Military Steering Committee on Partnership for Peace to develop, for further consideration, modalities for a Defence Reform Group (DRG) in Serbia and Montenegro. This decision reflected a desire to assist the authorities in further implementing defence reforms; to stimulate the government to take ownership over the defence reform process; to increase the relationships and contacts between all actors engaged in the process; to enhance the co-ordination of work between NATO and Serbia and Montenegro on the one hand, and amongst the authorities in Serbia and Montenegro on the other; to identify the needs and demands of Serbia and Montenegro in order to better target multilateral and bilateral assistance; and lastly, to help the Serbia and Montenegro Authorities to

de-conflict the work being done in other international organisations, by using appropriate NATO and non-NATO mechanisms, including the South Eastern Europe Clearinghouse to avoid any unnecessary duplication of efforts and activities.

The primary task of the DRG is to provide advice and assistance to the Serbian authorities for them to adequately monitor, co-ordinate, and guide the process of defence reform and the building of modern, democratically controlled defence institutions in Serbia. Through the DRG, Serbia is gaining access to a number of mechanisms that normally would only be available through IPAPs, PARP and PAP-DIB.

Following the Montenegrin referendum on independence, both the TCP and the DRG became programmes aimed at facilitating SSR in Serbia.

The NATO HQs in Sarajevo, Skopje and Tirana all play active roles in the area of Security Sector Reform. In particular the NATO Advisory Teams in Skopje and Tirana provide advice on defence restructuring, defence institution building, border security and reform of security and intelligence agencies. They interact with all the main interlocutors on SSR within their respective host nations and with several other organisations working within the two nations.

Albania and the Former Yugoslav Republic of Macedonia are also in the MAP process as is Croatia, but there things are done differently as Croatia has chosen to deal directly with the NATO staffs in Brussels. SSR in Croatia has, therefore, been driven by the PfP tools outlined earlier in this paper.

The NATO HQ in Sarajevo has a narrower role as it is only dealing with the defence aspects of SSR. This is because when NATO handed over its peacekeeping duties in Bosnia and Herzegovina to the European Union it was decided that NATO would retain responsibility for Defence Reform. A tailored co-operation programme, similar to the one initiated a year earlier in Serbia and Montenegro, was put together and it is effectively implemented by the NATO headquarters in Sarajevo.

Finally, Montenegro has applied to join PfP and this application is currently under consideration in Brussels. However, NATO staffs have already visited Podgorica and assistance in the area of defence reform has been offered and accepted. Similarly, Montenegro has been invited to join the South Eastern Europe Clearing House and the first meeting to discuss Montenegrin needs was held in early October.

The Role of International Organisations in SSR:

UN, OECD-DAC, OSCE and others

David M. Law

Introduction

Security Sector Reform (SSR) programmes tend to be driven by external actors. These comprise the following actors: national governments in their capacity as development donors; non-governmental organisations – whether local, national, regional or global in their origins or range of activity – private military and security companies; regional and global intergovernmental organisations, on which this paper shall focus.

Intergovernmental organisations have assumed increasingly important responsibilities in shaping the SSR agenda. They have played a central role in designing and delivering programmes for reform in several countries, and a number of them have developed, or are in the process of developing, policy frameworks to guide their various SSR activities.

This document is divided into three parts. Following this introduction, the second section describes the main features of intergovernmental organisations' involvement in SSR. The third section offers a table illustrating the SSR activities of these organisations.

Intergovernmental Organisations' Involvement in SSR

There is a broad range of intergovernmental organisations whose activities fall under the rubric of SSR. Accordingly, the concept has been shaped by a variety of policy experiences.

These organisations

- Tend to approach SSR from either a development (e.g. World Bank) or security (e.g. NATO) or democratic governance perspective (e.g. Council of Europe),

- Have a global (e.g. UNDP, UNDPKO, World Bank) or regional (e.g. African Union) or sub-regional focus (e.g. ECOWAS),
- May be active in field activities such as capacity building and technical assistance (e.g. Stability Pact) or norm development (e.g. OECD), or both (e.g. OSCE), and
- May concentrate on SSR in different country contexts: developing, transition, and developed, whereby each of these contexts has also experienced a post-conflict dimension, for example, Sierra Leone, Bosnia and Herzegovina and Northern Ireland. In such post-conflict situations, there remains, however, a threat of relapse into violence.

Table 1. Typology of IO Involvement

<i>Thematic approach</i>	development	security	governance
<i>Geographic focus</i>	global	regional	sub-regional
<i>Instruments</i>	field activities	norm-setting	both
<i>Country contexts</i>	developing	transition	developed
		post-conflict	

Some international organisations, such as the European Union and the United Nations, bring together all or almost all of the elements

mentioned above. Most intergovernmental organisations deal only with developing and/or transition countries, which in some cases are also post-conflict environments. Some international organisations are also concerned with SSR in developed countries, but there are as yet no SSR programmes explicitly elaborated for mature democracies.

The fact that SSR has been shaped by a variety of policy experiences has a number of implications.

- Intergovernmental organisations can be active in a range of SSR activities, but may not recognise these as being part of the SSR agenda, either because of a lack of familiarity with the concept and/or owing to the absence of an overarching framework for their SSR programmes.
- SSR definitions and approaches can vary considerably from organisation to organisation; for example, the OECD uses the term *security system reform*, the UNDP *justice and security sector reform* - terms that reflect the specific concerns of individual organisations.
- Until very recently, intergovernmental organisations focusing on security and development had little contact with one another, despite the fact that in the 1990s they found themselves increasingly involved in the same countries and regions.
- Within individual organisations, the material, administrative and personnel resources required for SSR activities may not be organised in a way that is conducive to pursuing the holistic approach that is at its core.

In view of these considerations, intergovernmental organisations face several challenges in shaping and implementing their SSR agendas.

One challenge is to elaborate a SSR concept that effectively gives an overarching framework and orientation to the range of SSR activities in which the intergovernmental organisation is involved. This is essential if SSR programmes are to be conceived and implemented in a comprehensive manner.

Second, if such policy frameworks are to be effective they need to be supported by robust implementation guidelines. These should be based on an in-depth understanding of how SSR has been approached in different country and regional environments. Additionally, implementation guidelines should consider which policies have worked well in different contexts and settings, and why some policies have been more successful than others.

Third, in order to carry out effective SSR activities, international organisations may have to review the way the human and material resources at their disposal are organised, as well as their internal procedures. The cross-cutting nature of SSR programmes may necessitate bringing together expertise from various departments, some of which may not be accustomed to working together. Financial instruments available to international organisations may have to be consolidated to ensure that sufficient resources can be brought to bear. Different skill sets, greater multi-disciplinary experience and new kinds of managerial, sector and country expertise may also be required for SSR work. This can have repercussions for recruitment and training policies.

Fourth, it is necessary to ensure that intergovernmental organisations can work synergistically together, both in the field and at home. In addition they need to be able to collaborate effectively with other entities engaged in SSR, for example, the national governments and non-governmental actors mentioned above. Such multi-actor involvement puts a premium on effective cross-jurisdictional communication, coordination and co-operation. To overcome inefficiencies caused by compartmentalisation of responsibilities and to instil a sense of joint-stakeholdership of programmes, innovative approaches may be required. International organisations may need to take inspiration from the "joined up government" approaches practiced by a number of national governments, whereby ministries of defence, foreign affairs and development come together to implement SSR.

Finally, international organisations have a responsibility to ensure that their SSR activities are carried out in a transparent and accountable

manner. This can be particularly challenging where oversight is weak or only indirectly exercised by member states. Demonstrating openness and responsiveness to stakeholders is critically important for the overall legitimacy and credibility of SSR programmes.

Main Features of Intergovernmental Organisations Involved in SSR

The following table gives the SSR profile of some of the major intergovernmental actors playing a role in SSR.

Intergovernmental Organisation	SSR Focus	Geographical Scope	Country Contexts
<i>AU</i>	Norm development	Regional/ Africa	Developing, post-conflict
<i>Council of Europe</i>	Capacity-building and technical assistance, norm development	Regional/ Europe	Transition, post-conflict
<i>ECOWAS</i>	Norm development	Regional/ West Africa	Developing, post-conflict
<i>EU</i>	Capacity-building and technical assistance, norm development	Global	Developing, post-conflict, transition; developed through members' ESDP activities
<i>NATO</i>	Capacity-building and technical assistance, norm development	Regional/ Euro-Atlantic	Transition, developing, post-conflict; developed countries as concerns defence reform
<i>OECD DAC</i>	Norm and policy development	Global	Developing, post-conflict, transition
<i>OSCE</i>	Capacity-building and technical assistance, norm development	Regional/ Euro-Atlantic & Euro-Asian	Transition, developing, post-conflict; developed countries as concerns norm development and implementation
<i>Stability Pact for South Eastern Europe</i>	Capacity-building and technical assistance	Regional/ Western Balkans	Transition, post-conflict

<i>UN & Agencies</i>	Capacity-building and technical assistance	Global	Transition, developing, post-conflict
<i>World Bank</i>	Capacity-building and technical assistance	Global	Developing, post-conflict, transition

Progress in EU SSR Policies – the Austrian EU Presidency and Beyond

Rudolf Logothetti

When Austria's EU Presidency started in January this year the significance of Security Sector Reform (SSR) as an increasing field of EU policy was already indicated by the adoption of an ESDP concept for SSR by the Council in November 2005.

The European Union is more than any other actor ideally placed to assume a higher profile in promoting SSR due to its holistic approach and the availability of military and civilian instruments.

SSR constitutes an essential element in the process of ensuring the existence of efficient and democratically accountable public institutions as crucial prerequisite for social and economic development. Therefore all phases of the reform process in the security sector have to be comprehensive in goals and instruments.

Since South East Europe is considered as the priority region for Austrian governments it was rather evident that one of the main events during our Presidency dealt with the issue "Security Sector Reform in the Western Balkans" – the EU Presidency's Seminar on Security Sector Reform in the Western Balkans of last February in Vienna.

Following this seminar at the end of our presidency a final paper was elaborated. In this paper not only the work done was presented but also even more the open questions were mentioned and discussed.

At the end of our presidency the concept paper of the Commission "A Concept for European Community Support for Security Sector Reform" launched a very important initiative – a coherent and comprehensive approach that makes the EU a single and unchangeable actor in the field of SSR. "Security from one hand" enables the EU to act in the core

security area as well as in security management and oversight bodies, in justice and law enforcement institutions and last but not least- since the sector is growing rapidly - in non-statutory security forces like private body guard units, private security companies and related institutions which sometimes are challenging the primacy of public policy.

Any action of the EU and member states in the field of SSR has to be based on a set of principles.

Stemming from the OECD Guidelines the Councils Concept as well as the Commissions Concept offer relevant indications that may contribute to developing a common shared understanding of the main principles governing EU's role in SSR:

- Democratic oversight, transparency and accountability
- Local ownership
- Comprehensive and holistic approach
- Individually tailored approach
- Effective coordination among all actors
- Long-term timeframes and sustainability
- Necessity of an evaluation and lessons-learned process
- Interconnection between security and development policies

The EU's objective of promoting and supporting SSR in the Western Balkans is stipulated in several documents that I will briefly mention.

One important basis is represented by the "Copenhagen Criteria" which were already established in 1993 and define "stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities" as a precondition of EU membership. Since the entry into force of the Treaty of Amsterdam in May 1999, these requirements have been enshrined as constitutional principles in the Treaty on the European Union.

In order to evaluate fulfilment of the Copenhagen Criteria the Commission established a methodology under the Agenda 2000 which stresses the need for the "legal accountability of police, military and

secret services” including “acceptance of the principle of conscientious objection to military service”.

In order to meet the specific requirements of the countries of the Western Balkans the EU has set up a new generation of Stabilization and Association Agreements aiming at fostering economic, political and social co-operation between the EU and the respective countries through the CARDS-programme which will be replaced by the more comprehensive Instrument for Pre-Accession Assistance.

Within these aspects the difference between SSR as an instrument that can be used globally and SSR in the Western Balkans is significant.

SSR in the Western Balkans always means: preparation for membership whenever it will be realistically to achieve.

Enhancing coherence and co-operation between EU activities, instruments and actors is crucial. Therefore it is important to ensure the necessary degree of coordination between the various EU institutions involved and the relevant actors in the field. This will also facilitate the coordination of SSR activities with other policy areas such as development and neighbourhood policy. A common approach by all “three pillars” has to be a very desirable goal because only with that an added value of EU actions is visible.

Enhancing coordination between EU institutions and Member States has to complement the inter-pillar coordination mentioned above in order to avoid bi- or multilateral parallelism caused by member states.

Enhancing coordination and co-operation with other actors like the UN, NATO, OSCE and nongovernmental actors means first of all improved flow of information. This enables all actors finding a framework for a division of labour in supporting activities.

An overview of ongoing SSR actions supported by EU institutions and Member States can obviously be best created on a country-by-country basis on the level of EU and member representations in the respective

country. It might be left rather pragmatically to local decisions whether the indispensable overview is administered by the EUSR, the delegation of the Commission or the local presidency. As the Western Balkans is also a region with common problems and objectives and with some kind of interdependencies the regional view cannot be missed.

Coordination up to now seems not to be optimal. Heightened emphasis should be put on the issue of SSR in Country Strategy Papers, Action Plans and European Partnership Reports. The purpose of regular reviews is to discover remaining gaps and thus help to identify the necessity for additional efforts.

It seems highly likely that in the near future the EU will take over considerable responsibilities from UNMIK in Kosovo in the police sector and the judiciary. This mission should also be seen as a vital element of EU SSR activities in the Western Balkans.

Given the central importance of elements such as democratic accountability and parliamentary control and oversight in the framework of SSR, appropriate structures should be sought to involve the parliaments of the Western Balkan countries more profoundly in SSR issues. As it became evident at the Viennese Conference already mentioned above increased contacts between parliaments of the member states of the EU and the European Parliament are necessary aiming at sharing information among parliamentarians, especially the members of security related committees and – very important - their support staff which have to be trained more profoundly. Such patterns of parliamentary control and oversight could prove especially useful in what is probably one of the most delicate areas of any nation's security sector – namely political oversight over both military as well as civilian intelligence agencies.

And finally – funding SSR activities could and should be ensured through a coherent use of the various financing instruments currently available at EU level such as the Rapid Reaction Mechanism, the European Neighbourhood Policy, the Stability Instrument as well as the envisaged Instrument for Pre-Accession Assistance.

Assessing Progress on Security Sector Reform in South East Europe – a View from the Finnish EU Presidency

Pasi Pöysäri

Introduction

The European Union (EU) of today is a global actor in promoting respect for human rights, fundamental freedoms, good governance and the rule of law. Conflict prevention and resolution are part of the efforts of the Union in reducing insecurity in fragile states and paving the way for stability and security for all. The topic of this seminar, security sector reform, is of paramount importance in conflict prevention, post-conflict peace building and democratisation, not to mention sustainable development.

The European Union's coherent, comprehensive and cross-pillar approach to Security Sector Reform (SSR) was finalised in June 2006 with the Council Conclusions on a Policy Framework for Security Sector Reform. This framework brings together two concepts. The Concept for ESDP Support for Security Sector Reform, adopted during the UK presidency in November 2005, was complemented in May 2006 by the European Commission Communication 'A Concept for European Community Support for Security Sector Reform'.

Together these two concepts contribute to a coherent approach, an approach, which the policy framework wraps together and under which it allows the EU to more coherently take part in SSR related work. Security Sector Reform processes are increasingly important in rebuilding failed institutions in conflict-torn states and key in strengthening governance reforms. This work must be seen as a multi-sector, long-term process and an area in which the EU will remain active in the future.

As the policy framework was finalised, the Council invited future Presidencies and the Commission to progressively translate this policy framework for EU engagement in SSR into operational actions by the European Community and in the framework of ESDP in order to provide effective, coherent and sustainable support to EU partner countries and regions. It was agreed that during the Finnish Presidency, jointly with the Commission, an EU approach to Disarmament, Demobilisation and Reintegration (DDR) as part of a broader SSR support would be developed, being consistent with the EU policy framework for SSR. The Finnish Presidency, together with the European Commission and International Alert as part of the EU-financed Conflict Prevention Partnership, held an expert seminar 'EU and DDR: Supporting Security and Development' in Brussels on 13 July 2006.

The seminar discussed the strengthening of EU's contribution to DDR, enhancing its policy and practice vis-à-vis the enormous challenges on the ground. Its focus was both on actions to improve the security of local populations through peaceful demilitarisation and on how external assistance instruments can be used to support the reintegration of ex-combatants into these communities. The outcome of the seminar, an EU approach to DDR, is expected to become subject to approval in December 2006. The Finnish Presidency, jointly with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), will also be holding a seminar on SSR in Zagreb, towards the end of our Presidency.

The EU policy framework for SSR is an important contribution to EU's external action. Preventing and resolving violent conflict and addressing fragile states are part of the EU's efforts to reduce insecurity and eradicate poverty through strengthening good governance and the rule of law in third countries; finding solutions to existing problems; thus helping to achieve the commitments of the Millennium Declaration and the Millennium Development Goals, sustainable development and global security and to implement the EU's Development Policy Statement "The European Consensus on Development", including the security objectives of the EU as set out in the European Security Strategy.

The EU is unique in having a wide range of instruments designed both for long-term and for short-term conflict-sensitive preventive actions. The long-term instruments include development co-operation, trade, arms control, human rights and environmental policies as well as political dialogue. For short-term prevention, the EU can take advantage of diplomatic and humanitarian instruments.

During the last years, growing emphasis has been placed on the shorter-term measures of both civilian and military crisis management within the framework of the ESDP. In the area of Civilian Crisis Management, significant progress has been made in the development of civilian personnel deployment capacities. It is important to further pursue the development of civilian crisis management priorities and tools in relation to conflict prevention, in particular in the fields of policing, rule of law and civilian administration. We should continue to study the needs and identify ways to strengthen EU's capacities and instruments in areas such as human rights and democracy, fact-finding missions, monitoring, SSR and Disarmament, Demobilisation and Reintegration of combatants to ensure stabilisation of post-conflict societies.

The EU must use these instruments in a more targeted and effective manner in order to address potential conflicts and promote conflict prevention. It is also important to consider the coherent use of EU's other instruments and the need for comprehensive planning. The aim is to take into account a comprehensive approach of the security sector, including also questions regarding development and reconstruction – as well as human rights perspectives. Effectiveness and coherence are key values here. A case-by-case analysis based on a situation-specific approach is always needed to assess whether any proposed activities are most appropriately carried out through ESDP or community action or a combination of both, with the objective of ensuring effective and coherent EU external action in this area.

Conclusion

The EU is committed to the European perspective of the Western Balkan countries. The Western Balkans is one of the topical issues in external relations of the Finnish EU Presidency. The movement of the Western Balkans countries towards the EU depends on their performance in meeting the criteria set by the EU. The reform of the security sector in the Western Balkans is part of a broader agenda set out at the Thessaloniki Summit in 2003. The Stabilisation and Association Process will remain the framework of the European course of these countries. Security Sector Reform is understood as part of the long-standing requirement regarding fostering rule of law and democratic institutions in the region and does not by any means create a new conditionality for the region. An effective security sector will also contribute to fighting organised crime.

The EU has continued its engagement in the Western Balkans through its ESDP operations and is currently planning its future engagement in Kosovo. The Commission has maintained a number of programs aimed at supporting Justice Reform and Internal Security, Police Reform and on Financial Management of SSR related expenditure.

On SSR, the EU is not the only actor. A number of bilateral and regional initiatives play a valuable role. International actors like the UN, NATO and the OSCE are also active in this field. Despite the number of international actors involved, the responsibility and ownership for the reform of their security sector lies in the end with the countries in the region themselves; the EU will continue to play a supporting role. The EU support, including through civilian crisis management operations, will continue to contribute to fighting organised crime in individual countries and in the region as a whole.

In the EU we see democratic accountability and parliamentary control of the security sector as paramount for the development of stable democratic societies. Parliamentary contacts are useful in this regard and we strongly encourage fostering them.

The EU strives to create a holistic approach towards South Eastern Europe with a view to contribute to stability and security. It is indeed important that the EU and the countries of South Eastern Europe continue to improve coordination also in the field of SSR activities in order to avoid unnecessary duplication and promote coherence of the overall effort. There is a need for regular and comprehensive discussion on lessons learned to ensure the effectiveness of SSR initiatives and activities in the Western Balkans.

National Strategy and Security Sector Reform in Southeast Europe

Matthew Rhodes¹

Though no silver bullets, well-crafted national strategy documents remain a key to successful security sector reform in South East Europe. The upcoming year 2007 presents an especially significant window for the introduction or revision of national security, national military, and related strategies across the region as a whole.

Some skepticism and even criticism of a focus on formal documents in this sphere should be acknowledged upfront. The most cynical view holds the stress on strategy development as at core a ruse aimed at full-employment for international “experts” and contractors. More serious lines of argument stress practical difficulties, still particularly acute in much of South East Europe, such as limited personnel and other administrative capacity or deep societal divisions retarding needed consensus. Under such conditions, insistence on new formal strategies can simply serve as another reason or excuse for inaction on more tangible steps to revamp security sector institutions.

These latter concerns need to be taken seriously and should inject a reasoned pragmatism into strategy promotion. As usual, the specific circumstances of individual countries should be taken into account. Strategy should not become a fetish that blocks otherwise promising initiatives that can build momentum for reform from the bottom up. Nonetheless, the broadening nature of security challenges in the twenty-first century increasingly calls for integrated responses both among a widening array of government agencies and a diverse set of international partners.

¹ The viewpoints expressed here are solely those of the author.

Beyond a certain threshold, formal strategies hold a number of advantages over ad hoc, piecemeal approaches and greatly improve the chances for successful, sustained advancement of security reform.

First, the disciplining effect of “putting it in writing” pushes the top leadership of a country or ministry to clarify key assumptions, priorities, and trade-offs concerning their objectives and the measures to achieve them.

Second, as expressions of leadership intent strategies at minimum set boundaries for bureaucratic competition and ideally serve to guide and coordinate the detailed work of separate ministries, departments, and agencies.

Third, they can provide a medium for legislatures to exercise their complementary roles in overseeing and shaping security policy.

Fourth, open strategies can also promote democratic accountability and the development of awareness and expertise on security matters within society. This is especially the case regarding specialists from higher education or research institutions, industry and business, other NGOs, and the media.

Last but not least, documents communicate priorities and intentions to foreign governments and other external audiences, highlighting areas for potential cooperation or management of differences. NATO in particular has made integrated security and military strategies de facto membership requirements. As general indicators of security sector maturation, strategies also fit with recent EU Presidencies’ focus on reform in this area.

These benefits are not automatic. Ensuring positive effects that justify the effort involved requires getting both process and substance more than less “right.” Individual strategies’ strongpoints and shortcomings vary in this regard. To a greater or lesser extent, however, the following five points apply to nearly all.

First is the issue of timing. Almost all the countries of the region are “due” for new security strategies and subordinate documents in the next twelve to eighteen months. Some (such as Serbia²) have yet to adopt their first such basic documents. Several others (such as Croatia, Macedonia, and Slovenia) retain strategies from early in the decade already past or fast reaching the end of their useful shelf life. As a rule of thumb, national strategies should be re-evaluated and revised at least every four years given the passage of time, political turnover, and significant security developments. Recent or impending events such as the separation of Serbia and Montenegro in summer 2006, anticipated signals on NATO membership for the three MAP countries and on PfP for Bosnia and Herzegovina, Montenegro, and Serbia from the alliance’s November summit in Riga, EU accession for Romania and Bulgaria in January 2007, and approaching United Nations action on the status of Kosovo all reinforce this point.

Along with the general message that the countries of the region should not wait too long to update strategies, special mention is warranted of one that introduced its strategy too soon. Montenegro adopted its security strategy on June 20, four weeks after its referendum on independence. The country had already functioned as a largely separate entity under the loose state union with Serbia and wanted to emphasize its new full statehood and Euro-Atlantic aspirations as quickly as possible. Still, it would have been better to wait until after parliamentary elections in September provided a fresh political mandate.

This raises the second general point, the need to balance breadth of participation with coherent guidance and coordination in strategy development. Even the highest level security strategy documents can still be the exclusive preserve of small teams within Ministries of Defense or Presidential or Prime Ministerial offices. Worse, though the trend appears to be passing, several countries’ early security and military strategies were in large part ghost-written by outside contractors.

² Advisors to Serbian President Boris Tadic reportedly completed a draft security strategy in October 2006; http://www.b92.net/eng/news/politics-article.php?yyyy=2006&mm=10&dd=11&nav_category=90.

Bearing in mind that the process can be as or more important than the finished product, at a minimum other concerned ministries such as Foreign Affairs and Interior should be involved. As suggested above, it can also be profitable to include parliament and its committees as well as non-governmental experts in formal or informal roles. Though opening the drafting to messier bargaining, inclusiveness offers two key potential benefits. First, more minds at work means increased chances for creative ideas to be proposed as well as for poor ones to be reconsidered. Second, even if the end product is less elegant,³ an inclusive process can raise the sense of shared identification with and commitment to the finished strategy in a way that enhances effort for its actual implementation.

A third issue concerns strategies' evaluation of the security environment confronting South East Europe. This is generally a strong point. Across the region most documents, including military strategies, lay out realistic, comprehensive assessments of prevailing challenges. Emphasis goes to "non-traditional" threats such as transnational crime, corruption, economic fragility, and inter-communal tensions over conventional military attacks as the most pressing issues for their countries.

Even here, however, greater clarification and prioritization would be useful. For instance, in addressing terrorism, a real issue for the region, strategies could go further beyond general alignment with international concern to weigh specific ways it may concern them directly in terms of possible attacks and/or of al Qaeda or other affiliates residing on or transiting their territory.

Progress on the preceding point would also spillover to a fourth. Many documents share a common weakness of failing to move beyond articulation of general aspirations to specification of tangible policy measures to achieve them. Too often, emphasis on full membership in NATO and the European Union is not followed by description of priority measures, necessary areas for preparation, or even reference to separately issued accession strategies or agreements. Although understandably limited for countries still on the outside, strategy

³ As the saying goes, "a camel is a horse designed by a committee".

documents might also do more to outline in broad terms countries' viewpoints on further development of these and other key international institutions as well as of the division-of-labor and relations among them.⁴ Likewise, military strategies' invocation of the need for modernization and inter-service jointness can remain unaccompanied by realistic, prioritized steps toward these goals. The relationship among various entities involved in intelligence collecting and analysis is also often underspecified.

Regional relations present a fifth and final point. Strategies typically acknowledge the importance of peaceful coexistence and friendly interaction with the other countries of South East Europe. However, often little or no attention is devoted to specific issues in bilateral relations with individual neighbors or to the respective roles of the seemingly endless number of sub-regional initiatives and frameworks to advance cooperation. Finally, several countries' documents or drafts contain references to "external minorities," ethnic co-nationals outside the borders of the "mother country" in which the group is the majority. Here drafters must take care to avoid exaggerated or ambiguous language that would predictably fuel distrust with the governments of the states where such minorities reside.

To sum up, the simple passage of time together with an unusually concentrated set of transformative events means that nearly every country in South East Europe will be ripe for new basic security documents in the course of 2007. Regional leaders should place new strategies high on their agendas. Their degree of success in advancing security sector reform, and thus also their countries' Euro-Atlantic integration, can be significantly enhanced by thoughtfully crafted, current strategy documents subject to serious implementation.

⁴ One inhibiting instance candidate countries may recall dates from the mid-1990s. Then-EU Commissioner Hans van den Broek replied to sharp criticisms of the Common Agricultural Policy by Czech Prime Minister Vaclav Klaus by reminding him "it is not the EU which wishes to join the Czech Republic".

Given the fortuitously synchronized call for updated strategies across the region as a whole, a final recommendation would be to make an appropriately timed conference or other framework for an exchange of views and perceptions on security and security sectors an early part of the document development process. The South East Europe Common Assessment Paper (SEECAP) held under NATO auspices in spring 2001 offers a useful precedent. Even short of producing a similar common statement,⁵ such an approach could provide a catalyst and focal point for parallel national efforts, while highlighting key positive and negative lessons from countries' separate recent experience.

It would also reinforce external perception of aspirant countries' readiness for integration into NATO and the EU, while reassuring that new members such as Bulgaria and Romania were using their fresh status to reach out to their neighbors rather than turn their backs.

⁵ See <http://www.nato.int/docu/comm/2001/0105-bdp/d010530b.htm>.

A Security Sector Review in Kosovo – An Holistic Approach to SSR

Anthony Cleland Welch

Abstract

This paper describes the process and methodologies used in the Internal Security Sector Review (ISSR) conducted in Kosovo during 2006. The holistic approach to the examination of the security sector within Kosovo was designed by the Security Sector Development Advisory Team (SSDAT) in the United Kingdom and took the concept of local ownership and research into all aspects of the security sector to a new level. This paper outlines the methodology used during the Review, the oversight by local and international actors and poses the question if this broad based approach is helpful to the conduct of Security Sector Reform (SSR).

Introduction

States hopeful of democratic governance and strong economies require competent administrative and political structures. An essential part of these structures is a well ordered and democratically governed security sector, which is based on political, civil, and security institutions responsible for protecting the state and its citizens. Reform or renovation of the security sector is a developing component of international assistance.¹

The European Union's (EU) interest in SSR as a policy instrument in its work in developing and transitional countries has grown substantially in

¹ Hendrickson, D., Karkoszka, A., "The Challenges of Security Sector Reform" in *SIPRI Yearbook 2002: Armaments, Disarmament and International Security*, Oxford University Press, Oxford, 2002, pp. 30-47.

recent years. In December 2003, the European Union adopted a new security strategy that called for a wider range of initiatives in the areas of security and development, including SSR. In 2005, the European Council agreed to an approach that provides a framework for the Union's second pillar SSR activities. In parallel, the European Commission has been working on a strategy for SSR that focuses on its responsibilities in the developing world.²

The cost of conflict is immense in terms of lost lives, divided communities and devastated livelihoods. In addition, the financial and human cost to the international community of resolving violent conflicts and their aftermath is substantial. Preventing conflict is more cost effective and more beneficial than resolving it.³ SSR has grown out of a need to prevent conflict or stabilise post-conflict situations and provide firm ground on which to grow sustainable peace, thereby, creating conditions for conflict resolution. Whilst the international community has achieved some successes in the field of SSR, it has not been able to maintain a record of consistent and sustainable transformation. This is, in part, due to the lack of a clear understanding or consensus of what SSR actually is and the areas and disciplines it should cover. It is also due to the difficulties of engaging with the more sensitive and controversial institutions, political processes and personalities in a post-conflict setting. It could be said that it is chiefly a result of the international community not yet having developed a fully consistent strategy for the execution of SSR.⁴ However, SSR and its component parts are still subject to wide academic debate. Hendrickson and Karkoszka suggested that:

² See a review of EU initiatives in: Geneva Centre for Democratic Control of Armed Forces *EU Security Sector Reform: Food for Thought*, Discussion Paper, DCAF, Geneva, 2006, pp. 3-6.

³ Chalmers, M., *Supporting Security in Fragile States*, Paper presented to LICUS Learning Seminar, World Bank, Washington DC, September 2005.

⁴ Rees, E., *Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field*, United Nations Department of Peacekeeping Operations, New York, 2006, p. 4.

“Security sector reforms are a new area of activity for international actors, and there is still not a shared understanding at the international level of what this term means. This has limited the debate on the subject. Assisting in the development of such a shared understanding should be a priority objective for the research community.”⁵

To this end, a broader focus is required on the nature of sustainable peace and its building blocks, such as social and economic development, good governance and democratisation and respect for human rights.⁶

The United Kingdom Government, through the SSDAT, and in conjunction with international partners, have advocated a holistic approach to the area of SSR. In supporting the design of the review of the internal security sector in Kosovo, they applied this ideal. The Review in Kosovo is drawing to a close and the inclusive methodology and its impact on the security sector in the territory, although not at a stage where complete evaluation of its applicability can be taken, has highlighted interesting features of the holistic approach.

The Origins and Process of the Kosovo ISSR

The Kosovo Internal Security Sector Review (ISSR) is a consultative process designed to provide Kosovo with the opportunity to consider issues that would provide a definition of security concerns, interests and future architecture alongside the challenging process of determining final status. The ISSR was also designed to analyse existing and identify new institutional capacity required to address threats compiled through a consultative process with local experts and citizens. In addition, the ISSR identified some policymaking processes and structures that can

⁵ Hendrickson, D., Karkoszka, A. “The Challenges of Security Sector Reform” in *SIPRI Yearbook 2002: Armaments, Disarmament and International Security*, Oxford University Press, Oxford, 2002, pp. 30-47. Ebnöther, A., Fluri, P. (eds), *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, National Defence Academy and DCAF, Vienna, 2005, pp. 10-17.

⁶ Annan, K., *Report of the Secretary-General: Prevention of Armed Conflict*, General Assembly Fifty-fifth session, United Nations Press, New York, 7 June 2001.

support Kosovo's internal and external security needs following a determination of final status.

Security Sector Review (SSR) processes are an essential part of understanding the impact of changes in the security sector and establishing society's overall reform of governing institutions. Often these reviews are limited either by scope or methodology to internal institutional reviews with limited public consultation. Sometimes SSRs focus on singular security issues – such as policing or strengthening civil-military oversight and interface.⁷

In the case of Kosovo, the process of reviewing the security sector was unique as security remains a power reserved by the United Nations Mission in Kosovo (UNMIK) and, additionally, the NATO Kosovo Force (KFOR) is responsible for external defence issues in the territory. Therefore, Kosovo's process became an internal review with many of the recommendations dependent on the resolution of the territory's final status. That said, Kosovo's ISSR has been one of the most ambitious and holistic efforts undertaken in recent years, both in scope and methodology.

However, Kosovo's ISSR faced two significant gaps; firstly, Kosovo has no existing security institutions or policies beyond the police and judicial structures which have been developed by the international community. Secondly, the ISSR team was invited to consider the kinds of future security institutions required for Kosovo and make recommendations for those institutions prior to the determination of the entity's final status. Thus, Kosovo's ISSR took on the entire scope of the security architecture, despite the unusual circumstances of the review process. In addition, and in order to more completely verify findings and recommendations, the process incorporated a widespread public consultation and outreach procedure as well as an extensive review of existing institutions.

⁷ Kosovo is the first example of a holistic security sector review prior to SSR engagement. For example, in Sierra Leone the review was only conducted after the SSR process had started. In terms of limited scope, the Paton Report on Policing in Northern Ireland was restricted to one security area.

The initiative behind the Kosovo ISSR originated as a collaborative effort between the UNMIK Office of the Special Representative of the Secretary General (SRSG) and officials of Kosovo’s Provisional Institutions of Self-Government (PISG). The aim was to begin a security review complementary to final status negotiations for Kosovo. In order to put this initiative in motion, the Government of the United Kingdom supported a scoping mission, which was undertaken by the Security Sector Development Advisory Team (SSDAT) in March 2005. The scoping mission produced a report, in consultation with Kosovo experts, which provided recommendations for the structure, objectives, and work plan of Kosovo’s ISSR.

Structure and Work Plan of the ISSR

The original SSDAT Scoping Study recommended that the ISSR working structure should consist of a Steering Committee (ISC) with high-level representatives from UNMIK, the PISG, political and religious leaders, and minority community representatives. The Steering Committee would be supported by a Secretariat (ISSRS) located in the Office for Public Safety, within the Office of the Prime Minister, and a research team headed by an ISSR coordinator located within the ISSR Secretariat. The ISSR team was funded by international donations managed under the auspices of the United Nations Development Programme (UNDP). The ISSR process also included a high level of coordination and co-operation between various international and local governing agencies, particularly in the area of public consultation and research. As an example, the two stages of public consultative meetings conducted in each municipality in Kosovo would not have been possible without the organisation and functional support of the OSCE Democratisation Department and OSCE municipal teams working in coordination with local participants.

The ISSR has been completed in 8 stages:

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Security environmental review	Threat analysis	Roles and capabilities needed	Functional analysis	Gap analysis	Review of proposed sector projects	Budget analysis	SSR strategies

The first two stages of the consultation process were completed in April 2006. The findings from these stages became the basis for a wide-scale public outreach programme. Stages 4 and 5 were based on the findings of the review of capabilities required completed in Stage 3. Stages 6, 7, and 8 were completed as part of the overall analysis of those Ministries and Institutions, which impacted on the threats identified in Stages 1 and 2 of the process. The conclusions drawn from the overall analysis, falling out of the holistic approach, were then incorporated into the final stages of the project.

The basis of the ISSR Final Report is the threat analysis completed in Stage 2 of the process, which incorporated an examination of Kosovo's security environment as summarised in Stage 1. All of the analysis for each stage of the process was completed in coordination with a range of local experts from across a range of governmental and non-governmental institutions. These individuals, as well as members of the ISSR Steering Committee and Secretariat, have created not only an analysis of security issues facing Kosovo, but also recommendations for the way forward for Kosovo's future security structures.

Report Methodology and Background

The ISSR Final Report consists of a discussion of the threats to security as perceived by the people of Kosovo and an analysis of existing PISG institutions that have an impact on or oversight regarding the perceived threats identified through the ISSR process. Kosovo is a United Nations protectorate established under the auspices of UN Security Council Resolution 1244 (1999) following the end of hostilities in the territory.⁸ The PISG is an interim government structure outlined in UNMIK Regulation 2001/9 that was first formed after the Kosovo parliamentary elections held in November 2001.

⁸ UN Security Council Resolution 1244 (1999) created the necessary conditions for a political settlement of the future status of Kosovo. Paragraph 11 of the Resolution outlines the general authority of UNMIK to create interim governing institutions by "organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including holding of elections."

Since that time the PISG has evolved as a governing institution – resulting in the majority of governance activities being undertaken by Kosovo’s elected officials. With this transfer of authorities from UNMIK international administration, and with the final status negotiations process underway, the ISSR has undertaken a detailed review of Kosovo’s institutions in order to create a more sophisticated dialogue about current and future security needs and institutions, as well as to consider the bearing of governance issues on security.

ISSR Conceptual Methodology

The ISSR process used two key concepts to form the underpinnings of this stage of the project. First, the perceived threat analysis completed in the first two stages of the programme, which has provided the platform for consultation across the PISG, public outreach, as well as the functional analysis and recommendations contained in the ISSR Final Report.

The second was the Copenhagen Criteria⁹; given the aspirations of Kosovo, at some future date, to become a part of the wider European community, ISSR utilised the Copenhagen Criteria as a necessary benchmark for the development of Kosovo’s institutions, as well as background for the formulation of the security policy. This approach was reinforced, in July 2006, by statements made by Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), in a joint report with the Commissioner for EU Enlargement. The joint report notes, in part, that: “...the EU has sent a clear message to Kosovo’s authorities that fulfilment of the UN standards is not only

⁹ In June 1993, the Copenhagen European Council recognized the right of the countries of central and Eastern Europe to join the European Union when they have fulfilled three criteria. Firstly, political: stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities; secondly, economic: a functioning market economy; thirdly, incorporation of the Community *acquis*: adherence to the various political, economic and monetary aims of the European Union. Europa Glossary (accessed on 19 June 2006)
http://www.europa.eu/scadplus/glossary/accession_criteria_copenhague_en.htm

needed to pave the way for a status settlement, but also for the fulfilment of the Copenhagen political criteria in the longer term.”¹⁰

The objectives of Solana’s report were to influence and guide the findings of each stage of the ISSR process. Each stage has a bearing on the ultimate result of recommendations for the future security structure and policy process for Kosovo.¹¹ Stages 3 and 4 took the process to the next level through a detailed functional analysis of Kosovo’s institutions as well as an extensive public consultation and outreach project, which also served to expand public dialogue about security in Kosovo. Stages 5 and 6 identified gaps or the institutional needs required to address threats to security, as well as developmental recommendations. Stage 7 reviewed budget requirements and Stage 8 provided overall strategies to address identified threats.

Methodology – Public Consultation and Outreach

A core goal of the ISSR was to expand public awareness and dialogue regarding issues of security in Kosovo. In addition to the municipal meetings conducted in Stages 1 and 2 of the process, a public outreach strategy was developed to coincide with the ISSR process. The outreach campaign included several phases:

1. Awareness Raising through consultative town hall meetings and media tools such as TV and radio spots, billboards, press conferences and interviews explaining the ISSR to citizens, with the aim of encouraging public participation in the public consultation process.
2. Deepening Understanding and Encouraging Public Ownership of ISSR process and security issues through use of direct outreach tools such as publications and TV material explaining the

¹⁰ EU Press Office, *Information for Journalists Summary Note on the Joint Report on the future EU Role and Contribution in Kosovo*, July 2006.

¹¹ A threat matrix was compiled from the analysis completed in Stage 2. The threat analysis was commissioned from the international NGO, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Kosovo-based NGO, Kosovo Institute for Policy Research and Development (KIPRED).

process, a series of debates on public service television RTK and on local radio stations.

3. Collection of Public Input through a “Have Your Say” Bus travelling in urban and rural areas of Kosovo distributing information material and taking direct comment from citizens, interviews with ISSR members on Kosovo radio and TV stations with a telephone-in-option allowing the listeners to make their comments, distribution of “suggestion boxes” in public buildings across Kosovo and opening of an “ISSR hotline” allowing the public to express their opinions either via telephone or via email.
4. Verification of Initial Findings relating to threat analysis and soliciting public opinion regarding those threats in order to further ground the findings through consultative town hall meetings, public debates, discussions and opinion-editorials.

The goal of the public outreach strategy was to ensure that all of Kosovo’s communities were not only aware of, but had the opportunity to be engaged in the ISSR process. Furthermore, the public outreach campaign aimed to enhance the level of public dialogue about security and encourage transparency among Kosovo’s security institutions and policymaking process.

Methodology – Environmental and Threat Analysis

While designing the analytical approach to the security environment and threats for Kosovo, the ISSR team benefited greatly from UNMIK’s and KFOR’s experience in the security area over the last seven years. In this regard the Kosovo Standards Implementation Plan (KSIP) of 13 March 2004 constitutes a comprehensive approach to addressing the main challenges faced by Kosovo on the road towards its final status. The Standards for Kosovo document as approved by the UN Security Council on 12 December 2003 had the objective to create:

“A Kosovo where all – regardless of ethnic background, race or religion – are free to live, work and travel without fear, hostility or danger and where there is tolerance, justice and peace for everyone.”

In terms of ISSR methodology, the identified standards imply the main threats identified by UNMIK, as the primary security policy actor, over the years. The ISSR team took into account all the challenges identified in the KSIP document and on that basis built a threat matrix and created a series of structured consultations with citizens.¹² The results of these structured consultations and opinions gathered from the population at large was a grounded evaluation of identified threats on which the rest of the ISSR process could be built.

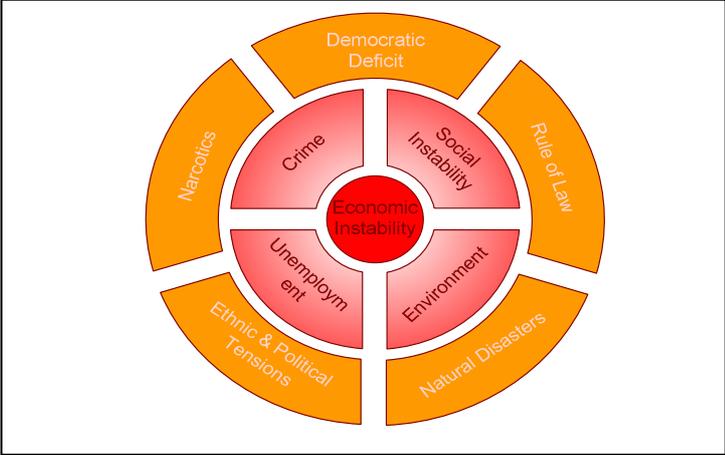
The first two stages of the ISSR process were completed in partnership with the Kosova Institute for Policy Research and Development (KIPRED) and The Geneva Centre for the Democratic Control of Armed Forces (DCAF). The two institutes completed extensive research and threat analysis and drafted reports on their findings.¹³

The objective of these initial stages of the ISSR process was to identify key drivers that would likely shape Kosovo's strategic environment in addition to identifying specific threats. In order to verify the findings of the DCAF and KIPRED studies, the OSCE organised 32 municipal consultations across Kosovo where approximately 800 people participated in discussions regarding their views on what issues concerned them most in terms of Kosovo's security. In addition, one hundred invited Kosovo experts took part in two core consultations in Pristina to further enhance the dialogue and discussion regarding threats and security needs. The ISSR team also approached specialists in a variety of areas including the KPC, gender-issues, non-governmental organisations, and members of the Assembly. The findings of these consultations were then further correlated with data from a household survey of 12,000 homes conducted by the Gani Bobi Institute at the University of Pristina and by Saferworld for the South Eastern European Small Arms Clearing House.

¹² OSCE's Department of Democratisation and municipal teams built and executed the structure public consultations process at the municipal level.

¹³ To review copies of the DCAF and KIPRED reports see www.ks.undp.org/issr.

These activities helped to ground the findings of the two research institutes and verify the data gathered not only through the studies, but also data gathered from the UNDP Early Warning Reporting system, as well as KPS crime statistics. The findings were then outlined into a threat matrix. The matrix is illustrated in the diagram below:



The diagram demonstrates the interlocking nature of all the ISSR identified threats. According to the public consultations completed by the ISSR team, most citizens placed the moribund economic situation in Kosovo at the centre of all threats. Most see other identified threats as linked in some way to the poor economic conditions. This not only results in major fears based around job security, lack of job prospects, and generalised poverty, but also the indirect consequences such as increased crime and corruption. Furthermore, as the threats are interlocking the major priority, for the future Kosovo, will be to address the threats in a holistic way in order to diminish overall insecurity.

Methodology – Functional, Capabilities, Gap, and Developmental Needs Analysis

The analysis regarding function, capabilities, gaps, and developmental needs of Kosovo’s institutions contained in the ISSR report was drawn from a review of the data gathered through the threat and environmental

analysis, completed in the first two stages of the project and extensive interviews and research conducted by teams of international and local ISSR research experts working in the Secretariat.¹⁴ During these stages of the process the identified threats were directly assessed against the capacity of Kosovo's institutions to deal with them.

To complete the analysis, the research team began work on evaluating Kosovo's security institutions. Research teams identified relevant institutions across Kosovo at the local, regional, and territory-wide levels to be targeted for interviews and more detailed investigation. The ISSR researchers constructed a list of common themes and questions to serve as a basis for all interviews and data collection. The research teams also conducted an extensive security document review that included Kosovo and international institutional reports and official documents.

Overall, the ISSR team completed more than seventy interviews with a variety of regional, local, and Kosovo-wide officials both national and international. The teams also visited more than twenty institutions across Kosovo. The structure used in the institutional review was constructed from UNDP and World Bank methodologies for institutional analysis in the governance sector. Upon completion of draft institutional reports, the ISSR team requested direct review and comment from the individual PISG institutions and those comments were incorporated in the institutional analysis contained in the final Report.

The ISSR Gap Analysis was based on OECD's "DAC Development Partnership Forum: Managing for Development Results and Aid Effectiveness" of December 2002.¹⁵ The rationale behind this approach

¹⁴ Kosovo experts working on the team were grounded in experience working with the PISG ministries as well as other organisations concerned with security issues. International experts also brought a wealth of governmental, non-governmental, academic and security organisation experience. Biographical material on ISSR staff is available at www.issrkosovo.org.

¹⁵ Organisation for Economic Cooperation and Development "DAC Development Partnership Forum: Managing for Development Results and Aid Effectiveness Room Document 3: Guidelines for the use of indicators in country performance assessment" 11-12 December 2002.

is that the Internal Security Sector Review took place in the context of, and bore many of the characteristics of a development programme, rather than a review of purely technical security assistance considered in isolation.

As the ISSR process evolved it became apparent that there would be merit in the Secretariat producing an Interim Report. This report, based on the first four stages of the ISSR process and initial institutional investigation, was produced in June 2006. This interim report was reviewed by the ISSR Steering Committee and comments solicited. The ISSR Final Report, due to be published in December 2006, is the result of the investigation, research, and analysis of the ISSR team of all available data plus a consolidation of comments from Steering Committee members arising from the Interim Report.

Conclusion

The SSDAT methodology for the ISSR was based on involving the local population in the review process and ensuring that both the populous and local leaders were informed and consulted at every step. At the same time, international community actors were apprised of the findings and conclusions at each stage of the review along with regular briefings of the ISSR Steering Committee and Kosovo Assembly. Furthermore, the ISSR Secretariat sought to ensure that the process was as universal in its nature as was possible.

However, the holistic approach was much more than just ensuring local involvement; the Review stepped away from merely dealing with the relationship between security actors, such as the armed forces, and security institutions, such as a Ministry of Defence. It took the fears and aspirations of the population that identified security needs, and then analysed the capacity of the institutions that had to deal with them. Of necessity, this took the Review into areas that many would not consider the province of a security sector review, such as economy and health. The ISSR found, from their public outreach programmes, that the citizens of Kosovo are deeply concerned not only with those actors that directly provide security within Kosovo but also with the ministries and

organisations that impact on their daily lives. Therefore, matters of health, education, trade and industry, the provision of energy and the efficiency of the civil service all play a part in determining if the people of Kosovo feel secure in their homes and their society.

It could be argued that this holistic approach may be a step too far in the SSR process. The method is certainly challenging and was a difficult process to undertake. It is too early to determine if the approach will bear fruit as Kosovo moves forward in building internal security however in order to encourage enterprise, growth, and a secure environment the Kosovo ISSR shows that consideration should be given to a range of areas not directly related to traditional security sector reform. In short, there is little merit in having a well regulated and efficient security sector if the population is ill-educated, unhealthy and unemployed, with little or no prospects for the future.

Defence Reform in South East Europe:

A Comprehensive Overview

Amadeo Watkins

Sometimes when I think of Security Sector Reform (SSR) in the former Yugoslavia, I think of the concept of Total National Defence (ONO I DSZ) – as the best way to illustrate the broad societal (political, economic and social) measures it encompasses. I say this because I think the initial and thus biggest mistake people make when looking at SSR is they think only of defence reform, especially those engaged outside Ministries of Defence. The most problematic is when the same is done by other agencies engaged in funding – and there I can point out the UK Department for International Development (DFID), the United States Agency for International Development (USAID) and even until recently the European Union (EU). Funding is – unfortunately - an important element in this whole process, even though there is an effort to increase local ownership of the process. I guess it all depends on how we define local ownership – from the minimalist model of simple local support towards any particular initiative on one end of the spectrum to local finance and full implementation on the opposite side of this spectrum.

The closer the definition comes to the latter, I would argue, the more chance it has to fail as most lack the resources to implement any meaningful reform initiative, with only Croatia possibly having some very limited scope to move independently – but again with outside guidance, if nothing else (e.g. NATO or EU, as these are strategic objectives).

Having mentioned the EU, SSR is now on the agenda. Putting aside the difficulty in getting EU engagement within SSR along the traditional channels, more importantly there is a need not to invent hot water, to look at current efforts and not duplicate ongoing bilateral and multilateral efforts – which are plentiful. There is a general need for

good coordination both within the EU and externally and the EU should make efforts to chip into these external ongoing processes, such as that offered by the South Eastern Europe Clearing House mechanism. As I noted already, there is a need to simplify the EU mechanism with regards to SSR, so that the whole body of actors engaged in the process, especially within the region, can contribute and add value.

This is where I want to move away from the international scene to the domestic or regional scene, by asking a fundamental question – one that possibly acts as a bridge between the region and the above mentioned international actors. The question is: how can one expect the countries in the region to move forward at a much faster pace when even the EU and NATO are moving so slowly – and moving in a not too convincing direction? I do not really want to answer this question apart from just proving a comment again in terms of definition: are the changes required in the Balkans just simple catching up and hence more speed is required or are they genuine reform efforts, along the lines of reforms being implemented in Western (NATO) countries?

Across all the countries in the region, one can observe similar trends, which are not that far apart from global trends. I would like to highlight the following:

- Professionalisation: both *all-volunteer forces and forces with higher standards*
- Changed functionality – *from territorial defence to new missions (capabilities)*
- Globalisation of missions – *interoperability (technological, but also political & economic)*
- Fall in popularity of armed forces – *not to be confused with trust*
- Diminished socialisation of armed forces – *as they become all-volunteer*

All these and some others provide a net result best defined as complex and fluid civil-military relations. This is best evident in the low interest and knowledge about the Armed Forces and military-security structures

in general – something that will become a major obstacle in several countries in terms of NATO and improving public relations (PR).

All countries in the region suffer from either positive or negative PR. In Croatia recent surveys show only some 30 percent support NATO while a similar number is undecided. In Serbia NATO is still not even talked about, but emphasis is on PfP. In Macedonia support for NATO stands at some 90 percent, which some might say is not a healthy number for a normal democratic society. This is a typical example of the local ownership issue – to what extent should NATO help these countries overcome the problem of adjusting PR to reasonable levels?

I would like to address two further observations from the whole region. One is the inability to implement or utilise self-initiative, which basically means that reform is still led TOP-DOWN. In other words it is still led NATO-down. While NATO is the benchmark institution, as all states aspire towards it, at least one question comes to mind - that of passive membership. Once admitted into NATO, and the EU for that matter, the ability of these countries to contribute as partners, apart from just providing the minimal troop contribution, is and will remain questionable. While the problem could be traced to weak institutions, it has also much to do with past tradition, work methodology and other deep-rooted problems that will take time to address. With regards to troop contributions, it is important to note that NATO does make a point of this – if you can't contribute (even in a token way, as do the Baltic States) you don't get in. Contributing is what membership is for, not membership for its own sake, is what NATO says.

As countries progress down the road towards NATO membership, they should increasingly realise how common their efforts should be. Currently, this is only conceptual and doctrinal – and it will move towards more operational matters. If policy will be slow to shift as it is for a variety of reasons (e.g. lack of political will, short term political objectives etc.) then the falling defence budgets will force this issue. I see defence economics entering the scene slowly, but surely. So the need to address common air patrolling, or common military education should

come not so much from Brussels, but by one simple mechanic – the domestic defence budget – i.e. general economic efficiency.

The second issue I would like to emphasise is that of the failure to implement lessons learned in all countries in the region, despite repeated statements to the contrary. I do not want to go into the details of this, as they might be addressed in the following presentations. I will only say that the inability to implement a proper methodology of learning from others costs time and money, a luxury none of the countries in South East Europe has. Nor, arguably have many other NATO members in Europe or North America.

SSR is about adapting, reforming or simply making sure domestic military-security structures are able to respond to the new security needs – so let's look at some current subjects without going into country detail.

Looking at military equipment, no country is even close to NATO interoperability and is still burdened with large stocks of outdated equipment with standardisation and unification only slowly entering the frame. There is little talk about regional programmes, especially in terms of procurement, which could utilise offsets and possibly employ the remnants of the former defence industry – thus contributing to the economy. There is even a lack of positive development at the national level. In this respect there is still a failure to realise that defence production is legitimate, as long as it is legal and within the international legal setting. Again, I would conclude, it is a lack of self-initiative and knowledge or expertise - if you wish, in these matters – that has in many cases led to the drastic deterioration of capacities and introduced new social issues. However, I don't want to talk too much about equipment *per se*, but place focus on the people – which are the most important if any reform is to materialise. In this respect two issues stand out:

At the 'people' level, there is the lack of adequate military educational models that are well integrated into career structures throughout the whole region. Downsizing efforts are largely negatively impacting positive retention of quality personnel, and professional criteria are still the exception rather than the norm in term of placements. There will be a

need for a regional approach and a new level of cost-efficient thinking to be introduced with regards to this very important – if not strategic – matter.

However, it is value judgements that are the biggest obstacle to reform of any kind. Still one can hear the terms THEM and US, as if we are talking about two completely different planets with completely opposed interests. There is still a perception of territorial threats, not realising that current security threats and challenges know no borders. What is going on in Afghanistan or Lebanon has more of a security impact on Serbia or Macedonia than it has on the UK (economic impact in terms of oil price increases is strategic).

Related to the value judgements is the lack of strategic vision or strategic management, related to what I was saying previously. There is still much ad hoc decision making with short-term objectives. Basically, standards are frequently compromised for tactical achievements. Strategic documents are only slowly entering the scene and are still not followed at the operational level. Decision-making is still very centralised and legalistic and is often at excessively high levels while at the same time there is a reluctance to delegate or accept responsibility – forming a vicious circle that will take time to eradicate.

SSR is also related to NATO and interoperability of forces, especially with regard to foreign deployments. All concerns mentioned so far are linked to this area, as all countries attempt not only to reform for the sake of domestic needs, but also to advance their foreign policy objectives. I have a concern that not too much thought is being given to this process and that countries are entering the process with too much optimism and lack of strategic vision – which will result in over-stretch or over-commitment. For the international community on the whole the prime objective in the region is stability and development – meaning that developing strong economies and reducing foreign dependence is still a running concern. Over-commitment and unrealistic planning does not help this process.

However, while I have been critical, that is not to say nothing has changed. Indeed, much has changed. The question is the extent or the qualification of that change. It all depends what the benchmark is. While the situation is radically better than it was 5 years ago, it is still far from where it should be. Possibly the benchmark I use is high, but it needs to be. Only in that way can one expect further progress, if one accepts that SSR is implemented top-down.

There is a tendency to attempt comparison among the countries – which is almost mission impossible, as there are far too many parameters to address. How does one judge between the level of parliamentary oversight that is minimal in Croatia to lack of modern communications equipment and English language, which is still being addressed in Serbia, for example? A box approach is hard to implement and is not recommended. Serbia is working its way backwards, while Croatia grew everything from scratch, while Macedonia and Montenegro face a similar situation placed mid-way between the two.

Ongoing Defense Reform in Bosnia and Herzegovina – Challenges and Perspectives

Zoran Šajinović

Bosnia and Herzegovina is designing and implementing comprehensive reforms in many areas of its society, aimed to establish functioning institutions necessary for the creation of a climate of stability as a prerequisite for economic development, prosperity and the well-being of its citizens. A good question to be asked here would be: “Why should defense reform, as one among many, be that important?”, or: “Why is this ongoing defense reform different from the numerous defense reforms in Bosnia and Herzegovina which had been implemented in the last decade?”

Defense reform is a key component of security sector reform in general, a necessary and first step in building a climate of stability. It is also a path with no alternative for Bosnia and Herzegovina (BiH) achieving its strategic goal: accession to Euro-Atlantic integration structures. If there is one issue that all political options in BiH agree upon it is the commitment to join Euro-Atlantic structures, chiefly the European Union (EU) and the NATO alliance. Although joining the two institutions are two separate processes, meeting the criteria for entry into EU and NATO proceed in many areas side by side. We consider joining NATO’s PfP program as one, and a vitally important step on the path toward Euro-Atlantic integration.

It is a truth that defense reform has been going on since the Dayton Peace Agreement, but the principal difference between the ongoing and previous reforms is that earlier defense reforms had been mainly focused on massive dismissal of redundant military personnel, while the current one encompasses not only reshaping of existing structures, but, one could say, also the establishment of a completely new defense system.

Defense and security sector reforms have become especially important in the last few years as Bosnia and Herzegovina seeks to follow the pace of the progressive processes which have been developed in other countries of the region. Bulgaria, Romania and Slovenia joined the Alliance in the last enlargement round, and the Adriatic Charter Countries, Albania, Croatia and Macedonia, have already joined the MAP process with clear perspectives for full-fledged membership.

Bosnia and Herzegovina has to establish well functioning institutions, to demonstrate ability for greater co-operation in defense and security in order to combat contemporary threats that require collective efforts.

The key concept, however, is the ability of our security institutions to perform tasks within their competencies. Here, *ability* refers to security institutions that have the capacity to act, be relied on to act, and conduct tasks in the area of their competencies. The ongoing Reform specifically addresses this capacity and the adaptation of our defense and security institutions to new challenges.

The international security forces that have provided the safe and secure environment Bosnia and Herzegovina needed while recovering from the conflict are drawing down. If Bosnia and Herzegovina is to join with other countries in collective defense and security organizations and processes, it knows that it must create the conditions whereby international military oversight is no longer necessary. A strong commitment of BiH Authorities is to enable the current EUFOR mission to be the last UN mandated foreign military presence in BiH. To do this, Bosnia and Herzegovina must have modern, relevant, credible, and affordable forces that contribute to the stability and defense of the country and its citizens, and to the region as a whole.

Right now we are in a process of creating organizational structures required for the takeover of work currently under EUFOR Authority. The armed forces of BiH have already undertaken competencies for site inspections, management of military demining in BiH, and the handover of airspace management to BiH is underway.

The Armed Forces have also demonstrated that they are ready to be a contributor to regional and international peace efforts, even if they are just emerging from being a recipient of such efforts. BiH has provided personnel for UN Peacekeeping Missions in Eritrea and the Democratic Republic of Congo and it is now in the process of deploying its fourth rotation of an EOD platoon in support of the operations in Iraq.

But to better understand scope and depth of the ongoing processes, let me just remind you of the main features of the defense system of BiH before the defense reforms were undertaken in 2003 and 2004.

They are as follows:

- a lack of BiH state level command and control of the Armed Forces
- ambiguities and inconsistency in terms of defense responsibilities between entity and BiH state level
- an unjustifiable number of reserves and large quantities of small arms and light weapons to arm them
- a large number of weapons and ammunition storage sites, many of which were in poor condition.

To make the long story short, the Dayton Peace Agreement stopped the war, but as a result two semi-autonomous defense systems were established at entity level with very limited capacities and competencies of the state level institutions in defense matters. It could have been considered as non-compliance with obligations the state had in accordance with OSCE Code of Conduct on Politico-Military Aspects of Security.

Defense reform has been a continuous process in Bosnia and Herzegovina since 1996. After a period of large-scale force reductions, it became both possible and necessary to consider the issue of state-level command and control over the armed forces. This was possible because of improvements in security and stability, and necessary because of Bosnia and Herzegovina's desire to join the community of Euro-Atlantic states – a community characterized, *inter alia*, by armed forces under

democratic state control and directed towards the foreign policy and security objectives of the state.

A number of legal reforms have been undertaken aimed to establish the basis and capacity for the state to conduct its responsibilities in the realm of defense and security. The Law on Defense adopted in 2003 first created today's Ministry of Defense, Joint Staff, and Operational Command. This law was the linchpin of defense reform, providing the basis for today's defense institutions. Moreover, the Law on Defense provided the basis upon which to form the state parliamentary Joint Defense and Security Committee, the first ever exercising parliamentary oversight over all Defense institutions in Bosnia and Herzegovina.

By the High Representative's Decision enacted on 31 December 2004, the mandate of the defense reform was extended. Just to remind you, the Defense Reform Commission was tasked that, in the year 2005, it should examine and propose the legal and institutional measures necessary to enhance State level command and control, promote cooperation with the International Criminal Tribunal for the former Yugoslavia (hereinafter: ICTY), achieve fiscal sustainability, strengthen parliamentary oversight, and promote development of a single military force by transferring the competencies of the Entity Ministries of Defense to the level of the State of Bosnia and Herzegovina.

In the last year, the Commission defined a concept in order to provide for a necessary institutional and legal framework needed to fulfill the above-mentioned tasks. It included drafting a new Law on Defense and a first ever-single Law on Service in the Armed Forces of Bosnia and Herzegovina, which were passed in the Parliamentarian Assembly of BiH in mid-October 2005 and entered into force on 28 January 2006.

Furthermore, the two laws will further consolidate defense and security institutions and provide the basis for the country to provide a safe and secure environment for itself and to contribute fully to regional security and stability.

In short, these laws address two broad themes: the creation of *a single defense establishment* in Bosnia and Herzegovina under fully functioning state-level command and control; and, the restructuring of the armed forces to meet the requirements of internal stability and the foreign, defense and security policy aspirations of the state – specifically, collective defense and security.

Implementation of these laws started on 1 January, with dismantling the entity Ministries of Defense and making them a part of one single Defense Ministry of Bosnia and Herzegovina, and putting the entity army commands under the operational command of the BiH AF Joint Staff. The Defense Law stipulates a two-year transition period until all operational units are established and fully manned. The unique defense reform task of joining two armies of distinct history and doctrine will require these two years and is a challenge not encountered by other countries experiencing defense reform.

However, our new Law on Defense also provides the basis for the next round of restructuring of our armed forces. This re-organization will focus on developing units that meet the needs of Bosnia and Herzegovina, but also are suitable for collective security operations that meet NATO needs. Although firm decisions have yet to be taken, the concept encompasses the creation of general purpose light infantry that could, for example, perform constabulary missions, and explosive ordnance destruction and de-mining units, which Bosnia and Herzegovina has special expertise in but which are in short supply in NATO member forces.

Furthermore, driven by affordability and future mission requirements, the new concept includes restructuring away from the traditional system of conscription and large passive reserves. By abolishing military compulsory service since 1 January, Bosnia and Herzegovina became a leading country in the region in implementing the concept of a fully professional military. Since Bosnia and Herzegovina cannot afford to maintain a large standing force or rarely used specialist units, the reserve force will be restructured to produce usable reinforcement elements for the armed forces at a relatively low cost. Again, decisions must be taken,

but this could include the creation of reserve infantry companies and platoons that could reinforce active infantry battalions; reserve specialist units could be activated when those capabilities are required; or individual reservists could provide specific specialist capabilities to active units.

As we know, the issue of economics is also extremely important. All countries face the problem of prioritizing the allocation of budget revenues. Defense is but one area that competes for budget revenue. The trend in defense budgets shows a reduction over the last years – however, the new defense reforms will allow for a more efficient allocation of budget resources. The BiH Defense Budget approved for the current year is 278 million KM – approximately €140 million. Given the ambitious reform agenda, the budget proposal for the year 2007, developed by the Defense Ministry, is 331 million KM, but the general instruction in the meantime issued by the Ministry of Finances imposes limitations to all BiH institutions to request for the next year only as much as they were approved for the current year. This impediment might seriously undermine one of the reform goals – among others with projected downsizing of the personnel from 13,000 to 11,000 - to have more funds available for operational costs.

A major challenge, therefore, is to provide a continued and an unimpeded funding through one single defense budget, particularly in this transition period.

Major tasks in the near future, during the transition period, will be:

- To issue regulations required by new laws in defense matters; To fully implement a single system for financing, budgeting and auditing;
- Implementation plan for the transfer of property and conversion/removal of ammunition and weapons; Personnel training in defense matters at the state level;
- Implementation phase by phase of a detailed plan for transferring functions, including establishment of an appropriate operational system;

- Revising strategic documents, including defense policy.

We are nearly at the end of the first transition year, as stipulated by the BiH Defense Law and remarkable progress has been achieved.

In early July the BiH presidency made the decision on size, structure and locations of the Armed Forces of Bosnia and Herzegovina. The decision defined the Armed Forces of Bosnia and Herzegovina as a professional, single military force that is organized and controlled by Bosnia and Herzegovina as well as the size, structure, locations, manning and ethnic representation in the AF BiH.

The total size of the AF will be 10,000 military professionals, 1,000 civilians, mainly in the Defense Ministry and 5,000 of active reserve.

The new Armed Forces will consist of three maneuver brigades, one tactical support brigade and aviation forces equipped with helicopters, all under the control of the Operational Command. The three maneuver brigades will each consist of three infantry battalions, one from each of three infantry regiments. There will be three infantry regiments, each responsible for maintaining and fostering military heritage and identity of the units from which they are descended, meaning the ARBiH and HVO components of the former Federation Army and the former VRS.

The other smaller branches of the AF BiH, such as engineers, signals and artillery will be organized as single regiments and have units assigned in support of the three brigades. The regiments have no operational or administrative authorities. They have a small regimental headquarters of less than 10 military personnel that handle ceremonial and other regimental affairs.

Based upon the decision on size and structure, numerous operative decisions, guidelines and criteria for the Ministry of Defense of BiH have been adopted, or are in a process of adoption, including ongoing work on more than 30 regulations.

As we continue our restructuring process and the implementation of our defense reforms, the operative principle for the Armed Forces of Bosnia and Herzegovina is to organize, man, equip and train our forces in order to achieve interoperability internally and with NATO and partner country forces.

Our goal is to achieve interoperability with NATO across the full range of defense functions from the highest levels of defense policy decision-making through the operational and tactical levels of military responsibility.

Achieving standardization and interoperability will be a long-term process, but it can be achieved only through effective training and joint operations with military forces of partner countries and participation in selected PfP activities, in accordance with the decisions of the NATO Istanbul Summit.

Today, with a newly formed single, state level defense structure, Bosnia and Herzegovina is an active participant in more than twenty bilateral cooperation programs with friendly countries. It is a member or participant in most of the regional initiatives of South Eastern Europe dealing with defense and security and has a Tailored Cooperation Program with NATO which we hope will soon be replaced by an Individual Partnership Program, once BiH joins NATO's PfP Program.

It happens sometimes that such an intensive cooperation agenda, although in essence aimed at supporting BiH defense reform, becomes an overwhelming demand for the still fragile defense structures of BiH, which are not able to adequately respond to these cooperation offers.

The reasons for that are usually related to the fact that an intensive transformation agenda doesn't allow qualified personnel to prioritize their mid- and long-term tasks against the immediate ones and "invest" some of their time into training, education or other type of foreign assistance programs. Especially, there is a quite limited number of qualified individuals who possess adequate general knowledge, specific

skills and required language capabilities, to be able to participate in programs offered.

In essence there is more provided than can be consumed. Also, it is very difficult for the recipient to say NO to offers even if they will complicate the situation and many times cost more to absorb than they are worth.

From the point of view of a recipient, coordination among assistance providers can significantly contribute to the successful implementation of bilateral and multilateral defense cooperation programs

The South Eastern Europe Clearinghouse is a good example of a coordinated effort to harmonize and “regulate” foreign assistance programs in the area of defense, provided to the countries of the region.

Our experience is that the most useful offers are “project-based” cooperation programs – those that assume implementation of a project with a single partner consisting of several mutually related activities within the same area (e.g. demining), instead of performing the same number of *ad hoc* activities in not directly related areas.

Most sensitive, however, is the issue of further personnel downsizing with a necessity to provide adequate resettlement programs for military personnel and civilians that will be dismissed from service.

Besides programs which will be provided by BiH authorities, retirement under favorable conditions and severance payments, the Defense Ministry of Bosnia and Herzegovina has applied for NATO Trust Fund.

This initiative was supported by the NATO Secretary General, and in accordance with NATO Trust Fund Policy, this spring, the North Atlantic Council approved the Assistance Program for Redundant Military Personnel, for which the BiH MoD had applied.

Aim of the project: The purpose of the project is to enable those persons who are going to be demobilized in the course of the defense reform process over 2006 and 2007, and also those who were

demobilized through previous staff downsizing and were left out from the programs of assistance. Overall, about 6,000 personnel will be concerned.

Duration: Three years, with possible extension to deal with further caseloads-pending donor commitment.

Budget: € 8.25 million

(Possible) **Contributors:** NATO Allies; Partnership for Peace Nations; contact countries; international organizations.

Lead Nations: United Kingdom, Netherlands and Croatia

Executing agent: International Organization for Migration (IOM) in close cooperation with the OSCE.

Challenges for the Way Ahead

The immediate future brings some real challenges. Key issues include:

- Possible additional reductions of defense personnel, including officers, due to the high percentage of overage members of the current force.
- Recruiting new personnel to create a balanced, modern and professional force.
- Continuous effort to maintain budgetary support for the reforms, especially not having the budget reduced based on the reduction of personnel numbers. Sufficient funding is required to support a smaller, but, professional force that will be able to operate in a modern, NATO compatible environment.
- Training for a military and civilian structure that is totally professional and modeled after NATO standards.
- Final disposition of the great amount of excess arms and ammunition in the country.
- Continued development of a Defense Planning System that openly and systematically determines defense requirements, prioritizes these requirements and allocates resources on documented decisions of the defense leadership.

Concluding Remarks

Even a cursory review of the facts mentioned reveals two salient facts. First, many accomplishments have been met and our reform efforts have been far-reaching. Secondly and equally obvious is the fact that much work remains to be done to fully implement the very significant and complicated defense reforms that have been accomplished to date.

When implemented, our newly embarked defense reforms will clearly reiterate the determination of Bosnia and Herzegovina to move to the future and toward full integration into the Euro-Atlantic family of nations.

Results achieved so far have helped our efforts to change the position as a consumer of international security and defense efforts and to become a provider of security.

As examples you can witness our participation in PSO in Iraq, UN monitoring missions, active participation in regional activities: SEECP, SEEGROUP, Stability Pact, and as observers in SEDM, Adriatic Charter and others.

The transition will foster the Euro-Atlantic integration of BiH so that in the future, BiH will be in a position to serve as a catalyst for positive trends and developments in the region. It has been seen that “instability” that may occur within one part of the region could inevitably “spill out” to other regional countries. In a similar fashion, “progress” made in one part of the region can “spread” positively to other countries within the Balkans. This rule especially applies and is proven here in Bosnia and Herzegovina, due to its unique position and internal structure. An “investment” in the stability of BiH will reap profits and benefits of stability throughout the region and Europe.

Defence Reform in Serbia and/or Montenegro: Hampering Exceptionalism

Svetlana Djurdjevic-Lukic

Any assessment of defence reform in the State Union of Serbia and Montenegro (2003-2006) and its current status in Serbia implies a difficult choice: to judge the achievements starting from an extremely low level in the 1990s, before Slobodan Milosevic's departure from power on 5 October 2000, or according to general standards of good governance criteria, rule of law, transparency, accountability, domestic ownership, democratic parliamentary control, and regional integrations. The choice is not merely an issue of half-full or half-empty glass, but involves complex legacy and a long list of exceptions when compared with other post-communist states, which should be addressed in a comprehensive way, in a synergy of domestic and international actors, and under circumstances which are not yet favourable.

The lack of prioritization of security sector reform by all key political actors in the first years after the fall of Milosevic's regime, the Kosovo issue, and problems in the co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) have hampered the reform in the entire period 2000-2006.

The aftermaths of the event on 5 October 2000 suggest that "the police and Army's non-intervention in the regime change was bought with the promise of a 'soft' approach to military and police reform by the new government". The approach was too soft, even compared with similar packed transitions: for almost two years there were no substantial changes within the defence and security apparatus.

Although brokered via strong involvement of the European Union (EU), the State Union of Serbia and Montenegro (March 2003 – June 2006) did not have constitutional mechanism for security sector reform, and defence reform was conducted in three different political, security and

economical spaces: Republic of Serbia, Republic of Montenegro, and the third, more virtual one: the State Union (in theory including Kosovo as well). The Army of Serbia and Montenegro was the only institution which existed in all three spaces and depended on each of them in different ways: on Serbia when it came to conscripts and funding, on Montenegro to provide at least some legitimacy, and on Kosovo in terms of security threats. There were evident differences between Belgrade and Podgorica even on the level of concepts of the Army reform, with Montenegro positioning itself as a threats-free society. Although polls imply that there was no big difference between public opinion in Serbia and in Montenegro, the elite in the smaller republic had a different perception of security threats and integration.

Governing circles in Montenegro did not consider Kosovo as a security problem, and by distancing itself from Serbia as of 1997, they managed to ignore the issue of their own involvement in wars in the 1990s, and co-operation with the ICTY. Furthermore, the agreement about a possible referendum on independence in 2006 produced a sense of temporality, and Montenegro's government was reluctant to engage in introducing a legislative framework in that area because any discussion of the Army's future involved making a clear assumption about the future status of the Union itself.

Currently, there is substantial interest in the reform within the Ministry of Defence and the General Staff of Serbia, downsizing and reorganisation of the Army are underway, and the Ministry of Finance gave up its plan to cut the defence budget from 2.4 to 1.9% of GDP. Bilateral (USA, Norway, Romania etc.) and regional co-operation is improving, and a new mechanism for NATO-Serbia co-operation, Defence Reform Group, provides an important source of expertise. However, the issues of Kosovo and Gen. Mladic, and prolonged lack of prioritization of defence reform, additionally complicated by the absence of clear power division between the President and Prime Minister, proved for further delays.

The National Security Council does not work, and several different drafts of the National Security Strategy are under preparation, without

the co-operation of all institutions with stakes in that area. Serbia is independent as of June 2006, but no law related to defence has been yet officially submitted to the Parliament, and most likely will not be by the end of 2006 nor in early 2007 (keeping in mind the Constitutional referendum on 28-29 October, followed by the elections at all levels). The Ministerial Instruction, issued by the Ministry of Defence and endorsed by the Government annually, still serves as the only document for the promotion of changes.

Furthermore, the parliament has been silent, with MPs elected on party tickets and with no motive to specialize and to raise any issue, let alone to control the security sector. There are very few independent figures both willing and authoritative enough to ignite sound discussion on the pressing issues related to defence reforms. Hence, defence reform is mostly present in polarized terms (pro or against NATO and US, for a big conscript army or small professional army, as imposed for outside or domestically owned), without substantial discussion on costs and benefits, trade-offs, and basic features of security sector reform: rule of law, transparency, accountability, sustainability, co-operation and integration.

Police Co-operation in South Eastern Europe – Stability Pact Initiatives in Combating Organised Crime

Reto Brunhart

Introduction

The Stability Pact was founded in 1999 by the European Union (EU) Commission, the EU members and EU outstanding countries Switzerland, Norway, the United States and Japan, to facilitate the South Eastern Europe (SEE) region's stability and security within the guidelines of the EU Commission strategy. Therefore, the Stability Pact was built on three pillars: a) Democracy, b) Economy and c) Security. Our partner countries in the region are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldova, Montenegro, Romania and Serbia. The pillar Security (Working Table III) was based on the sub-table on Defence and Security, the sub-table Justice and Home affairs and Border Security Management as a cross-sub-table issue.

The Stability Pact works regionally with the SEE national Governments, Parliaments and state authorities but also NGOs and international agencies aiming to implement EU standards and strengthen regional networking and co-operation. All initiatives and projects of the Stability Pact are based on these principles and strategy to create regional partnerships ensuring balanced development. At the Belgrade Regional Table Meeting on 29-30 May 2006, the participants were informed about the transition phase of the Stability Pact which will be the development of the Regional Council Cooperation (RCC) in early 2008.

As the transition process has begun important questions are asked: What are the areas that the SEE countries consider of particular importance? What are the areas crucial for European and Euro-Atlantic integration? Which are the long-term priorities for the regional co-operation in

economic development, infrastructure, justice and home affairs, security co-operation and building of human capital?

These and more questions have to be answered to ensure the regional ownership process of all initiatives and projects. Regional ownership of the initiatives and projects is based on the regional and national interest to take over responsibility and practical oriented and financial contribution. Given the limited frame of this statement, it is not possible to give a deeper insight into the transition process as I would also like to discuss the initiatives and projects regarding police co-operation, security and organised crime.

Working Table III

The Working Table III related to SEE security issues has been working mainly on organised crime structures by dealing with the Prosecutor offices, the courts but also with the police. My personal duty is related to regional police co-operation and training projects. But first I will give an overview of organised crime initiatives.

The Working Table III is dealing with internal and external security issues (fighting organised crime and corruption, migration and integrated border management, small arms and light weapons, defence reform, in particular defence conversion). Security is a prerequisite for stabilisation and it should be regarded as an essential element on the way towards EU accession. Organised crime still affects negatively the SEE countries and the state authorities have to be politically, legally, structurally and organisationally supported on all levels to improve national, regional and international co-operation, to implement international conventions balancing the international fight against organised crime, to include EU standards in organisations and legislation as well as to strengthen the national authorities enabling independent work only related to national legislature fighting organised crime.

Debits and credits on results achieved have been recognised. All Stability Pact partner countries have different backgrounds; therefore,

there are different levels of achieved goals but, in general, the partner countries are supporting all the initiatives.

I would like to inform about the Stability Pact Initiative to fight Organised Crime (SPOC) which has a regional secretariat in Bucharest working closely with the SECI Regional Center for combating Trans-border Crime on further enhancement of regional co-operation among law enforcement, prosecutorial and judicial authorities in SEE in combating organised crime and on the promotion of regional ownership of the Initiative.

SPOC secretariat's role is to develop, plan and implement concrete activities in partnership with regional governments and existing initiatives in the field of combating organised crime. The tasks listed are as follows:

- Monitor the implementation of international, European and regional treaties, conventions and agreements on combating organised crime, such as the UN Palermo Convention and the Council of Europe (CoE) convention on Mutual Legal Assistance by the countries of South Eastern Europe.
- Facilitate the transfer of knowledge and experience-sharing between the countries and international organisations, the EU, the US and other donor countries on legal measures and best practises enhancing the fight against organised crime.
- Provide legal advice and assistance to strengthen the current efforts and the development of new mechanisms that advance regional co-operation such as the SECI Center Bucharest and the SEE Prosecutors Advisory Group (SEEPAG).
- Facilitate donor assistance and advise on the development and implementation of legal reform projects of regional character seeking to increase the impact of donor funds, reduce overlapping and improve coordination.

The SPOC also supports regional SEE Parliaments in their work against organised crime and on deepening the dialogue between the European Parliament, the Commission and the Council. The goal of this activity is

to build a network of specialised parliamentarians in the region connected with the respective committee of the European Parliament. The participants of a first parliamentary meeting agreed to develop the network and to organise a special seminar to exchange programmes and instruments for fighting organised crime.

The SPOC activities have generally been related to raising political, educational and public awareness of legal requirements in the region by promoting the co-operation between legal experts, specialised parliamentarians from SEE and EP, local authorities and civil societies, including media.

The Stability Pact Anticorruption Initiative (SPAI) established a regional secretariat in Sarajevo in 2004 and since then has developed to a regionally owned “resource centre”. Fully staffed with experts from the region it has the support from all the SEE governments that recently decided to consider financial contributions to its budget starting with 2007. The projects developed by the regional secretariat have been designed together with the SEE Senior Representatives in the Regional Steering Group and cover the most sensitive topics, like fighting high-level corruption, implementing the UN Anticorruption Convention, developing a regional network of specialised agencies. The European Anti-Fraud Office (OLAF) has already agreed to use the regional secretariat for implementing a programme to train investigators within SEE countries. At the same time, the regional office assists the SEE countries with a self-monitoring process on implementing the 10 measures to curb corruption adopted by the ministers of justice in May 2005.

The tasks listed are as follows:

- Assist the implementation of the European and international anti-corruption instruments such as the UN and CoE conventions;
- Promote good governance and reliable public administrations, provide capacity building, and build networks that fight corruption at regional levels;
- Strengthen legislation and promotion of the rule of law and public awareness;

- Promote transparency and integrity in business operations and fight against bribery of public officials;
- Promote an active civil society, including the media.

I don't need to explain here what corruption crime means but I would like to emphasise the well-known impact of corruption: corruption is highly detrimental to the stability of democratic institutions, discourages foreign direct investment, hampers economic growth, and can undermine the EU accession process. I would like to reiterate shortly what I said: corruption is the strongest enemy of economic development and the biggest destroyer of the citizens' trust in politics and state authorities. Therefore, personally, I cannot understand missing political decisions to fight corruption strongly on all levels of the political system and the private sector – not only in SEE but also in Western Countries.

The Stability Pact developed in late 2005 an overview report on the implementation of international and European anti-terrorism instruments in South Eastern Europe, which is based on a steady updated matrix. This overview report has been given to our international partners and partner countries in the region so that they are able to start with capacity building and, if needed, with trainings and infrastructure improvements. The report, published on our web-site, informs mainly about the implementation of the 12 UN conventions and the Council of Europe conventions.

Cross-border management, as mentioned before, is a joint common platform proposed by NATO, the EU, the OSCE and the Stability Pact named as OHRID process. The Stability Pact contributions within the Ohrid process are actions in the area of Migration, Asylum and Refugee Return (MARRI). Their main goal is to co-operate in border management between the SEE partner countries of the Stability Pact to improve regional coordination in cross-border and regional actions related to migration, asylum, visa regime and developing national action plans. I mentioned Ohrid and MARRI because of the field of organised crime in human trafficking and sexual slavery. Impacts of both sorts of crime affect negatively the countries' security and moral.

Now I would like to give information on the Police Forum Initiative of the Working Table III. The Police Forum was created to increase the regional police co-operation and to initiate trainings in fighting organised crime, as well as to build regional networks of specialised investigators fighting organised crime. The Police Forum supports its regional partner organisations, the SECI Center and the South Eastern Police Chief Association (SEPCA).

The Police Forum supports SEPCA to strengthen in the association's regional strategy planning, to connect SEPCA with the European Police Chief Task Force and with the EU Commission in order for the association to be recognised as a SEE regional chief association of police services and to be internationally supported. Therefore, the Working Table III signed with SEPCA a letter of agreement to give the co-operation a strategic basic. SEPCA should have a strong role in the region in supporting initiatives and projects, in exchanging best practise on the highest level, and in informing about national activities and projects. To this end, pro-active information of all international project leaders to SEPCA would be necessary but also regional and national political support is expected enabling SEPCA to play the role of a regional strategy developer for the Ministries of Interior Conference.

The Police Forum is working in close co-operation with SECI Center regarding stolen vehicle crime. The Stability Pact organised a joint meeting on stolen vehicle in Bled in March 2006. The agreed outcome of this meeting obliged the partner countries to increase the fight against stolen vehicles by taking actions and developing national course of action between the state authorities. After the Bled meeting the Stability Pact sent out a questionnaire to assess legislations in the region and to discuss with the countries the assessment results. The Police Forum drafted a guideline paper for writing national reports using one standard in the region. All results will be discussed with the Minister of Interior and the senior management of the state authorities. In early 2007 the Stability Pact will organise the follow-up meeting on stolen vehicle crime.

The fight against stolen vehicle is of a high importance in the face of 1 million stolen vehicles annually in Europe. Of course, most of the vehicles leave Europe on other ways than by passing SEE but this region is partly also a destination area. The Police Forum initiated the project "I-24/7 main border checking points" which aims to connect main border points with the Interpol IT system. I-24/7 enables the police or border police officer to check within seconds whether a car or documents are stolen or a person is wanted or missed. The national NCB's and Interpol check the use of the system. This project started practically on 1 October 2006 after a pre-preparation period of one year and will have a duration of 12 months. The Police Forum envisages the finalisation of this project in autumn 2007 but additional funds must be found to finance phase two.

An important project is also the regional Organised Crime Training Network (OCTN), which is a donor-driven project. The overall objective of the project entitled 'Organised Crime Training Network for Operational Managers in SEE' was designed to strengthen the regional and international co-operation in order to successfully combat cross-border crime. OCTN will give the operationally specialised investigators the opportunity to share best practises and to enhance common investigation activities. The network is expected to establish institutionalised relationships among the police investigators and will link them to international partners. The core element of this approach is the development of a regional training programme focusing on three key elements: training of investigators, networking of key personnel and organisational development of organised crime units in SEE.

Further on a new project was established on crime analysis establishing crime analysis units in the region and implementing the Europol standards. The kick-off meeting in Bucharest on 5 September 2006 created the project frame, and SEPCA will be the project implementer mandating a project manager. The project has regionally been seen as strongly needed and it is a regional owned project. The Police Forum will introduce this new project to donor countries. There is no doubt that crime analysis is an essential tool to increase the fight and the investigators' capacity in fighting organised crime by standardising and

exchanging case data. In order to ensure the success, Europol, SECI Center, SEPCA and two experienced international experts will support the project manager by giving advice and developing questionnaires for the first assessment of the current status. The project will start this year with a first phase of evaluation and assessment. The second phase will have a duration of three years and will implement 9 elements in building a national and regional crime analysis system.

The Ministers of Interior of South Eastern Europe, except from Bulgaria and Croatia, signed the South Eastern Police Cooperation Convention in Vienna on 5 May 2006 (*in September 2006 BUL declared to sign*). The Convention – an Austrian initiative – is based on the Schengen treaty and gives the legal basis for police co-operation in SEE. After the ratification process this convention will also be the basis for any initiative and project, not only of the Stability Pact but from all players in the security reform process. The Stability Pact will monitor the ratification process and the EU Commission took over the follow-up. The follow-up includes many projects to adjust and implement data protection laws, to develop witness protection laws on regional level and, in particular, to give the police services a tool for cross-border actions like joint investigation groups, hot pursuit, controlled delivery and other typical police work in cross-border fighting of organised crime.

Lessons Learnt

Regional co-operation and local ownership of projects and initiatives are increasing but partly weak – nevertheless, the situation is improving. The countries didn't prioritize all projects and initiatives for regional ownership. Certain basic legislations for co-operation like data protection or witness protection have different levels. The Police Convention ratification process hasn't started yet.

The countries generally support the initiatives and projects and also the SECI Center but independency of the police in some countries is on a low level. Often, police chiefs and department directors or heads of unit are replaced for political reasons. Each replacement weakens the police

organisation and reduces the independent work related to law and the citizen and reduces best results from initiatives and projects.

The specialisation and capacity in fighting organised crime within the organised crime units is given based on many projects and trainings in the region. Problematic is the internal replacing of specialised investigators because of organisational reason. A given reason for leaving the police is the low salary of specialised investigators – an excellent recruiting field for the private sector – bank, insurance and trustees.

The national co-operation between the police, prosecutor, court, financial agencies like FIU, but also a high specialisation of prosecutors and judges are essential for fighting organised crime. The overall national capacity for fighting organised crime needs to be enhanced by including all national agencies.

There is no centralised coordination of national, regional and international training within the police environment. Duplication of training and structure building is regularly criticised at international conferences. Especially the regional partners SECI Center and SEPCA are not included as regional agencies in planning projects.

There is no regional network for fighting terrorism.

Recommendations

The Governments should take more responsibility in projects and initiatives providing expertise and budget funds.

Future EU member countries, particular Romania and Bulgaria, should give a regional example of how to reach EU standards and these countries should support any initiative or project with expertise and with budget funds.

Regional co-operation and national or regional ownership of initiatives and projects should be on the agenda of any training provided by SEE

countries, donor countries and organisations to ensure that the trainings are successfully implemented.

National, regional and international projects should be discussed before implementation with the regional partners, in particular with SEPCA, to ensure a balanced development of capacity in the region.

SEPCA (or SECI Center) could play the role of the regional project coordinator that registers all existing and future projects and shows them to the project implementers in order for them to avoid duplication. The regional project coordinator should be based in the region for the need of regional ownership.

The Governments should not replace police chiefs and department directors for political reasons but oblige them to work only in areas related to legislation and to public service for the citizens.

SEPCA should be strengthened politically to work closely with the Ministries of Interior Conference as the regional strategy implementer. The police chief association should be the natural partner for the ministerial conference.

The co-operation, the internal course of action between police, prosecutor office and judges, as well as financial agencies like FIU and tax police, should be assessed regarding EU standards and the situation amended based on the assessment result.

Fighting terrorism should become a priority by networking within the region, exchanging data and including them in the crime analysis system.

Taking Stock of SSR in SEE: Police and Justice Reform Security

Jozsef Boda

Introduction

After the collapse of the Soviet Union and Yugoslavia the global security situation changed very dramatically. The new independent states especially in the Western Balkan area are facing new and daunting challenges.

Security of our citizens is the responsibility of the national parliaments, the governments and the law enforcement community.

Reforming, restructuring and transforming law enforcement agencies in South East European (SEE) countries have gained an important place on these states' political agenda. Numerous projects with domestic and international partners were introduced and carried out. There is no police reform without political decision and support. Reforming and restructuring the law enforcement agencies are the most complicated tasks. Selecting the right people, having a good plan and necessary financial resources are the key issues for the implementation of the reform.

Democracy needs a well functioning and effective police service. Representatives of the national assemblies and the civil society play an important role in keeping the services effective, accountable and within the rule of law.

1. Democratic Policing and Police Reforms

There are several examples in Central and Eastern Europe for transforming, reforming and restructuring police and other law enforcement agencies. There are policies, laws and practices available

for SEE countries for study and use for their reforms. Police reform itself is not efficient without reforming the whole justice system. By the end of the day, law enforcement reforms must show up on the street and in the everyday work of the police officers.

“The goals of democratic police reforms (or creation of a democratic policing system), then, are sustained legitimacy, skilled professionalism and effective accountability.”¹

2. Principles of Democratic Policing

2.1 Police must operate in accord with the principles of democracy.

Police officers and leaders are able to operate in accord with the principles of democracy if they are properly trained and equipped. This is not always the case, especially in post-conflict States and in the former socialist countries.

2.2 Code of professional conduct

Council of Europe (CoE), OSCE and UN as well as national code of conducts need to be followed by police officers. Again, education and training are very important. Supervision and civil control of the performance by law enforcement officers are essential.

2.3 Protection of life

The use of deadly force needs to be very well regulated in national laws in accordance with CoE and UN principles. Supervisory agencies and police leaders need to conduct investigation in each case.

¹ Marina Capirini and Otwin Marenin: Police Transformation in Central and Eastern Europe: the Challenge of Change, p. 5. DCAF 2004

2.4 Serve for the community and accountable to the community

This principle is a basic one for law enforcement officers in democratic states. Unfortunately, not all states are using the community policing model and not every police force serve for the community, even in Europe. Political decisions need to be made to follow this community policing concept. A well developed civilian control or oversight needs to be established.

2.5 Prevention of crime, protection of life and property

Providing safety and security to the State's citizens is the main responsibility of the police service. Preventing crime is always providing a more secure environment to the public. Crime prevention could be part of the community policing concept. Education of citizens and children on security issues like drug prevention, traffic safety is very important.

2.6 Respect of human dignity and human rights

The key question regarding this principle is the implementation, because in many countries they believe that they follow the CoE, OSCE and UN declarations, but in practice they do not. Non-governmental organizations have a crucial role in the oversight of the everyday operations of the law enforcement agencies.

2.7 Non-discrimination

In all of our countries we have different ethnic and religious groups and groups of different sex. The law enforcement officers need to know his/her role as a public servant in this context. Again education and training is essential.

Reform and transition take time and don't happen overnight. We need patience, tolerance and time.

3. The Hungarian Experience

In 1989 we had a major political change in Hungary. The political changes were followed by legislative and constitutional changes and parliamentary democracy, multi-party political system, market economy were introduced. New international relations were established with the CoE, NATO and later on with the EU.

Reforming the Hungarian Police and other law enforcement agencies has been on the political agenda since the beginning of the political transition. We have received international assistance (Team Consult from Switzerland).

The main area of the Police Reform in Hungary are:

- changing the duties of the Hungarian National Police (HNP),
- restructuring, reorganizing the HNP,
- depoliticization,
- decentralization,
- demilitarization,
- strength of HNP,
- new human resource management,
- education and training,
- accountability and civil control,
- respect of human rights and dignity,
- corruption,
- images and attitude of police personal towards the citizens.

By implementing the Police Reform in Hungary, certain key areas of the police system have achieved progress, such as training, depoliticization. Some fundamental reforms are still waiting to be established, such as decentralization, demilitarization and deeper structural changes.

During the last 16 years there was no systematic strategy for Police Reform.

Currently the HNP is again going through a major reform. The integration of HNP, Border Guard and Immigration Bureau is led by the Ministry of Justice and Law Enforcement.

4. Roles and Responsibilities of National Institutes and the Civilian Community in the Police Reforms

4.1 National Parliaments

The National Parliament has major responsibility for providing adequate, democratic oversight on police (law enforcement agencies) including reforms. The National Parliament is sharing its responsibility with the Government. The democratic and transparent oversight includes dialogue between opposition political leaders and high-ranking officers of the law enforcement agencies based on mutual trust as an open line of communication. These regular exchanges of views are important as they help politicians and police leaders to understand the needs of national and international security.

There are different actors involved in the parliamentary oversight of the Police, such as the Parliamentary Committees, Ombudsman, State Audit Office and the Media.

There are certain principles regulating democratic parliamentary oversight:

- The state is the only actor in the society that has the legitimate monopoly of force; the security services are accountable to the legitimate democratic authorities;
- The parliament is sovereign and holds the executive accountable for the development, implementation and review of the security and defense policy;
- The parliament has a unique constitutional role in authorizing and scrutinizing defense and security expenditures;
- The parliament plays a crucial role with regard to declaring and lifting a state of emergency or state of war;

- Principles of good governance and the rule of law apply to all branches of the government, and therefore also of the security sector;
- Security sector personnel are individually accountable to judicial courts for violation of national and international laws (regarding civil or criminal misconduct);
- Security sector organizations are politically neutral.²

4.2 The role of the civil society

The civil society has an important role in a democracy. The civil society comprises a large spectrum of voluntary associations and social movements, representing different social interests and types of activities. These organizations actively remind the political leaders that there is a multiplicity of competing demands and interests to be taken into account when deciding on public expenditures and state policies. For this reason, a well-functioning civil society is a basic requirement for democracy. Academic institutions, human rights non-governmental organizations, policy-focused associations/organizations can actively influence decisions and policies with regard to the Police.

4.3 The role of the media

The independent media has a crucial role in new democracies. Free media is a key element of democracy and reforms. In those countries where the media is not independent, it is very easy to manipulate the community and misuse the media by the rulers of the state.

Given the advantages of the internet, the potential for public access to information (official and non-official) is huge. The media has the right to gather and distribute information on security and police related topics, which are of public interest and has responsibility for providing news that meets standards of truth, accuracy and fairness.

² Philipp Fluri (Editors-in-Chief): Parliamentary oversight of Security Sector, p.22-23

The media could help Parliaments and Police Services to explain their decisions and policies to the citizens, who have the right to be informed and to participate knowledgeably in the political process.

4.4 Parliamentary oversight on Police Reform (Law Enforcement Agencies- LEA)

In democratic states the Police (LEA) is under the supervision of the National Government, but accountable to the National and local Assemblies. The Police should operate within the rule of law. In democratic states the Police should provide public security and at the same time respect individual liberties and human rights.

The actual control mechanisms in the law enforcement sphere are different from one state to another and include such as:

- Parliamentary debates on Police Service
- Parliamentary questions and interpellations relating to the performance of the Police Service
- Parliamentary inquiries on Police performance by Law Enforcement Committees or sub-committees and special committees.

In a democracy the Chief of Police could be called upon once a year to report on the performance of the Police Service or on special occasion to the Parliament or its Law Enforcement Committees. On the local level the same right could be exercised by the Local Security Council.

The State Audit Office has a right and responsibility to inspect the use of the budget by the Police Service. The Ombudsman has the right and responsibility to conduct inquiry on police performance on his/her own initiative or on request by citizens.

4.5 The Ombudsman

The Ombudsmen are usually appointed by the Parliament and report to the Parliament. Among the independent institutional actors monitoring the Police Service, the Ombudsman has a special position. In many

countries the Ombudsman has general competence and deals with problems generated by a malfunctioning of the Law Enforcement Agencies. In other countries, specialized Ombudsmen are dealing with the security sector.

The Ombudsman represents an additional mechanism for monitoring the Police Service on behalf of the citizens and Parliament. Citizens or members of Law Enforcement Agencies can ask the Ombudsman to start an inquiry. Parliamentarians can also ask the Ombudsman to investigate alleged abuses and complaints. If the Ombudsman finds that a complain was justified, she/he can make recommendations, including demanding of the Police in question to change or reconsider its decision.

4.6 The parliamentary oversight of the Police in Hungary

Laws:

Law on National Police of Hungary, 1994

Law on Hungarian Border Guards, 1997

Law on Hungarian Custom Service, 2004

Law on Hungarian Prison Guards, 1979

Parliamentary Committees:

Defense and Law Enforcement Committee,

National Security Committee,

Finance, Budgetary and Audit Committee.

Civil society in Hungary dealing with law enforcement issues:

Hungarian Helsinki Committee,

Hungarian Association of Police Science,

Law Enforcement/Police Union,

Bertalan Szemere Hungarian Law Enforcement Historian Association,

Association of Hungarian Criminologists,

Hungarian Police Women Association,

Roma Police Officers Association,

Consulting Collegium for Law Enforcement and Crime Prevention.

Conclusions

Effective Police Reform could be achieved with strong political willingness, determination, and allocation of adequate resources. The basic problem is to maintain public order and security and at the same time to carry out the reform with the same law enforcement management while the crisis of the police is still going on in terms of low salaries, under-motivated staff and low moral prestige of the police profession.

Police Reform in Serbia: an Overview 2000 – 2006

Branka Bakic

Police reform, as an integral part of security sector reform, is one of the main prerequisites in the transition from an authoritarian regime to a democratic polity. One of the biggest challenges Serbia faced after the democratic shift in October 2000 was the reform of the police force and its transformation into a service accountable to citizens.

October 2000 and October 2006: these two landmarks in time coincidentally bear significant historical symbolism. The first date marks the toppling of Slobodan Milošević, although it may not have produced a total collapse of all his regime's policies and practices; the second date marked Serbia's efforts to stay on the democratic path by re-initiating its negotiations on the Stabilisation and Association Agreement with the European Union (EU), which were put on hold due to the lack of cooperation with the UN International Criminal Tribunal for the former Yugoslavia (ICTY).

The overarching challenges of police reform in Serbia were politically announced following the changes in 2000, and were termed as the four "Ds" – de-politicization, de-centralisation, de-criminalisation and de-militarization. This presentation will analyse what has been achieved in terms of the four "Ds", and the way they were formalised as concrete police reform priorities.

The four "Ds" were frequently publicly declared by all administrations that have been in power since 2000, but they were not systematically developed as government policy. This lack of policy and a clear implementation strategy led to a lack of human and technical capacities as well as of precise time frames for the implementation of the declared goals.

One of the most ambitious efforts the Ministry of Interior (MoI) aimed at when defining and managing police reform was the development of the

Ministry's Vision Document, which aimed to carry out an extensive survey of reform issues and produce a document defining a long term strategy and a framework for reform.¹

The development of the nearly 600-page Vision Document took more than a year and a half (2001-2003), and it was officially presented and adopted by the government in April 2003. However, it is important to note that it was presented during the state of emergency declared after the assassination of Serbian Prime Minister Zoran Djindjic. Due to such timing, impact among the public and within the police was minimal.

In addition to the Vision Document, in late 2003, some days prior to new parliamentary elections, a body was created to steer the reform process in line with the Vision Document. The only time the body met was at its founding session. Prime Minister Vojislav Kostunica's administration that came into power in early 2004 did not breathe any life into the body. Hence, the Vision Document was not developed any further nor used as a starting point for a new process - it did not result in a shift in mentality towards strategic planning for the Ministry and police reform in general.

The positive momentum created through this exercise was irrevocably lost. This is a typical example of the weaknesses of public administrations in transition countries, leading to the "one step forward, two steps back" approach which occurs with every political change - one of the primary obstacles to the sustainability of reforms.

Though many years have passed since the adoption of the Vision Document, Serbia still lacks an overall police strategy or a National Security Strategy. The only document, which is made public, is the Ministry of Interior's annual report for the parliamentary Defence and Security Committee, in charge of police issues, in which statistical – rather than analytical – state of affairs is presented coupled with some general guidelines for the forthcoming period.

¹ The Vision Document of the Ministry of Interior, Republic of Serbia, Introduction.

Only recently, the government adopted several strategic documents related to the police – the Strategy on Integrated Border Management (IBM) in early 2006 – a positive result of the beginning of the negotiations on an association agreement with the EU, and the Strategy on the Reform of Police Education. The development of a Strategy on the Fight against Organised Crime was announced in parliament in 2005; however, that strategy has not yet been adopted.

Police reform has been ongoing with varying intensity due to a lack of clear policies. The move to define concrete police reform priorities was a result of a concerted activity between the Ministry of Interior and the OSCE, Serbia's main international partner in this process.

Based on the OSCE Study on Policing, published in 2001, the Ministry of Interior defined six priority areas of police reform in mid-2002:

- Accountability (covering internal and external oversight);
- Police Education and Development;
- Organised Crime;
- Forensics;
- Border Policing;
- Community Policing.

These were declared as the nucleus of reform activities and many projects within each of the priority areas were initiated with the assistance and support of the international community. However, many structural changes awaited the adoption of the new Law on Police, as the Law was considered a precondition for deeper reforms. Several drafts of a Law on Police were made during the government of Prime Minister Djindjic; nevertheless, the then government did not forward any of the drafts to the Serbian parliament.

In June 2004, the new administration led by Prime Minister Kostunica confirmed these six priorities and added two new areas:

- War Crimes investigation, and
- Strategic Planning and Development.

The result was a formal acknowledgement of eight police reform priorities in November 2004 in a Memorandum of Understanding signed between the MoI and the OSCE, stipulating that they will have a partnership approach to working on projects within each of the priorities. In addition, the new government declared that the new Law on Police was top priority.

The promised urgent adoption of the Law on Police took place a year and a half later, in November 2005. Generally, the adoption of the new Law on Police, described as a step towards transforming the police into a public service, was welcomed.

One of the main organisational innovations introduced by the new law was the operational separation of the police service from the Ministry. A director, appointed for a term of five years, would head the police service. The fact that the director will no longer be Assistant Minister of Interior and that his/her five-year term is longer than the term of the government was described as an aim of depoliticising the police at the senior leadership level.

However, the issue of whether the police will be fully de-politicised after the appointment of the first Police Director still looms, as a great deal of power remains in the Minister's hands.² Due to the legacy of the conflicts in former Yugoslavia, internal political instability and present regional security challenges such as the unresolved status of Kosovo, the Ministry of Interior remains an executive authority of the highest political importance.

Going back to the stated reform goals, it must be noted that the police, as well as other public services, still have a long way to go in the fight against corruption and becoming an accountable citizens service. The internal affairs unit – the Inspector General Office (IGO) in charge of

² According to the new law “the minister, in consultation with the Director General of Police, appoints and dismisses regional police chiefs”. Article 24 of the Serbian Law on Police
http://www.parlament.sr.gov.yu/content/cir/akta/akta_detalji.asp?Id=296&t=Z

police oversight as well as investigating citizens' complaints against the police – was established in 2001. However, the appointment of the first Inspector General (IG) took two years.

What brought the issue of the oversight of police into focus was the assassination of Prime Minister Djindjić, the subsequent declaration of the state of emergency and the launching of the police operation Sabre against organised crime connected to the assassination. The person charged with pulling the trigger was holding an official police badge at the time. This was a tragic wake-up call for the Serbian society underlining the urgent need for oversight of the police.

Following these events, only in June 2003 did the government appoint the first Inspector General who at the same time held a political post as Assistant Minister of Interior. The first IG assumed the Office without any human or technical resources – capacity development of the IGO was slow and deliberate.

With the elections and the change of government in 2004, the second IG was appointed – which was more a result of political bargaining. Subsequent political controversy regarding the scope of IGO underscored the 'weak' position of the internal affairs unit within the Ministry's structure – the model chosen by Serbia being a hybrid of internal and external oversight. With the enactment of the new Law on Police, internal police oversight is regulated for the first time by law. Although progress has been made in this area, internal oversight still has to evolve and gain respect of both the police professionals as well as the public.

In addition to the development of more effective internal oversight, police accountability needs to be supplemented with effective external oversight – declared as a priority but not yet fully practiced. The parliamentary Committee for Defence and Security 'has plenty of potential for improving its work and still does not perform preventive oversight over the work of the services – its work is limited to a post

facto discussion³ which boils down to examining reports by the Minister of Interior. Many members of the Committee do not possess sufficient knowledge of police-related issues, and do not have sufficient professional expertise at their disposal. Furthermore, although police oversight was high on the political agenda back in October 2000, Members of Parliament showed surprisingly little interest in exercising their rights.

The idea of establishing an independent external oversight body has yet to be pursued. Such a body remains a missing link in the police oversight structure, although the new Law on Police opens up prospects for the introduction of a commission for external oversight. Public and media interest will have to evolve to support these accountability mechanisms. External oversight remains a formidable reform challenge not only for the Serbian parliament and other branches of the government but also for the civil society.

In Milosevic's period Serbia suffered from an enormous increase in organised crime and deepening of corruption, which became the norm in the country's economic, social and political life. The process of decriminalisation of certain elements within the police and a resolute fight against organised crime were also seen as an absolute priority from the very beginning of the reform.

This priority was tackled immediately and the Special Unit for the Fight against Corruption and Organised Crime was formed back in 2000. It mapped out organised criminal groups as well as the persons responsible for mainly politically motivated assassinations linked to organised crime and state security prior to October 2000.

Having scanned the underground to the best of its abilities at the time, the unit was disbanded in April 2001. A new organisational unit, the Organised Crime Directorate (OCD) was formed and it was the only operational unit reporting directly to the political/ministerial level.

³ National Strategy of Serbia for the Serbia and Montenegro's Accession to the European Union, p. 185, <http://www.seio.sr.gov.yu/code/navigate.asp?Id=73>

The importance of the list of organised crime groups and their links with the paramilitary unit of the state security, i.e. Special Operations Unit, would be fully grasped only following the assassination of Prime Minister Djindjić, which was the most serious blow that organised crime connected to the parts of the security structures inflicted on Serbia.

The state immediately responded by proclaiming a state of emergency that lasted 40 days and the police launched the massive police operation called *Sabre*. The Special Operations Unit was disbanded and its commanding officers arrested. Police detention during the state of emergency was not limited and more than 11,000 people were arrested throughout Serbia. Operation *Sabre* was a severe blow to organised crime.

In 2003 OCD was also tasked with investigating war crimes. The role of the War Crimes Department is especially important and sensitive having in mind that two national police chiefs are indicted by the ICTY. A number of lower ranking police officers have been indicted by the Serbian courts. Some have been processed and convicted. Establishing war crimes investigation capacities also has a political significance in the light of Serbia's intention to try war crimes in domestic courts. For this purpose the Special War Crimes Prosecutor's Office and the Special War Crimes Chamber of the Belgrade District Court were established. A small police unit has not achieved impressive results thus far, for reasons beyond the pure issue of the lack of the unit's capacities.

Also new was the establishment of the witness protection unit (Unit for the Protection of the Participants in Criminal Proceedings). The unit is significant in the light of the government's intention to broker the transfer of certain war crimes cases from the ICTY to the national judiciary.

In 2005, OCD was put under the umbrella of the police service and renamed to the Organised Crime Service (OCS). Its internal structure did not change much, with the exception of the War Crimes Department, which has been taken out and hierarchically put on the same footing as OCS. One of the aims of such restructuring was de-politicization by

putting all police units within the police service out of direct political control.

OCS has achieved some impressive results, but it could not always meet the high expectations. Its good operational police work was often in vain because of inefficiency in the prosecution and judiciary. To illustrate this using simple statistics, according to police estimates only 16% of criminal charges submitted by the police service end up with a court verdict and half of those are suspended sentences.⁴

Enhancing capacity for the fight against organised crime in Serbia largely depends on developing a comprehensive national criminal intelligence system, forensics and border policing. Such a system did not exist before, and the police are currently in the process of building up the national criminal intelligence and forensics capacity with the support of the international community.

Regarding issues related to border control, the reality is that Serbia became an outer border of the European Union. De-militarization, i.e. the assumption of the responsibility for the state borders by the police, has been postponed until recently mainly due to unclear competencies in the unique state union as Serbia and Montenegro, dissolved in May 2006. The issue of de-militarization was more seriously tackled once it was put as one of the main points on the agenda within the negotiations on the EU accession agreement. The process of police take-over of the state border from the military started in 2005, and so far it has been finalised at the borders with Hungary, Romania, Bulgaria and partly Croatia. The process is expected to be completed by the end of 2006; however, this plan seems optimistic.

As mentioned earlier, the government has finally opened up possibilities for a phased police take-over of securing borders, with the adoption of

⁴ Nikolić-Đaković, Tanja, *Svaki tajkun ima svoje poslanike*, Interview of Josip Bogić, Head of UBPOK's Organised Financial Crime Department, to daily Blic, 28 October 2005.
<http://www.blic.co.yu/arhiva/2005-10-28/strane/tema.htm>

the Strategy on Integrated Border Management (IBM), as well as the action plans for its implementation. However, much is needed in terms of further development of associated laws and regulations, joint training programs for the four border services (i.e. border police, customs, phytosanitary inspection and veterinary inspections) and reconstruction of the border crossing points. It will be a major focus in the coming years.

Returning to the four “Ds”, the issue of decentralisation of police service is connected to the issue of the new Serbian constitution. Serbia is currently in the process of adopting the new constitution, and it remains to be seen what changes it will bring. Currently, the police service is a centralised authority, reflecting the structure of a centralised state. Centralised management of the budget and short-term planning impede the delegation of decisions. Police at the local level have little room for manoeuvre in addressing local issues, and working in closer co-operation with communities, which affects the development of community policing.

Though de-centralisation is still not within the legal framework, working closer with communities is regarded as a vital means in regaining public trust, lost in the ‘90s. There was an extensive pilot community policing phase which demonstrated that the police are not the sole bearers of the responsibility for securing public safety. The primary driving force should be the society’s demand and interest in raising the level of safety. The police are engaged in numerous community policing activities, especially in ethnically diverse areas in the south of Serbia and the Autonomous Province of Vojvodina. In 2005, the community policing concept was mentioned in Serbia’s National Strategy for EU integration recommending that the “work on decentralisation of the MoI and development of the ‘community policing’ concept should continue”.⁵ Hence, the executive branch needs to work on developing a National Community Safety Strategy. This Strategy remains a missing link in working closer to the communities.

⁵ National strategy of Serbia for the Serbia and Montenegro’s accession to the European Union, p. 186, <http://www.seio.sr.gov.yu/code/navigate.asp?Id=73>

A key indicator of the success of police reform is the general public's perception of everyday police culture – the manner in which officers carry out their duties.⁶ A sustainable change in police culture is primarily achieved through the reform of police education and training. To date, the biggest planned breakthrough is the transformation of the Police High-School into a basic entry-level Police Training Centre. All future Serbian police officers, including female students, will graduate from this reformed institution. Modernisation of specialised and advanced training is the foundation of future professional development and career advancement. In that respect, police culture is evolving to accommodate changing social values of a society in transition, striving towards EU membership.

In summary, the process of police reform in Serbia was influenced by the political instability and the lack of clear time frames. There was little public debate on how the transformation of the police needs to be steered; the reform process was and still is mainly left to the police itself. To the best of my knowledge, the parliament and its Defence and Security Committee have never discussed the overall progress of police reform. Some of the most important structural changes occurred after major events, some of which were mentioned earlier. Coordination of security services is currently also in focus, however only in connection to the implementation of the government's Action Plan aimed at resolving the ICTY co-operation issue. These examples demonstrate that significant reform milestones occur as a matter of necessity, rather than as a part of proactive, reform-oriented planning.

To close, I would like to point out that some aspects of police reform are generally perceived as "slow". Deep sustainable reforms are a major challenge since they require changes in the society's system of values. Putting the reform of the Serbian police into its historical context of ten-years of economic, social and moral deterioration of the entire society, one has to be fair and ask how deep was the change in the system of

⁶ Downes, Dr Mark, *Police Reform in Serbia: Towards the creation of a modern and accountable police service*, OSCE Mission to Serbia and Montenegro, Law Enforcement Department, Belgrade, 2004, p. 26.

values of the Serbian society in general – before assessing the police alone. Are the perceptions of the “slow” pace just ‘sour grapes’ in response to what Serbian society would wish it had achieved, rather than what the society has been realistically capable of achieving under the circumstances in the past six years?

This and similar questions are frequently a source of interest and discussion, which brings me to my final point - in order to be able to base discussions on realistic grounds and avoid any arbitrary assessments strategic planning and determining criteria for success at all levels must take place. Although strategic planning and development were declared a priority, as mentioned at the beginning of my intervention – now is the time for implementation and practice without further delay.

Reform Processes in the Police – the Case of Croatia

Krunoslav Antoliš¹

Summary

To observe the rules of democracy, rule of law, firm guarantee to observe civil and religious freedom, equality of all our citizens, the right of each individual to have the same opportunities and protection of fundamental rights and freedom guaranteed by the international conventions and Croatia's legal system are the principles set by the Government as the highest political and moral principles to follow.² To achieve the program goals set up by the Government, the Ministry of the Interior (MoI) has its strategic goals to be realized within the given mandate.

This paper presents the reforms in Croatia's police from three viewpoints. The first set of reforms are defined by the program guidelines of the MoI of the Republic of Croatia for the period between 2004 and 2007, the second are the consequences of the geopolitical position and the outcome of the war in the region and the third represents a systematic adjustment to the current situation determined by global terrorism.

Introduction

Croatian police as the main and fundamental component of the Ministry of the Interior are going through a new stage of development. The police are based on the values and results of the Patriotic Defense War, but have also been undergoing a turbulent and dynamic development in the past sixteen years.

¹ All statements made in this article are solely those of the author and in no way reflect the official positions or policies of the Republic of Croatia, Croatia's Government or Ministry of interior.

² Constitution of the Republic of Croatia, Zagreb, 25 April 2001.

Today, the Republic of Croatia with the Police as its component is faced with new challenges such as full EU and NATO membership.

The Ministry of the Interior is responsible for performing the tasks of the police, which have the status of a public service providing its citizens the protection of their fundamental constitutional rights and freedom as well as protection of other values guaranteed by the Constitution in accord with the current law.

The sphere of the Ministry of the Interior's activities is defined by the Constitution of the Republic of Croatia and other laws, particularly by the Law on the Police specifying the structure, organization, tasks and competence of the police.³

To perform the police tasks, the Ministry of the Interior has founded the General Police Directorate as an administrative organization within the Ministry. A total of twenty Police Directorates are set up on the territory of the Republic of Croatia being in accord with the existing structure of local administration. According to the size of the area, number of inhabitants, number of criminal acts and offences the importance of traffic routes, geographic position, the Police Directorates are divided into four categories.

At the headquarters of the General Police Directorate there are Police Administration, Crime Investigation Administration, Border Administration, Operative-communication Police center, Special Police Command, Center for crime expert assessment, and the Police Academy.⁴

The above mentioned police structures employ police officials authorized to perform police tasks and civil servants and employees who are not in charge of police tasks.

³ Law on the Police, Zagreb, 19 December, 2000.

⁴ Benko M., Head of the police of MOI HR: Introductory speech at the scientific and expert meeting *Human Resources in Fighting Terrorism*, Police Academy, Zagreb, 7-8 September 2006.

Reforms Defined by Program Guidelines

Strategic goals of MoI of the Republic of Croatia are defined in the program guidelines for the period from 2004 to 2007,⁵ and divided in two groups as follows:

- goals with regard to security and
- goals with regard to the promotion of police organization.

Goals with regard to security imply the following:

1. Crime prevention
2. Cooperation and coordination between police and judiciary
3. Increase in road traffic safety
4. Maintaining law and order
5. Supervision of the state border
6. Providing security for protected individuals, objects and space
7. Development of the MoI's system of acting in the state of crisis

Goals with regard to the promotion of police organization imply the following:

1. Building the asylum system
2. Improvement of the international police cooperation
3. Development of partnership with social community
4. Development of successful communication with general public
5. Development of the police management
6. Building the system for staff control according to EU standards
7. Reform of educational system for the police officials
8. Institutional supervision of scientific and research work⁶
9. Modernization and development of information and communication system

⁵ Program guidelines of the Ministry of the Interior of RC for the period between 2004-2007, Zagreb.

⁶ Antoliš K., "Prerequisites for Systematic Fighting Terrorism", Conference on *National security & traffic perspectives for Republic Croatia*, Croatian Parliament, Zagreb, 27-28 February 2006.

10. Protection of data and information in ICT systems
11. Office standardization and automation
12. Development of the system of taking responsibility for the results of work, legal acting and observing the code of ethics.

Preconditions to reach strategic goals as defined above first include a set of standards, the police code of ethics and organizational processes based on professionalism, modernization, rationalization, democratization, transformation and integral development of MoI of the Republic of Croatia.

Reforms, Geopolitical Position and the Consequences of War

Particularly significant factor that has influence on the security of the Republic of Croatia is its geopolitical position. Namely, according to its geographic and traffic position, the Republic of Croatia is a central European state connecting Western Europe's states with the states of South Eastern Europe and Asia. To illegal migrants and trafficked persons such geographic position represents a transitional route across the territory of the Republic of Croatia towards their final destinations in the states of Western Europe.⁷ The MoI of Croatia in cooperation with the other authorized bodies and in accord with the accepted international standards takes operative and preventive measures to stop and remove a threat of terrorist actions including different forms of international cooperation which Croatia is permanently trying to develop to be as efficient as possible, especially by further intensifying bilateral, regional and multilateral cooperation.⁸

Therefore, the Government of Croatia, i.e. the MoI, has made bilateral agreements on cooperation which imply cooperation in fighting terrorism with the aim of exchanging data and information on planned or performed terrorist actions, on persons taking part in those actions, the

⁷ Antoliš K., "Terrorists Routes in South-Eastern Europe and the Balkans", CT WG meeting, Garmisch (Germany), 28-29 September 2006.

⁸ Kirin I., Minister of MOI, RC, introductory speech at scientific meeting *New Horizons of Modern Terrorism and Anti-terrorism – Croatia's View*, Croatia's Academy of Law and the School of Law, Zagreb, 9 May 2005.

fashion in which they were carried out and on activities and technical means applied in the activities.⁹ Cooperation also includes exchange of information on terrorist groups whose criminal activities are being done or were done or planned to inflict damage or are against the interest of other states. It also includes data important for prevention of terrorist or criminal activities threatening public security. It is important to stress that such agreements are made with all our neighboring states.¹⁰

Apart from the afore-mentioned, Croatia, i.e. MoI, as a member of INTERPOL is due to observe the Statute and apply the INTERPOL resolution which regulates these problems. The implementation procedure of the agreement on cooperation between the Republic of Croatia and EUROPOL, of which Croatia will be a full member after joining the European Union, is underway.

Second important factor which has impact on the state of security in Croatia is the outcome of the war in Croatia and the fact that a large amount of weapons and explosives from the arsenal of the ex-Yugoslav people's army have been left without any control and are easily accessible to the public. It is also a fact that the police have recorded criminal acts in the sphere of classic and organized crime, committed with the weapons or explosive of military origin.

Aware of the importance of keeping fire arms under police control and of destroying them, the Croatian Government, i.e. MoI, has several times organized the action of voluntary giving up of weapons, ammunition, mines and explosives, which so far have shown good results.

⁹ Kirin I., Minister of MOI, RC, speech at unofficial meeting of the ministries of the interior affairs of the South Eastern European states in Varna (Bulgaria), 18 March 2006.

¹⁰ Kirin I., Minister of MOI, RC, introductory speech at the scientific and expert meeting *Human Resources in Fighting Terrorism*, Police Academy, Zagreb, 7-8 September 2006.

Reforms Determined by Global Terrorism

Global terrorism is a serious threat to all states in the world today, especially to the member states of the anti-terrorist coalition. We all agree that there is no goal justifying terrorism, yet our approach must be based on the concept of the law-grounded punishment, not revenge. Terrorism must not become a legal means of fighting evaluative changes in human community. I also hold that basic human rights should be particularly observed in the context of fighting terrorism.

The creation of scientific and technological prerequisites for efficiently fighting terrorism grounded on international and national research projects are a guarantee that the sources of scientific and expert knowledge necessary to work out a high quality, modern and internationally valued and verified teaching material will be provided.¹¹

We also hold that along with understanding a general necessity for educated and professional human resources in fighting terrorism, the needs and demands of economic subjects and civil society as a whole, are important to understand¹².

The MoI of Croatia, especially the General Police Directorate, pays particular attention to education and training of the police staff. It includes regular seminars and courses organized independently or in cooperation with the Police Academy including their own knowledge and experts but also part-time associates and experts. Besides, police officials are educated through courses and seminars organized in other states, institutes and organizations. Their great importance is in meeting experts and exchanging knowledge and experience.

¹¹ Antoliš K., "Strategic prerequisites for partnership in combating terrorism", Conference *Establishing referent laboratory for nuclear-biological-chemical protection and system for bio-monitoring in republic Croatia*, Institute Ruđer Bošković, Zagreb, 6 June 2006.

¹² Antoliš K., Introductory speech at the scientific and expert meeting *Human Resources in Fighting Terrorism*, Police Academy, Zagreb, 7-8 September 2006.

In accord with the international responsibilities of the Republic of Croatia, and on the grounds of the MoI's annual tasks and the role of the Police Academy within the MoI, on 7 and 8 September 2006, a two-day scientific meeting 'Human resources in fighting terrorism' was organized at the Police Academy in Zagreb.

Judging by nearly thirty papers presented at the meeting and discussions at the plenary part of the meeting concerning scientific and expert contributions in fighting terrorism, we think that the meeting contributed to the increase in the level of national security of the Republic of Croatia, especially as the meeting started some initiatives included in the following suggestions:

- To start a project of national program of education in the sphere of fighting terrorism;
- To start a project to investigate the needs for new curriculum in the sphere of fighting terrorism in cooperation with Polytechnics and Universities organized at the levels as follows: courses, under graduate and graduate level;
- To start a project-based new and improve the existing legal provisions to encourage the work of the services responsible for security of economic subjects, vital for state interest;
- To make legal conditions for the implementation of university-level education in the domain of fighting terrorism at the Police Academy of the MoI of the Republic of Croatia.

There is also a need for institutional supervision of scientific, expert and research efforts at the level of the MoI of Croatia so that coordinated and targeted projects can improve that aspect of Croatian MoI activities which is in accordance with the planned strategic goals, defined by the program guidelines of the MoI of Croatia for the period from 2004 to 2007.

Conclusion

According to the afore-mentioned, we hold that the issue of human resources should take a prominent place.¹³ High quality solution to the issue of human resources particularly in the domain of fighting terrorism provides a higher level of mutual understanding and cooperation between state bodies, economic subjects and the wider social community, the increase in general security both in the Republic of Croatia and international community being the final goal.

The creation of a suitable legal framework for education and lifelong professional improvement of experts in fighting terrorism is one of the starting prerequisites for building a successful and efficient state system for fighting terrorism and one of the priorities of the police reform.

Overall reform processes, from working out particular programs to concrete projects, must be compatible with the system of strategic targets defined by the program guidelines for the period of 2004-2007, so that the planning and activities of the MoI can be coordinated and obtained results integrated in the consistent system. This is the only viable and balanced approach to the development of the MoI in future.

Bibliography

Antoliš K., “Prerequisites for Systematic Fighting Terrorism”, conference on *National security & traffic perspectives for Republic Croatia*, Croatian Parliament, Zagreb, Croatia, 27-28 February 2006

Antoliš K., “Strategic prerequisites for partnership in combating terrorism”, conference on *Establishing a referent laboratory for nuclear-biological-chemical protection and system for bio-monitoring in the Republic of Croatia*, Institute Ruđer Bošković, Zagreb, Croatia, 6 June 2006

¹³ Antoliš.K., “Human Resources in Combating Terrorism”, *Modern Traffic*, vol. 26 No 5, Zagreb, September-October 2006, pp. 285-384.

Antoliš K., “Terrorists Routes in South-Eastern Europe and the Balkans”, CT WG meeting, Garmisch, Germany, 28-29 September 2006

Antoliš K., “Human Resources in Combating Terrorism”, *Modern traffic*, vol. 26 No 5, Zagreb, Croatia, September-October 2006, pp. 285-384

Antoliš K., Introductory speech at the scientific and expert meeting ‘Human Resources in Fighting Terrorism’, Police Academy, Zagreb, Croatia, 7-8 September 2006

Benko M., Head of the police of MoI HR: Introductory speech at the scientific and expert meeting ‘Human Resources in Fighting Terrorism’, Police Academy, Zagreb, Croatia, 7-8 September 2006

Kirin I., Minister of MoI RC: speech at unofficial meeting of the ministries of the interior affairs of the Southeastern European states in Varna, Bulgaria, 18 March 2006

Kirin I., Minister of MoI RC: introductory speech at scientific meeting „New Horizons of Modern Terrorism and Anti-terrorism – Croatia’s view”, Croatia’s Academy of Law and the School of Law, Zagreb, Croatia, 9 May 2005

Kirin I., Minister of MoI RC: introductory speech at the scientific and expert meeting ‘Human Resources in Fighting Terrorism’, Police Academy, Zagreb, Croatia, 7-8 September 2006

Program guidelines of the Ministry of the Interior of RC for the period between 2004-2007, Zagreb, Croatia

Constitution of the Republic of Croatia, Zagreb, Croatia, 25 April 2001

Law on the Police, Zagreb, Croatia, 19 December 2000

Security Sector Reform in South East Europe – Border

Security: What has been done, What remains to be done?

Jürgen Reimann

Our Special Case: The Western Balkans

The emergence of five new nations from the break-up of the former Yugoslavia has created over 5,000 km of new international borders in the region that is characterized by major problems. Borders in the region are frequently not marked, the emergent border control agencies are often inefficient and are open to corruption, and the border crossing points are not equipped to handle the traffic crossing them. Organized crime networks in the region have become well established, highly violent and increasingly international.

Uncontrolled migration is another major cross-border problem in the region. While the Western Balkans region is in itself a rich and effervescent source of illegal immigrants into the European Union (EU) – largely Albanians and Kosovars – the problem is mainly one of the region being used by local criminal groups as a transit route for smuggling immigrants into the EU who have come from other regions (e.g. Middle East and Asia). In addition to national problems associated with inadequate laws, enforcement and institutional capacities, there are international weaknesses that limit these countries' capacity to co-operate in combating their justice and home affairs' problems, such as:

- Lack of structures and networks within which countries can address shared cross-border problems such as border management, mainly through incentives for inter-agency co-operation;
- No common regional policies being developed (e.g. visa, access rights, readmission and asylum), leaving loopholes that are exploited by criminal networks; and
- Inadequate information systems that are generally not regionally interlinked or, e.g. in Europe, Schengen compatible, restraining

the countries' capacities to investigate and tackle crime internationally.

Hence, the EU Regional Strategy program or the Geneva Centre for the Democratic Control of Armed Forces (DCAF) provide specific support for integrated border management, mainly through incentives for inter-agency co-operation, for example

- coordinated processing at border crossings,
- integrated information technology systems and
- awareness building and joint responsibilities.

With regard to border control, two goals have been identified:

- build effective border security systems linked with national police structures and migration management authorities that are charged with dealing with illicit activities at border crossings and across the national territory more generally;
- physical demarcation of agreed national borders where agreed by the national governments concerned.

Support to border control will emphasize equipment and infrastructure but, as a conditionality, will be complemented by institution building, technical assistance and twinning type arrangements to ensure coherence, sustainability and the overall enhanced effectiveness of the border control institutions involved.

There is the dilemma of how to reconcile European with regional, universal with local standards of behavior and work. Border conditions are, if not unique, situational requiring different policies to work well. It is not likely that a set of policies and practices defined by bureaucracies distant from the place in which they will be implemented will work as well or be perceived as equally legitimate by local communities, as a set of priorities that have been adapted to local conditions. There are many experts who note that there is an increasing consensus that locally generated benchmarks are more legitimate and realistic than outside supervision.

Resolutions of this dilemma are tied to larger security, political and even ideological questions or discussions. The very notion of accountability by border security systems to democratic processes presumes the existence of such processes, a willingness on the part of political leaders to insist on adherence to specified standards, and the capacity to effectively evaluate performance and sanction violations of rules and regulations by an organization or individual border guards. The interplay between border guards in the control line and the state and citizens they serve can take many forms, of which only some reflect and embody the conventional benchmarks of good governance and democratic oversight – transparency, accountability, responsiveness, equity, redress, service delivery and participation.

Executive Summary

Recent changes in the perception and understanding of security have made effective and efficient border security systems a basic requirement for all states. In many cases, improving a country's frontier controls necessitates extensive organizational and structural changes.

A concrete strategy to support the creation and development of reliable border security systems that will be in line with EU best practices can be jointly drawn-up by national authorities and the Geneva Centre for Democratic Control of Armed Forces (DCAF) according to the demands of countries in need for such a system.

Gaps between the intentions set down in the respective National Strategy Papers and the ability to implement these objectives in reality will be filled in with the activities organized by DCAF. Interactive workshops, an advanced distributed learning module, various study trips, common exercises and operations will provide forum for experience exchange and gaining new knowledge for top and middle management and individual specialists. Special programs will be prepared for future leaders, commanders of the smallest border guard units and individual specialists, who are making the first steps in the field of border security.

To help guide DCAF in this process, an International Advisory Board for Border Security (IAB) of senior officials from Estonia, Finland, Germany, Hungary, Russia, Slovenia and Switzerland has been established. Their professional experts were asked to identify the criteria taken into consideration when their national model was chosen, and the historical and political context influencing the resulting decision. They evaluated the factors that made this service successful and efficient, and the means by which failures were avoided and vulnerabilities mitigated. They assessed which of the many lessons learned might be relevant. Each identified general criteria for the establishment of a modern system that can be easily integrated into a Schengen-like framework. The conclusions of these border security experts form the basis for the IAB recommendations to EU applicant and aspirant countries.

On this issue, six general principles have been considered:

- Despite increasing globalization and inter-dependency, the legitimacy and integrity of states continue to depend on their ability to ensure the security of their citizens. Thus, effective and efficient, citizen-oriented protection of borders should be the pre-eminent interest of states.
- Border security, in all its complexity, is no longer only a national security concern, but plays an important role in confidence building and in the creation of international alliances.
- The creation of a border security system must be based on clear and appropriate definitions and a realistic situational assessment.
- Border guarding should be seen as a unified system and should be carried out by a special police force.
- Border security systems should be designed with co-operation in mind.
- Effectiveness and efficiency can be achieved only if proper co-ordination is in place.

Upon examination of some successful border security models, it can be stated that:

- European countries face common threats and thus, they should develop common policies to combat them.

- EU candidate countries in their borders will face problems and challenges similar to those of EU member states. Therefore, it is desirable that they apply the EU standards as a basic criterion for development.
- The wider European and international dimensions of today's border police work should also be considered. The overall objective should be the development of nationally and internationally co-ordinated, mutual actions by border police and other law enforcement agencies. Co-operation is at its best if these organizations follow the same guidelines and are based on common standards.

The basic guidelines regarding border control have been laid down in the Schengen *acquis* that was integrated into the EU framework in 1999, when the Treaty of Amsterdam came into force. These basic Schengen guidelines are:

- Movements across the European Union's external border must take place at official border crossing posts guarded by member states;
- Control of persons crossing the external border shall be the responsibility of authorized and competent officials of member states;
- Crossing the external border at a point other than an official border post without special permission is illegal;
- Crossing the border outside the operating hours of the border post is not permitted (locations and operating hours of border posts are to be determined by each state independently);
- Effective control of border sections in between border crossing posts shall be ensured by mobile patrol or other suitable means, and the external borders shall be guarded along their entire length by the member states;
- Effective control of the external borders presupposes the co-operation of border guard personnel.

In order to be able to carry out the tasks deriving from these issues, in compliance with EU guidelines, countries should be in possession of a

certain degree of “administrative capacity” and “implementation performance”.

On the basis of the authors’ personal experiences, as well as in accordance with the models discussed, it is suggested that the establishment of effective border control requires

- An efficient, well-functioning, independent (i.e. autonomous) governmental organization, preferably border guards or police, and a command and control system possessing the skills and the capability to raise the readiness level and to concentrate forces at critical locations;
- Creation of an electronic and visual observation network (including vessels and patrol boats, airplanes and helicopters, radars, sensors and devices, etc.) that is integrated into a uniform border control system with passport checkpoints and border guard sectors;
- Uniform basic training for all forces responsible for border control tasks;
- Legally guaranteed and regulated criminal intelligence and investigation capacity;
- Close co-operation between the various levels of internal security sectors to form a common pillar of law and order;
- Centralized and effective official contacts with neighbouring countries.

Ensuring the respective borders are properly managed is best achieved by entrusting the task to a separate, professional and multi-purpose police force operating under the Ministry of the Interior. This requires a unified, independent and professional law enforcement organization, with its own clear and unambiguous command line over and within the organization where all organs involved must have precisely defined responsibilities as well as means to act according to them.

To achieve this, changes are required in the legal framework, infrastructure, organization and ethos of the frontier authorities. In order to successfully carry out such reforms, all personnel should be

adequately qualified and therefore, selection and training should be seen as the main investments for a successful future. Technical equipment should be acquired, staff numbers upgraded. Such reform has financial implications, but can be facilitated by training and staff exchanges between EU AAC and their co-operation partners, and by the study and utilization of successful models such as those considered in the Paper.

Finally, we should bear in mind the fact that development is never complete. We should continue to assess and evaluate the chosen path so as to be able to accommodate new situations. Flexibility (that is, the ability to change) is a key component to success. In this regard, comprehensive fundamental ideas and self-initiative are crucial factors in any creation and transformation process. Similarly important is to obtain support for them from partners in and outside the country.

Police Reform in the Ministry of Internal Affairs of the Republic of Macedonia

Ferdinand Odzakov

Many experts elaborated that there is the necessity for reforming the Macedonian police, and, at the same time, outlined this need in numerous important documents.¹ They all are convinced of the fact that a police reform is imperative for the further Macedonian integration to the European Union (EU).

In the first part of this short presentation about a successful reform of the Macedonian police, it should be outlined that it was not an easy and simple task for those who were and are involved in this very important activity on the Macedonian way to be as faster as possible completely integrated to the EU.

With the very important aid from the EU, a lot of different projects and activities have been realized within the framework of the police reform in the Republic of Macedonia. The projects are as follows:

- 2002: CHJAT PROJECT
- 2004: PRP
- 2005-2007: with the support of international police organizations such as EUPOL PROXIMA, OSCE, ICITAP, DFID and EUPAT.

Objectives of the Police Reforms

The main objectives of the police reforms in the Republic of Macedonia were to achieve the following aims:

- Efficiency of the police,

¹ Example:

- Stabilization and Association Agreement dated 9 April 2001
- Framework Agreement August 2001
- Draft Police Reform Strategy dated 2.9.2002
- MoI Police Reform Project Groupe

- Organization, expertise and cost effectiveness,
- Modern technical equipment,
- Responsibility, integrity and motivation,
- Police as a service for the citizens.

One additional step forward which will make the reform of the police more successful, is the adoption of the Police Law by the Macedonian Parliament on 30th October.

Twinning Projects for Police Reform

The total value of this project which is entirely financed by the European Agency for Reconstruction, is Euro 2.8 million, and its realization is planned to be done in the period of 1st November, 2005 to 31st October, 2007. The Senior Macedonian partner for this project is the German federal state Brandenburg.

The realization of this twinning project is a logical follow-up after the military and robust-oriented projects in Macedonia. Of course, it should be mentioned that Macedonia passed from a user country to a stability provider country.

It is very important to mention that there is a compatibility of the twinning project with related projects and initiatives. Furthermore, the police reform in the Republic of Macedonia would not be possible if the Macedonian Police had not received different kinds of donation, totaling about Euro 50 million to this date.

The sensitive issues that should be achieved with the final realization of the twinning project for police reforms in the Republic of Macedonia are as follows:

- Devolution of the competencies,
- Number of the police employees and equal representation of the ethnic communities,
- Transfer of the personnel from the Army of the Republic of Macedonia to the Border Police,

- Legal framework,
- Education and training,
- Financial implication of the reforms,
- Inter–institutional co-operation and partnership,
- Coordination and
- Transparency.

However, following achievements have to be mentioned as the expected results of the Twinning Project:

- Successful projects realization,
- Contribution to an improved implementation of the rule of law and human rights,
- More liable police and more efficient police service and
- More secure citizens.

Transfer of Responsibilities

A very important part of the Police reforms in the Republic of Macedonia is the transfer of responsibility for the green border. In the past, the Army of the Republic of Macedonia was responsible for the green border, but a period of 13 months (May 2004-August 2005) was sufficient for the Macedonian Ministry of the Interior (MoI) to overtake responsibilities for the green borders with the four neighboring countries.²

An internal analysis in the Ministry of the Interior indicated that all kinds of criminal activities across the borders were significantly reduced, in comparison to the period when the Army was responsible for the green border.

² MoI overtook responsibilities for the green border in following periods:

- Greece, May 2004
- Bulgaria, September 2004
- Serbia and Montenegro, May 2005
- Albania, August 2005

The above-mentioned analysis is an additional fact that the reform of the Macedonian Police is really successful.

Cross-border Co-operation with Neighboring Countries

The co-operation of the Macedonian MoI with the neighboring countries has already been established during the last two years and is very successful.

Regarding cross-border co-operation with Bulgaria, Albania and Greece, following activities should be highlighted:

- Regular meetings at two levels
 - regional (every three months)
 - local (once per week or per month),
- Exchange of information (appointed contact officers for information exchange),
- Improved co-operation in the field of deportation,
- Coordinated activities regarding the prevention of illegal crossings and the facilitation of traffic at the border crossing points,
- With Albania, an established joint working group which prepared a draft protocol on joint patrolling.

Regarding the co-operation with Serbia, there is an established co-operation at the border crossing points between the competent authorities (on information exchange and the co-operation in the field of deportation). However, at the same time, there is unfortunately a weak co-operation with the Serbian Army at the green border.

Nonetheless, there is expectation for further strengthening of the co-operation when the Serbian border police will overtake responsibility for the green border with Republic of Macedonia.

The last part of this this short presentation, which shortly describes what was achieved in the area of the police reform in the Republic of Macedonia, concerns the relations with the international organizations

that are still responsible for the security in Kosovo, and also still have responsibility for Kosovo's green border with Macedonia.

The Macedonian cross-border co-operation with UNMIK includes the following mutual and common activities:

- Regular meetings between border crossing points commanders,
- Regular meetings on the central and regional level in accordance with the Interim Protocol for Police Co-operation between the MoI and UNMIK,
- Exchange of information and
- Appointed contact officers for information exchange.

Furthermore, there are common activities for cross-border co-operation with KFOR as well:

- Regular meetings of the working group for border security established by KFOR and now led by the border police,
- Regular meetings on:
 - local level (two per month)
 - regional level (once per month),
- Exchange of information through the liaison officers (Multinational Brigade East) located at the Regional Centre North HQ (in Skopje).

Police reforms is a highly complicated and difficult process wherever it is done – in Macedonia, too. They are a very important and crucial step on the way to the EU and NATO, and this is the main reason why the efforts to make the police reforms in Macedonia as successful as possible must continue.

The Border Security System of the Republic of Montenegro – Current State and Further Development Perspectives

Dejan Bojic

Introduction

Since 31 December 2003, the Republic of Montenegro has been implementing the Project on Border Security on its territory, implying integrated and civil border control, which presents a step forward in creating an atmosphere of trust, cooperation and progress in the region in general, and which has confirmed our decision to accept the values and standards of Euro-Atlantic integration.

Objectives

Objectives of establishment of an own Border Security System are:

- Protecting of Montenegrin economic interests;
- Enhancing of the public order;
- Democratization and demilitarization;
- Dealing with border security issues in accordance with widely accepted standards in the field of border security;
- Active participation in and contribution to the combat of organized crime;
- Achieving of professional and democratic standards within the field of border security;
- Simplification of the State border crossings and preventing of illegal crossings;
- Establishing of the Border Security System according to European Union (EU) and Schengen standards.

For the implementation of above-mentioned objectives and for carrying out established tasks for the needs of the Border Police, based on the

allocated funds in the budget of Montenegro and donations of EAR and the U.S. Government, the equipment was procured, making the border security system in Montenegro more efficient, effective and complete.

General Characteristics of the Territory

The Republic of Montenegro covers the territory of 13,812 sq km, and has a population of around 700,000 inhabitants.

Total border length is 840.4 km (land 571.6 km, sea 137 km, lake 50.5 and river 81.3 km).

Out of the total border length towards:

- Republic of Croatia 41.7 km (land 19.7 km and sea 22);
- Republic of Bosnia and Herzegovina 254.4 km (land 204.5 km; river 38.2 km and lake 11.7 km);
- Republic of Albania 207.2 km (land 113.3; sea 22 km; lake 38.8 and river 33.1 km);
- Republic of Serbia 244.1 km (land 234.1 km and river 10 km) out of which 75.6 km towards Kosovo (land 72.4 km and river 3.2 km);
- At the open sea 93 km.

Duties

Duties of the Border Police of the Republic of Montenegro are:

- State border surveillance;
- Control of border crossings at border crossing points;
- Prevention of illegal migration of persons and illegal traffic of goods through green and blue border outside of border crossing points;
- Prevention of all forms of cross-border crime;
- Prevention of international terrorism;
- Undertaking operational police actions in order to detect criminals related to border and aliens;
- Visas issuing;

- Procedures on asylum;
- Organizing and performing search and rescue operations at sea;
- Participation in prevention and detection activities on sea pollution;
- Intelligence and security aspects of the control over the aliens' stays;
- Taking measures towards aliens;
- Control of the construction of facilities near the border;
- Partially vehicle inspection and control, and traffic regulation at border crossing points;
- Assisting other MoI services in preserving stable public peace and order and participation in state defense activities;
- Providing all necessary information related to legal requirements on state border crossing, movement and taking up residence; and
- Cooperation and information exchange with all relevant law enforcement agencies on crime suppression and detection of all forms of cross-border organized crime.

Part of the Results Achieved in the Prevention of Cross-Border Crime in the First Six Months of 2006

Preventive Measures

- | | |
|-----------------------------|--------|
| • Identified persons: | 13,451 |
| • Searched persons: | 4,646 |
| • Inspected motor vehicles: | 10,988 |
| • Controlled vessels: | 3,440 |
| • Controlled aircrafts: | 5,832 |

Prevention of Illegal Crossings of the State Border

- | | |
|---------------------------------------|-----|
| • Detected false travel documents: | 49 |
| • Prevented illegal border crossings: | 160 |
| • Searched wanted persons: | 126 |

Measures taken regarding Aliens

- Offences: 298
- Criminal charges: 56
- Termination sojourn: 178
- Not permitted entry into Montenegro: 597

Temporarily Seized

- Narcotics “marihuana”: 387.576 kg
- Guns: 10 pieces
- Pistols: 2 pieces
- Ammunition of different caliber : 189 pieces
- Cigarettes: 18,367 boxes
- Travel vehicles: 41 pieces
- Trucks: 13 pieces
- Vessels: 12 pieces
- Currency:
 - € 474
 - \$ 45,700

Besides the above-mentioned goods, also temporarily seized were larger quantities of spirits, coffee, different kinds of technical equipment, food products, agricultural products and other goods.

Legal Reform

In order to harmonize national legislation with international standards in the field of border security we are conducting a legal reform.

In the frame of this reform the Parliament of the Republic of Montenegro adopted the Law on State Border which promotes following principles:

- Borders must be open for legal trade and movement of people and regional cooperation; and

- On the other hand, borders must be closed for all criminal activities and other activities that could endanger the stability of the region.

The Parliament of the Republic of Montenegro also adopted the Law on Asylum.

The Law on Aliens was approved by the Government of the Republic of Montenegro, and subsequently after its adoption by the Parliament, we will finalize the national legislation in the field of border security.

International Cooperation

Cooperation with border services of neighboring and other countries is a fundamental principle that is of special importance for a successful protection of the State Border.

In order to achieve better prevention and better success in the fight against all forms of cross-border crime, the Border Police of the Montenegro very successfully develop and improve cooperation at local, coordinating and command levels with border services of neighboring countries and the international forces in Kosovo (KFOR and UNMIK).

In order to institutionalize international cooperation we complied and delivered to competent authorities the Drafts of Agreements on trans-border cooperation between the Government of the Republic of Montenegro and Governments of neighboring countries.

Representatives of the Directorate for State Border and Border Affairs actively participate in international meetings, seminars and presentations of plans and projects in the field of border security, which is very important for recognizing experience and accepting recommendations and best practices within the field of border security.

Integrated Border Management

The basic goal that we set for the development of the Border Police is creating optimal conditions to keep our border open for legal trade and movement of people but at the same time closed for all criminal and other activities which could endanger the stability of the region.

We plan to achieve the defined goal through coordination of activities between all services that are involved in border management, within the state and at international level, in order to establish an efficient and risks-oriented system of integrated border management, harmonized with the European Commission and Schengen guidelines.

Therefore, the Parliament of Montenegro adopted the National Strategy on Integrated Border Management, which we see as a much efficient and more functional system of organizing border surveillance and border control. It also demands changes in the organization, better ways of recruitment and education and training of staff and purchasing and use of technical devices.

Integrated Border Management will also create better conditions for cooperation with competent law enforcement agencies of the neighboring countries, and especially in the field of information exchange, joint risk analyses, joint patrols and joint operations.

In order to implement the Strategy on Integrated Border Management we have prepared Draft of Action plan for implementation of the Integrated Border Management Strategy.

Projects

We have prepared a project on “Integrated Police Communication Network”, which will enable continuous data exchange and data processing at all command levels and implementation of tasks.

Within the process of establishing this system technological and methodological solutions are built, which will allow undisturbed entering into Schengen Information System.

We have also prepared three projects for equipping and improving of the working conditions of the border police, which are going to be presented to eventual donors.

The projects are the following:

1. Technical modernization of the state border surveillance and control.
2. Developing and equipping of a maritime unit.
3. Surveillance of the state border under all conditions.

With these projects we have planed all costs for staff training, IT, radio and radar technique, telecommunication devices, helicopters, vessels for blue border, motor vehicles and other needed equipment.

The implementation of these projects depends on financial possibilities of Montenegro and potential donors.

Ongoing Tasks

- Demarcation of the borderline between Montenegro and neighboring countries and signing of international Agreements on State Border.
- Implementation of the Action Plan for reinforcement of the Strategy on Integrated Border Management.
- Continuation of activities on building infrastructure facilities for the needs of Border Police, Customs and Inspection services which work at the border.
- Continuation of activities on compiling sub law documents for the implementation of the Law on State Border.
- Implementation of prepared projects.
- Construction of the Reception Centre for asylum seekers.

- Continuation of activities on the fight against corruption and crime in our own organization.
- General and special education and training of the Border Police officers.
- Improvement of international police cooperation through: signing Agreements on international cross-border police cooperation, appointment of liaison officers, delegating national contact points.

Intelligence Reform in Bosnia and Herzegovina and the International Community

Kalman Kocsis

Speaking about the intelligence or more precisely about the civilian intelligence-security reform in Bosnia and Herzegovina (BiH) one should emphasize that this story is about a *completed* reform in the Western Balkans: the country has a single state level, multi-ethnic intelligence-security agency, equipped with all the necessary laws and by-laws, under a well functioning parliamentary oversight and other kinds of control. It has an apolitical character and is free of any direct party influence. Its staff fulfilled and vetted along clear criteria and its leadership was unanimously appointed by the Council of Ministers for the second term. It is budgeted to the affordable level by the state, technically enhanced with international assistance, carrying out its task in a professional way, and is a more and more respected international partner. And the most important element of this process is that since July 2006, the agency (hereafter OSA/OBA) is fully in domestic ownership. There is an international monitoring only to have a sight at its functioning but this is a monitoring “light”: the Office of the High Representative (OHR) practically co-ordinates some further international assistance and keeps an eye on the domestic politicians to prevent them from extending any political influence over the service. The country had general elections on 1 October; general elections are always a nerve straining period for intelligence agencies, maybe not in BiH only.

OSA/OBA began functioning on 1 June 2004 and since that time there has been no ethnic friction within its ranks and no political or professional scandal around it. The agency has competency over the whole country and there is no entity competency above it. Its regional offices cross the inter-entity boundary lines and each of its unit is multi-ethnic. The whole process can be declared a success story, one of the not too many ones in that special country.

The purpose of this small presentation is not to recall the long and rough road of the reform but to flash a beam of light at the role of the international community in this process and to make an attempt to draw the appropriate conclusions and lessons from it. Let us start with the timing.

The intelligence reform was initiated in June 2003 by Paddy Ashdown, the High Representative for BiH, almost in parallel with other key reforms of the security sector of the country. The natural question is why is it that those vital reforms were launched only eight years after Dayton? I presume that the previous High Representatives realized pretty well that defense, police and intelligence were the most sensitive topics from a political and ethnic point of view and they were not really eager to be deeply involved in these “missions impossible”. There were too many other things to deal with and to show up some heroic activity. On the other hand, Ashdown realized that the international community should not be able to leave Bosnia and Herzegovina without a strong, centralized state system which provides that the central power, the state government, be the owner of the law enforcement, defense and intelligence institutions. This is the guarantee for the integrity, independence and safety of Bosnia and Herzegovina. In other words: the tools of power must have been taken out of the hands of the nationalist forces. The results so far are: intelligence reform has been completed, defense reform is on the track, but implementation will take several years, police reform is in the centre of heavy political fighting. The *first lesson* we can draw is: without the initiatory role of the international community and without a strong international administrator not a single key reform would have started in Bosnia and Herzegovina. According to the conviction of the author some of them might have been initiated even earlier, had the actual High Representative been more decisive.

The basic method chosen by the High Representative was rather simple, but in the majority of cases very efficient: international guidance combined with deep domestic involvement. The chairs of the reform commissions were foreign experts having their own weight and prestige in the relevant field; the members were domestic experts and in some commissions even domestic politicians. The domestic actors accepted

the international leadership but would not have accepted each other at the helm. The Expert Commission on Intelligence Reform chaired by the author did not include any political figure, was small in number (besides the Chair it was composed of six domestic intelligence officers), excluded voluntary observers unlike in other commissions, kept a low profile, but used the press and media from time to time, followed the European standards, took from international experiences, but tried to find Bosnian solutions. The approach was very dynamic: the first draft of the Law on the Intelligence-Security Agency was ready within two months from the establishment of the Commission and within a year, the law was adopted unanimously by the Parliamentary Assembly, the overwhelming majority of the by-laws was prepared for the approval of the Director General, the Parliamentary Oversight Commission was formulated and began its work, and OSA/OBA was officially established. The *second lesson* is that smaller international and larger domestic involvement can lead to a dynamic process and does not leave wide space for political games and time gaining, not to speak of international rivalry.

Equally important is the number of the internationals engaged in the process. The largest number of internationals involved in the intelligence reform was four persons. The fact that there is no specialized international organization for the civilian intelligence-security structures played a positive role in drafting the law and creating the agency: there was no need to make a large bureaucratic apparatus with important bosses who accept the ideas and approve every step in the process. The Chair of the Commission, who later on was appointed as the Supervisor for the Intelligence Reform, reported directly to the High Representative and was assisted by a small implementation unit within the framework of the OSCE Mission. The *third lesson* is: the number of the internationals participating in a certain process should be optimized or to sized down to the absolute necessary number only. Otherwise, the local actors will not regard the case as their own one and will try not to undertake any serious responsibility in the implementation. An exaggerated number of internationals leads to contradictory feelings: superiority of the internationals and inferiority of the locals. The

personal impression of the author is that as a rule the international organizations are oversized in the region's countries.

On the other hand, not having a specialized international organization for intelligence-security structures has its negative side too. All other actors of the security sector are taken care of by international missions like NATO, EUPM, EUFOR, OSCE, CAFAO, EC Delegation and others. From an international point of view intelligence as a whole is left out in the cold. (Not taking into consideration the bilateral partner assistance.) The international sponsor organizations regard their relevant institutions as their babies, support them in many ways and sometimes even protect them in an undeserved way. This simple fact can lead to rivalry, intrigues and counter games. The situation can be really sharpened when the dynamic of the different reforms is not the same: some are ahead of the others. More problematic is the unequal technical and financial support, which not only creates tension but increases the costs for example in the field of technical intercept. All these problems came to the surface in Bosnia and Herzegovina in a striking way. The OSCE Mission hosted the Supervisor and its supporting unit, provided the necessary logistic but never regarded the issue as its own. The Mission declared dealing with intelligence was not included in its mandate despite the fact that the name of the organization contains the word: security. And also despite the fact that the mission spent a lot of efforts to solve the issue of military intelligence. The *fourth lesson* is that civilian intelligence structures must find a room in the international systems and not be regarded as a sort of pariahs.

We should be aware of the fact that a paradigm shift is picking up speed in the security community in the world, generated by the so-called asymmetric challenges like terrorism, organized crime and illegal trafficking. The key element of this paradigm shift is: only a coherent and integrated approach may be efficient against the above mentioned phenomena. This is valid internationally and nationally inside every democratic country. The demand of the epoch is much stronger cooperation and coordination between the different actors of the broader security sector (military intelligence, law enforcement, custom organization, border services, private security companies and so forth)

than in earlier cases. The guiding words are intelligence sharing: the actors of the security sector should change the well known principle “need to know” into “need to share”. Intelligence communities within each country are going to become more and more important. (In Bosnia and Herzegovina such a community was established in the summer of 2005.) The *fifth lesson* is that the international sponsor organizations should encourage the organizations supported by them to cooperate and share intelligence and formulate an intelligence community.

The evident question is who will coordinate the international efforts in this field? It is quite difficult or more precisely quite sensitive to find the right answer. Typically each international organization tries to keep its sovereignty and wants to be treated equally with the others as a minimum. Some foreign intelligence-security agencies, especially the most influential ones, prefer to have strong liaison relationship with the partner agencies of the region on a bilateral basis and are not really interested in multilateral cooperation and even less in international monitoring of their cooperation. Additionally, the European Union and the European Commission which are going to undertake more and more responsibility toward the region only recently realized that they had to give up their decent distance kept towards the intelligence-security sector; nevertheless they still discriminate it. In Bosnia and Herzegovina the EC Delegation with the assistance of the EUPM tried to finance and create a separate technical intercept system for the law enforcement organizations only, deliberately ignoring the intelligence-security agencies’ needs. Only the rather brutal intervention of the Supervisor for the Intelligence Reform prevented this project from its realization. All of us are pretty well aware of the fact that the Western Balkans is and will remain for a while a security headache for the European Union. The question is where it is better and easier to intercept terrorists and organized criminals: in the countries of origins, in the transit countries or in the target countries. I think this is not a real question. And for me, for a former intelligence officer, it is also not a question that without efficient intelligence-security agencies in the region the security challenges cannot be faced. I am not even afraid to declare that we need the services of the post-conflict countries more than they need us: there is no substitution for them. The *sixth lesson* is that the European Union

and the European Commission should drop the discriminative behavior toward the intelligence-security agencies and treat them on an equal level with law enforcement or border guards. The European Union can not wriggle out its responsibility for the whole security sector's reform in the region and is to work out the comprehensive and coherent concept for it.

The regional approach is vital. In the Balkan the role of the secret services was always a special one and they still have a political weight and influence in certain countries. Practically in every country of the region this sector is undergoing democratization and reforms, but not everywhere under the monitoring of the international community. The mentality of the intelligence officers changes not so quickly and some of them still dream about those "old good days". But their relevant countries are eager to become members in the European integrations. The association process gives an excellent opportunity for the EU to include this element too into its assessments. The EU should investigate the legal regulations of the existing agencies, the oversight and control on them, their "philosophy" and especially their activity in combating our common threats: terrorism and organized crime. (So far the EU put an accent only on one element: the capture and extradition of the war criminals.) *The seventh and last lesson:* by this work the European Union can and should make a real contribution to the stability and security of the region having made so many headaches for us in the last two decades. And do not forget the historical lesson: the stability of the Balkan means stability for the whole Europe.

The Status of Serbia's Intelligence Reform and its Challenges

Saša Janković

Introduction

During the past decades the intelligence/security agencies of Serbia and various incarnations of former Yugoslavia have been the key tool of autocratic governments, helping them to remain in power at any cost. It is important to shed just a bit more light on that in order to understand the challenges that the reform of the intelligence/security sector has been facing and still faces in Serbia of today.

So-called “secret services” have always had links reaching to the other side of law. However, the nineties in Serbia saw an unprecedented “pact” between the secret services, autocratic and corrupted politicians, and organized crime.

This pact was sealed during the time of international sanctions, when the governments of Serbia, Yugoslavia and Montenegro have asked respective services to supply the country with strategic goods (oil, above all) through illegal channels – the only ones available. Once established, these secret ventures resisted closure even after the “state reason” for their existence terminated. In fact, they expanded to accommodate additional goods – stolen cars, trafficked persons, cigarettes, even chewing-gums. The symbiosis of corrupted politicians, perverted services and organised crime slowly but overwhelmingly shook the country, annulling the rule of law, destroying the economy, suspending democracy and wiping away every aspect of human security. They became the prosecutor, the judge and the executor to those who jeopardised their interests.

There are numerous examples to support this thesis; in fact it is hard to find a significant crime scene in Serbia of the nineties which was left

without fingerprints of some of the several existing secret services, or “at least” the police, and which does not link to the political or economic interests of the corrupted “elite”. To mention some - the murder of the former Serbian President, once a boss and a rival of Slobodan Milosevic, – Mr. Ivan Stambolic; the two unsuccessful murder attempts against Vuk Draskovic – at the time the most prominent opposition leader; the assassination of the owner of an opposition-biased newspaper and former state security employee Slavko Curuvija; the murder of the infamous “king” of the Serbian underground Zeljko Raznatovic – Arkan, and hopefully the last stroke of the dying beast, the murder of the Serbian Prime Minister Zoran Djindjic in 2003. Not long before Djindjic was killed, the former state security paramilitary unit, the “Red Berets”, was on strike. In an incident probably unprecedented in history, men belonging to the state security service blocked the main traffic route of the country’s capital, wearing camouflage suits and arms, protesting against their “abuse” by politicians for having them arrest indicted war criminals!

Some of the mentioned events happened years after 5 October 2000, when the democratic change in Serbia happened. A surprising and important fact is that neither the head of Milosevic’s state security, nor the police or army chiefs were removed from their offices for at least 12 months following October 2000.

This introduction was to remind of the brutal past and deep, dark legacy of today’s Serbian services. This is only one of the reasons why it was considered, and still is, that the continued reform of the intelligence/security services is the crucial condition for democratic progress of Serbia, and not only a result of democratisation.

The Changes

It was not until 2002 when the changes began. The reform started to unfold when the Serbian Government realised that it didn’t know that its Deputy Prime Minister was under surveillance until the federal, military counter/intelligence service arrested him for espionage!

Within several months, in June 2002, the law on the security services of the Federal Republic of Yugoslavia was adopted in the Federal Assembly, establishing four federal intelligence and security services and laying down detailed provisions to enable their effective parliamentary control. The law removed the military secret service from the auspices of the Army General Headquarters for the very first time in its history, divided the service into two (security and intelligence service), and subordinated the two directly to the Federal Government.

Also in 2002, the Serbian Parliament adopted the Law on the Security-Information Agency of the Republic of Serbia (BIA). The law shut down the state security department of the Ministry of Interior and established BIA as an independent agency, directly subordinated to the Government. However, the law on BIA was heavily moderated by the former state security to meet only the minimal demands of the moment. These demands were limited to the separation of the service from the police.

As a successor of the State Union of Serbia and Montenegro, Serbia has “inherited” the four former federal services (six months after the dissolution of the State Union, this process is legally still unfinished). Serbia thus entered the second half of 2006 without an intelligence and security system, but with remains of the systems of previous incarnations of Yugoslavia and its own republican intelligence/security agency. From the State Union Serbia inherited the Military Intelligence Agency (Vojno-obaveštajna agencija – VOA) and the Military Security Agency (Vojno-bezbednosna agencija – VBA), both organised in the Ministry of Defence (MoD), and the Service for Research and Documentation (SID) and the Security Service (SB), both organised within the Ministry of Foreign Affairs. Two of those are of a foreign intelligence, and the remaining two of an internal security type. The republican BIA is a merged service, in charge for both foreign and internal, or security intelligence. In terms of manpower, BIA is the strongest agency in Serbia – its current staff counting more than 2,000 members.

The competencies of the former federal services and BIA were written for the different levels of state organisation. Consequently, the transfer

of the federal services to the republican level resulted with considerable overlaps.

Out of the five services that now exist in Serbia, only BIA and VBA are authorised to collect intelligence by intercepting communications, after obtaining a warrant from the court. All five services use methods such as infiltration, secret obtaining of documents, concealed identity, and others.

Coordination and Control by the Executive

Serbia does not have a special governmental body charged with directing, overseeing or coordinating services and other institutions with a stake in national security. The lack and need of coordination has become especially obvious due to the problems in apprehending the most wanted fugitive escaping the trial before the International Criminal Tribunal for the former Yugoslavia (ICTY), Ratko Mladic. The Serbian Government has adopted the “action plan” to facilitate his arrest by removing this coordination gap. However, as one of the co-coordinators of the action plan stated, the plan, which has not been made public, has no ambition to dig into the foundations of the intelligence/security system, but only to produce single arrests.

Parliamentary Control

To be able to ensure democratic and efficient control over intelligence-security services, a parliament needs to meet a number of prerequisites well described in the theory of parliamentary control. Where does the Serbian Parliament stand in this regard? The Serbian parliamentary Defence and Security Committee has relatively broad authorities. Its 17-member composition is proportionate to the strength of parliamentary parties; its president and vice-president belong to the two largest opposition parties. However, the Committee obviously lacks specialisation – it covers the issues of internal affairs, defence and intelligence-security services, and there are no sub-committees for these rather different tasks. The Committee’s meetings are open to the public even when it discusses the reports of BIA, and the Committee doesn’t

have its own rules of procedure or work plan. The Committee's support staff is seriously undermanned, and the Committee has never commissioned a research to any governmental or independent think tank.

The grave obstacle that contributes to its inefficiency in the parliamentary control is the lack of a precise regulation on exactly what kind of information handled by BIA the Committee is authorised to have – neither the parliamentarians know what they are entitled to ask, nor the Agency knows what it should and must give to them! As a result of that, and not only that, the Committee did not excel in informing citizens on the work of the Agency, nor was it successful in ensuring the public that it has BIA under efficient control. The Committee also did not invest a real effort to establish a public image of itself as the guarantor of the Agency's political neutrality.

In short, the parliamentary control of the intelligence and security sector in Serbia fairly reflects the “maturing” stage of the Serbian Parliament as a democratic institution, as well as numerous compromises that characterise the current political moment in Serbia.

Serbia has no special control institutions such as an inspector general for the security services or an ombudsperson. The inspector general for the security services foreseen by the former federal law on services was never appointed.

The Reform of BIA

Hardly a surprise, BIA is undergoing its reform more silently than most of the other institutions caught in the wheels of Serbian transition.

The Agency is no doubt torn between a burden from the past and the demanding requirements of the present. The latter combine the general transition difficulties with a “tailored action plan”, which includes tracing down Mladic and providing support to foreign and internal Serbian policy efforts on Kosovo – the exercise described as “ensuring the stable security environment for the negotiation talks”.

However, regardless of how much its reform is important for the overall democratic progress of the country, BIA was mostly left alone to reform itself, not unlike the military or the police.

At its beginning, although BIA took over the material assets of the former State Security Department, the staff of the old organisation was not admitted in automatically. Out of between 2,600 and 3,000 employees of the former State Security, 600 could not continue their engagement in BIA due to their ties with the criminal circles, or for failing to pass the security background checks. Furthermore, internal review commissions have been set up to analyse cases of unauthorised phone taping and other abuses, resulting in additional discharges from the service. Since 2002, around 400 members of BIA have been retired, and 120 young professionals hired after a public job advertisement. In total, almost 50% of the former State Security staff is now replaced in BIA.

In further efforts to distance itself from skeletons in its closet, BIA has decided not to participate in any investigation involving members of the former State Security as suspects, and it released its members from the duty to keep secret if they are requested to provide information in these cases.

In 2004, the 3rd Directorate of the State Security Service, in charge of so-called “internal enemy”, was disbanded, and files older than 30 years have started to be transferred to the public archives (except those on persons involved in espionage, terrorism and organised crime).

All of BIA’s current operational and analytical staff have university degrees, and overall more than 40% of its members have university diploma. Since 2002 BIA has been re-organised several times. The latest re-organisation included changes such as grouping of directorates into two clusters – operational and logistical – and releasing the staff of the logistical cluster from all special powers.

BIA is an observer in the Middle Europe Conference (MEC), a consultative partnership of services of Central European countries and

several Western European services. It has a liaison officer in Moscow, and expects to send one soon to in Washington, Brussels, Berlin and few other capitals.

The Agency leadership seems to be very well aware that the supremacy of civilian democratic authorities, the rule of law and democratic civilian control are principles which must not be questioned. However, it is less certain to what extent the Agency's lower ranks know what these principles actually mean in practice, what their consequences and values are. When the Agency does not get a clear signal about that from its "controllers", it is difficult to expect that its own ranks will come up with proper solutions in drawing the lines separating the state from party politics, the national from state security, the discipline from blind obedience; nor will they be easily ready to protect the rule of law against abuse without any institutional protection provided for the whistleblowers.

Instead of a Conclusion

Caught between two steps, with overlapping and entangled competences of services and unclear or non-existing lines of direction, control and coordination, the Serbian intelligence-security system is flawed and left without a protection against the universal tendency of services to overstep their authorities and escape scrutiny. Fortunately, it seems that the existing balance of political powers in the country, and the genuinely adopted principle of civilian supremacy and democratic civilian control among the highest politicians and services' ranks are holding the system together without major turbulences for the time being. The momentum should, of course, be used to redesign the system and come up with a set-up that meets the well-known requirements of a democratic society - the one that facilitates and ensures respect of the rule of law; enhances efficiency in providing information relevant to the security and development of the country, fits well in the scissors of needs and possibilities, and respects and protects human rights and other fundamental democratic values. Such a system could truly provide security to all Serbian citizens, promote their national interests,

contribute to security in the region and assist Serbia in its wish to fully integrate into the international security community.

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.