



# WESTERN BALKANS SECURITY OBSERVER

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**WESTERN  
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# Editor's note

Killing in a war in Caesar's time was rather inexpensive – just 75 cents per man. The price rose to around three thousand dollars “per enemy's head” during the Napoleonic wars. In the American Civil War the amount was five thousand, while in the World War I the price amounted to as much as \$21,000. By stating these facts on the eve of the World War II, the U.S. senator Homer Bone did not explain how he came up with this calculation. A politician does not find it important to show what methodological acrobatics can be used to express military costs of the ancient Rome in the U.S. currency. Politicians care more about attracting public attention and pointing to the consequences of certain security policy.

The researchers of the Belgrade School for Security Studies have tried to achieve the same goal, duly respecting strict academic standards. This issue of the “Western Balkans Security Observer” brings several texts inspired by this very statement of Senator Bone, only that our researchers' questions were not so morbid – we were not interested in the price of killing a man, but rather wanted to know how much money has to be invested in protection of people' lives.

The price of security is increasing but modern security threats are not getting weaker. This issue analyzes the consequences of only one particular threat – the proliferation of small arms and light weapons. In Serbia, where a wedding feast may end up with shooting down a plane by a weapon of that kind, the proliferation is not even mentioned in strategic documents as a security threat. A global failure of the struggle against this kind of proliferation is being discussed in the column “Challenges, Risks and Threats”, in an article explaining that the consequences of the proliferation are not measured only in death toll.

Too expensive, yet ever fragile security is not something that only the Western Balkans is troubled with, as the region now has to pay out its “war dividends”. In an attempt to protect itself from the “Next Attack”, the Anglo-Saxon world is trying

to control even the last milliliter of liquid that a passenger may take on board the plane. Sometimes, however, even the fashion style of a passenger is subject to restrictions! As one can read in our column, “Security Catch”, security officers at the New York airport forced a person to change his T-shirt so as not to upset other passengers. The inscription written on this T-shirt sounds like a deliberative democracy exclamation – “We will not be silent”. Yet, it was written not only in English but in Arabic as well.

By refusing to keep silent about the results of their latest analysis, Mearsheimer and Walt provoked strong reactions in the academic world. Their essay on the influence of the Israeli lobby on U.S. foreign policy was published on the eve of the latest conflicts in the Middle East. An article in our column “Atlantic Shores” explains how important this opening of a taboo is and what lesson Serbia can learn from this case. The need for a public debate is particularly pointed out in an article on the professionalization of the Army of Serbia in our long-standing column “Security Sector Reform”.

Unfortunately, this autumn Serbia did not see any public debate on the most important legal document of the country. However, the Belgrade School is offering to the public an insight into the Constitutional provisions dealing with the security sector. This issue of our journal also brings an overview of the National Security Strategy of Montenegro.

The second article in the column “Atlantic Shores” estimates the chances of Serbia to join the Partnership for Peace Programme at the forthcoming NATO Summit in Riga. So, the researchers of the Belgrade School have dared not only to offer their analyses and “diagnoses”, but also certain prognoses. There is an open invitation for all our colleagues dealing with security studies to join in these efforts in the following issues.

*Jasmina Gajić*

# Serbian Army Professionalization

Djordje Popović

Now that all Montenegrins can “take employment, continue education or apply themselves to some more useful things” instead of doing their military service, as president Filip Vujanović put it, Serbia remained the only country in the Western Balkans with a general military obligation.

Army professionalization is a process that elicits debate for several reasons. In the first place, the ways the army has so far used to fill its ranks proved to be entirely unfunctional, since most young people do not wish to serve it. In addition, the state does not have the funds required to support a conscript, and moreover so numerous, an army. And, finally, professionalization may contribute to the overall security sector reform. In the second, only sporadically actualized, line of public debate, the citizens were seldom asked to state their views, while those offered by the politicians were neither well developed nor appropriately argued.

The purpose of this text is to review the debate on army professionalization in Serbia by analyzing the official military documents, statements of politicians and the professional as well as general public.

## What are the Army’s plans?

The Serbian Army should have no more dilemmas. Professionalization will be implemented at a pace anticipated by the Strategic Defense Review.

The Strategic Defense Review was adopted in early June, by the defense minister’s collegium and provides the le-

gal framework for defense system reforms until the year 2015. This document anticipates that by 2010 Serbia will have 21,000 professional soldiers. In the first stage, until 2007, the current number of 45,000 Serbian army members will be reduced to 34,000. Until that time the General Staff will be reorganized in line with NATO standards. This means that it will have a joint operational command,

## Prime Minister has nothing to say

According to the media archive of the Centre for Civil-Military Relations, the president of the Democratic Party of Serbia Vojislav Koštunica did not make a single statement related to the army ever since he became the republic’s prime minister, and consequently, said nothing about its professionalization. The formal explanation could be found in the fact that the Army was within the competence of the State Union of Serbia and Montenegro before its disintegration. That, however is not of major importance, since 95 per cent of army appropriations came from the Serbian republic budget.

and a branch-based army organization, while the new organizational structure on the tactical level will comprise brigades, bases and independent units. The new personnel structure of our armed forces will include about 15 per cent of officers, 25 per cent NCOs, 45 per cent soldiers and about 15 per cent civil-

ians working in the army. The review also states that in 2015 the peace strength of the army will account for between 0.2 and 0.4 per cent of the population, or three times as much in wartime, depending on the developments in the surroundings, security challenges, risks and threats, as well as Serbia's demographic and material resources. The main precondition for the attainment of this vision is the appropriation for the defense system amounting to 2.4 per cent of the GDP.

In addition to providing a detailed projection of Serbian Army reforms, the Review was presented to the public in a way that represents a novelty on the Serbian political scene. In June 2006, a week after it had been adopted by the defense minister's collegium, the minister's assistant Snežana Samardžić-Marković and Acting Chief of General Staff general Zdravko Ponoš introduced the Review to the SCG-NATO Defense Reform Group. The very next day, its presentation in "Bora Marković" barracks was attended by the defense minister Zoran Stanković and the Serbian president Boris Tadić in person, which ensured it substantial publicity and space in all important Serbian media. A month later, the Review was laid out to the president and vice president of the National Assembly, as well as representatives of parliamentary caucuses. The MoD also arranged a presentation for those in academic and NGO sectors concerned with security issues, acting in cooperation with the Belgrade Fund for Political Excellence. All these activities were accompanied by a series of statements for the media and authorial articles signed by minister Stanković, his assistants Snežana Samardžić-Marković and Zoran Jeftić,

as well as Ponoš. The document was also placed on the MoD website and thus made available to the general public.

### **What the political parties have to say?**

The politicians, surprisingly, did not interfere in the adoption of the Strategic Defense Review. Party programs provide scant guidelines for security/defense policy, and judging by the statements of their leaders they do not have particularly developed or well-argued views on the subject.

Members of the governing coalition - G17 Plus and the Serbian Renewal Movement advocate army professionalization. The objective of the former is to "build a highly professional army, well provided with knowledge, weapons and equipment to cope with the new tasks and challenges". The latter argues for a professional army "organized pursuant to the standards of leading democratic countries, to protect the state borders". The Democratic Party of Serbia's program only notes that the country's defense is the "exclusive task of the armed forces" that have to be beyond any political or ideological influence. This document makes no reference to the army's professionalization and merely states that its operations will be the responsibility of the MoD, and under the parliamentary control. The program of the Democratic Party, whose leader used to be the defense minister, does not mention the Army at all.

The opposition parties display even mutual opposition on the issue of the potential army professionalization. According to the Socialist Party of Serbia's 1992 program, the proclaimed general military obligation is based on "the right and duty of all citizens of the

FR of Yugoslavia to defend the freedom and independence of their country”. We may assume that this document has become obsolete, but the public is unaware of any up-dated views of this party. By contrast, the Serbian Radical Party’s program stresses that the army “should be urgently and thoroughly reformed and professionalized and relieved of political activities”.

However, the leader of this Party Tomislav Nikolić relativized this orientation somewhat by saying that army professionalization “should be undertaken with great caution”. He even warns (June 2004) of “the danger that we may be left without any army in the barracks”. His argument that the “Army is, in a way, a place where young people come of age” recalls the traditional view that “he who was not fit for the army, is not fit for life either” and speaks more in favor of the general military obligation than army professionalization.

### **What do the experts say?**

The most dynamic public debate on this issue in Serbia developed among military analysts, ranging from retired generals to former and ongoing security advisors. Unfortunately, despite their diverse education and experience, the participants of the debate focused on merely two topics: numerical reduction of the army and the ability of the state to pay for this exercise.

The first topic is addressed in the various renditions of the “who-will-defend-this country” complaint. Although both the concept and process of professionalization go far beyond the announced reduction of military personnel, the fact that the number of soldiers in Serbia will be halved seems to be almost the only thing the analysts talk about.

Their negative attitudes are illustrated by statements that, e.g., the reduction of the number of soldiers to 21,000 is “ridiculous”, as the former defense minister’s adviser Veljko Kadijević said in August this year. At the time when he held that function “the Americans and the British recommended downsizing to 50,000”. Kadijević questions the proposed solution to give smaller units the role once played by corps. He finds it “impossible for four brigades to defend the whole country”, saying that “there is no army between Belgrade and Novi Pazar”, with “one brigade defending Vojvodina, and even two brigades on the border of the Ground Security Zone”.

### **The most highly honored calling**

**“We no longer have any reason to stick to the ideological thesis that the military calling is the most honorable. Why should it be the most honorable? Any other calling is just as honorable, any profession is honorable if practiced properly...”** *Ljubodrag Stojadinović*

According to an entirely unfounded, calculation offered by retired general Milomir Miladinović, Serbia should have between 60 and 70 thousand soldiers. The former commander of Novi Sad corps believes that “in line with NATO standards, soldiers should account for 1 per cent of the population”. Miladinović warns that “under the present conditions the Army should act as a deterrent against possible aggression on our territory” and wonders “who are we going to deter with 20 thousand men”. Pointing that “Kosovo Protection Corps alone numbers 55 thousand troops”, he an-

nounces “impending instability in this area”, “regardless of the decision on the final status of Kosovo”.

A positive view about the announced numerical reduction of the army has been offered by analyst Aleksandar Radić, who considers it the only possible solution. “The numerical size is no longer the crucial factor for the assessment of combat readiness. It would have been important if we lived in the 1960s. But, it is hardly a prime concern in the era of information-based warfare.” He points out that reorganization with army downsizing is only normal and expected, but stresses that it does not amount to reform. Moreover, he points out that the substitution of one term for the other actually speaks of the simulation of reforms, resulting from a compromise between the “old forces” who would change nothing and those for whom the need for reforms is obvious. Incidentally, the topic of army professionalization was for the first time broached in the public debate by general Blagoje Grahovac way back in 2002 (in the FR of Yugoslavia). Grahovac, current adviser to the Montenegrin Parliament speaker, claimed that the army was too cumbersome and unfunctional and suggested that “Serbia and Montenegro do not need more than 25 thousand soldiers”.

The other main line of the public debate on professionalization dwells on the costs it implies and political assessments of the state’s ability to support a professional army. The participants in this debate invariably failed to explain the methods or calculations they used to arrive at the specified amounts. It is known that Serbia’s 2004 budget could sustain about 50,000 soldiers (including both professionals and conscripts), if the appropriation amounted to just over 12

thousand dollars per soldier (Radiša Dorđević, Ministry of Finance’s defense budget adviser at that time). The price of a professional soldier ranges between 30-50 thousand dollars per year according to an assessment made by the Serbian president Boris Tadić two years ago, or 30-100 thousand dollars which, a retired general Milen Simić says, is the amount paid per one soldier by EU countries with army organization and rank-filling system similar to our own. He notes that certain European countries with professional armies have annual expenses of 150 to 200 thousand dollars per soldier.

The public hears controversial state-

### **Old and less educated opposed to professionalization**

**According to a survey of the Centre for Civil-Military Relations army professionalization has the fewest supporters among older respondents of 60 years or more – 16 per cent in October 2003, 18 per cent in February 2004, 21 per cent in September 2004 and, finally, 13 per cent in April 2005. It is also characteristic that respondents with a higher education level offer greater support for the abolishment of the general military obligation.**

ments concerning Serbia’s ability to finance a professional army. According to what president Tadić said two years ago, that is the “privilege of a rich society”, and “our economy cannot produce that kind of money”. Analyst Veljko Kadrijević in April 2005 also claimed that we could hardly sustain full professionalization and advocated partial instead. “I remind you that economically much more pow-

erful states, such as the USA, do not have a fully professional army,” Kadijević pointed out.

But, the existing solution in Serbia is considered to be the “most costly and least efficient” (military analyst Ljubodrag Stojadinović, July 2006). Stojadinović says that “this army no longer fits either the Strategic Defense Review, or to the adopted Strategy, or even the Doctrine that was adopted and applied for only one day, and only in Serbia, before it was cancelled”. Acting Chief of the General Staff Zdravko Ponoš in May this year said that the “existing system of training and the length of the military service are but a waste of funds” which is why it was necessary to professionalize the army as soon as possible. Another official confirmation of the state’s financial abilities came from the finance minister Mlađan Dinkić in May this year. “The Ministry of Finance is prepared to support army professionalization. This means that by 2010 we will complete the preparations to cancel the military obligation and give Serbia a professional army. This also means that 2.4 per cent of the GDP will be appropriated for the military each year, which is far more compared with last year’s plans”, Dinkić said.

### **Serbian public: scant knowledge, abundant emotion**

This review of the public debate on army professionalization in Serbia shows that it has been reduced to few topics and reveals diametrically opposed views. It is therefore hardly surprising that ordinary citizens have confused ideas about this issue, as confirmed by the findings of a public opinion survey made between 2003 and 2005 by the Centre for Civil-Military Relations. Namely, despite the

growing trend of support to the abolishment of general military obligation the number of respondents who chose this option has never exceeded a third of the total (October 2003 – 28.1 per cent; February 2004 – 31.7 per cent; September 2004 – 32.2 per cent; April 2005 – 28.8 per cent). A large number of citizens believes that “our country does not have sufficient economic strength to sustain a professional army” (October 2003 – 46 per cent; February 2004 – 47.2 per cent; September 2004 – 48.6 per cent; April 2005 – 50.4 per cent). Despite these views, professionalization ranked high on the list of army reform priorities, second only to modernization of weapons and equipment and, moreover, held this high place throughout the research period. The citizens, paradoxically, although predominantly opposed to professionalization, also consider it a priority for further army reforms. It is obvious that the population was not clear as to what army professionalization actually meant. That is why we would be right to believe that their views were based on emotions. The quality of the public debate in a democratic society is ensured if it not only strengthens the emotional component of the citizens’ attitudes but also complements and reinforces their cognitive basis.

That is why it is not good that the subject of professionalization is raised only when a scandalous affair in the army breaks out. Firstly, this approach only heats up the emotion-based views of the public. Secondly, it is wrong to assume that this system of army organization is the “only salvation” since professional armies, too, have their share of suicides, financial affairs and various abuses. What is certain is the fact that these



would be far less frequent if only the system of control was stricter and the army more orderly.

Almost just as important for the public is that the debate on army professionalization in Serbia is not reduced to sensationalist speeches of politicians on the eve of elections, or interest of the media aroused by an army-related tragedy. What is required is a substantive and all-comprising professional discourse on this complex process. By

demonstrating its readiness to submit its development strategy to public criticism, the Serbian army has made the first step in that direction. The professional as well as the general public should have both greater interest and more information in order to competently partake of that debate.

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### Should we retain the general military obligation or introduce a professional (paid) army?

	Serbia				Montenegro			
	2 <sup>nd</sup> round	3 <sup>rd</sup> round	5 <sup>th</sup> round	7 <sup>th</sup> round	2 <sup>nd</sup> round	3 <sup>rd</sup> round	5 <sup>th</sup> round	7 <sup>th</sup> round
N	1582	1587	1617	1642	358	354	355	362
Retain general military obligation and engage professionals only for certain specific duties	36.9	38.8	36.0	38.7	28.7	30.5	30.6	37.0
Abolish general military obligation and introduce a fully professional (paid) army	28.1	31.7	32.2	28.8	34.2	31.4	25.7	28.2
Retain general military obligation	27.6	22.8	26.0	28.6	28.2	23.4	27.9	23.3
I cannot judge	07.4	06.7	05.8	03.9	08.9	14.7	15.8	11.5

### Our country's economy is not sufficiently strong to sustain a professional army.

	Serbia				Montenegro			
	2 <sup>nd</sup> round	3 <sup>rd</sup> round	5 <sup>th</sup> round	7 <sup>th</sup> round	2 <sup>nd</sup> round	3 <sup>rd</sup> round	5 <sup>th</sup> round	7 <sup>th</sup> round
N	1582	1587	1617	1642	358	354	355	362
I completely disagree	12.1	13.9	11.0	10.8	15.6	17.0	13.2	17.9
I disagree	7.2	10.6	13.1	11.9	13.8	11.4	13.3	10.5
Sum-	19.3	24.5	24.1	22.7	29.4	28.4	26.5	28.4
I both agree and disagree	24.0	27.8	27.2	27.0	15.8	35.2	37.9	24.3
Sum+	46	47.2	48.6	50.4	44.1	32.5	35.7	47.3
I agree	16.5	17.7	19.9	17.7	14.0	10.8	11.5	13.1
I completely agree	29.5	29.5	28.7	32.7	30.1	21.7	24.2	34.2
I don't know	10.6	0.5			10.7	3.9		
Mean	3.49	3.39	3.42	3.49	3.32	3.09	3.20	3.35

# Strategy for Partnership

Jelena Radoman

Montenegrin soldiers may soon join the UN or NATO peace troops whereby the youngest European state would add its contribution to the global antiterrorist coalition. The issue has recently been discussed in Podgorica by the Montenegrin Prime Minister Milo Đukanović and the US Defense Secretary Donald Rumsfeld. A move of this kind would be fully in line with the National Security Strategy adopted by the Montenegrin government on 12 June this year, merely a few weeks after the country's independence. The strategy defines the national interests of Montenegro, its strategic objectives, challenges, risks and threats to the security of the state and its citizens, as well as the possible state reactions. It also reflects the commitment of strategy makers to make Montenegro a part of regional and global security systems and ensure its proper contribution. The document reaffirms that the strategic objective of Montenegro is its EU and NATO membership. Euro-Atlantic integrations are the shared goal in the Western Balkans and judging by the Montenegrin National Security Strategy the new state in the region will not differ in its perception of regional security and its security objectives either. It remains to be seen whether Montenegro will prove more successful and faster than its neighbors in attaining these objectives, or whether the common regional problems will

continue to make the success of individual countries dependent on the corresponding achievement of all others.

The relevant documents show that the countries of this region (Albania, Bosnia and Herzegovina, Croatia, Macedonia and Montenegro) have changed their understanding and expanded the security concept. Security strategies or doctrines of the region's countries, whatever they are called, address security not only, or even primarily, from the military angle, but they also deal with its political, economic, social and ecological considerations. The Montenegrin National Security Strategy explicitly defines "security" and "national security" as a "situation wherein the citizens of Montenegro live in peace and stability without any visible or projected challenges, risks of threats to their well-being or the stability of their political, economic, technological and ecological system and without any clear threats to the political existence or territorial integrity of the state of Montenegro". National security thereby includes the political, economic, military, information and ecological stability.

## **Security objectives, challenges, risks and threats**

This understanding of security has been translated into a wide range of objectives declared as national interests. The countries of the region

“share” many of these objectives and, while some of them figure as national interests of all countries of the world, others derive from the specific security situation in Western Balkans. The former certainly include the protection of sovereignty and territorial integrity, human rights and liberties, rule of law and personal property. The specific security context accounts for such national objectives as the development of the free market, social justice, fighting organized crime, membership of international organizations and regional cooperation. National objectives suggest that the proponents of political power in the region still predominantly find the democratic institutions insufficiently stable and the rule of law inadequate and in need of further support. That is why the political objectives of Montenegrin strategy makers assign priority to the “preservation of the multiparty, multiethnic, multicultural and multiconfessional democratic system of power and further promotion of democratic institutions, along with the increased openness and transparency of the public sector, continuance and strengthening of the rule of law, protection of human and minority rights, and preservation of the constitutional order”, as well as peace and security in Montenegro and its immediate and strategically relevant European environment. Protection of property and economic welfare of the citizens and economic resources of Montenegro are the economic objectives set forth by the strategy. Defense objectives, in addition to defending the sovereignty, unity and territorial

integrity of the state of Montenegro, also refer to the resoluteness of this state to fully contribute to the global struggle against terrorism and organized crime, while legal objectives focus on ensuring the division between the executive, legislative and judicial branches, their independence and autonomy.

All national security and defense strategies in the region still consider a possibility of an armed conflict a threat, albeit of a lower intensity. Montenegrin political decision makers believe that the number of conventional military threats has been reduced and their direct military influence limited to relatively small areas. However, they point out that the risk of geographic escalation of an armed conflict, or a crisis in the region that will not bypass Montenegro, should not be discarded altogether. Global terrorism is the next important challenge to the security of Montenegro. Although they fail to explain how exactly the existence and activity of terrorist groups on the global level threaten Montenegro, the strategy makers stress the country’s readiness to fully contribute to the fight against terrorism and organized crime. This contribution will be provided through participation in antiterrorist coalitions and will include the possibility to use the Montenegrin land, sea and air space in support of UN, EU, OEBS and NATO missions. Engagement of peace troops would confirm this commitment and would simultaneously be a good marketing move of the new state.

All forms of organized crime, as well as economic, social and political

difficulties accompanying the transition process may, according to the strategy, grow into highly serious threats to the society, the state and its economy. In addition, threats may also be seen in natural, ecological, technical and technological disasters, and man-induced accidents or epidemics. These security challenges, risks and threats have obviously been taken over from the Defense Strategy of the State Union of Serbia and Montenegro, of November 2004. However, most of these are referred to in the strategies of all other countries in Western Balkans.

### **Reform and expectations**

The National Security Strategy is a document that ought to serve as a basis for the security sector reform in order to build a stable, functional, and reliable security system. It does not include the agenda for this reform or a plan to establish a Montenegrin army but announces the adoption of other documents addressing security issues. Thus the security policy, defense strategy, military doctrine and strategy of internal security will be in line with the Strategy. Once the laws on defense and the army are adopted, the legal framework will be rounded off thus ensuring the basic conditions for the development of the security system. The purpose is to build a security system that will be adjusted to the changed trends in this sphere, capable of providing an appropriate response to the different security challenges, risks and threats and subjected to democratic civil control.

Political statements of Montenegrin officials manifest their readiness for fast changes and reforms in Montenegro and their optimism that it will soon be incorporated into Euro-Atlantic security systems. The first in a series of events confirming the determination of Montenegrin decision makers to launch a speedy and substantive reform of the security sector was the decision to discontinue conscription and abolish compulsory military service in Montenegro proclaimed by the President Filip Vujanović on August 30. The future Montenegrin army will number about 2,500 professional soldiers, which - the adviser for security issues says - corresponds to the needs and possibilities of the country. Thus demonstrating their resoluteness to seriously apply themselves to security sector reforms the Montenegrin authorities have approached the international community with an official request for admission to the Partnership for Peace on September 13. They expect a positive answer either on the eve of or during NATO's Riga summit on November 28-29. Future will tell us how realistic the ambitious efforts of the Montenegrin citizens and political elites are to prove that they are part of the Euro-Atlantic security system and capable of contributing to the security and stability of the region in so short a time.

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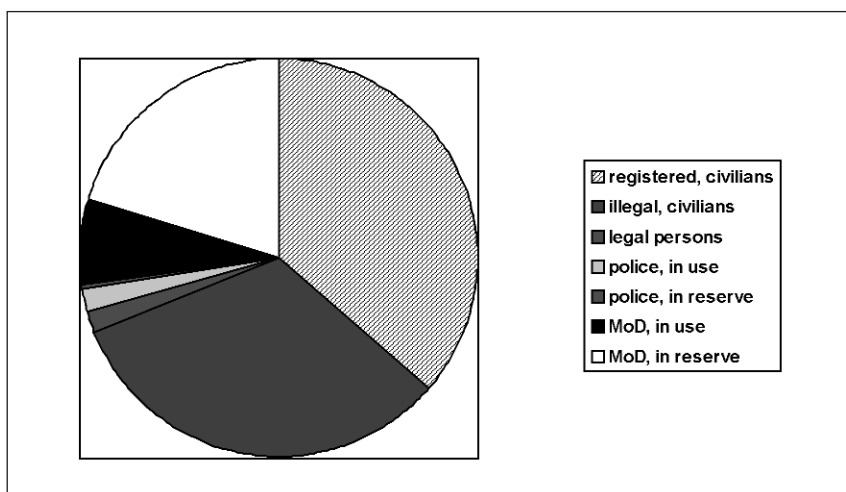
# SALW – Grave problem in Serbia

Jelena Unijat

The downing of a small aircraft flying over a village in central Serbia in 2003, by celebratory salvos of a wedding party, was publicized by the media as the first of the kind. This tragicomic event is only the most bizarre in a series of incidents caused by irresponsible and careless handling of light and personal arms. These weapons increasingly referred to as SALW (small arms and light weapons) by security circles, create a problem assigned high priority by most governments in the world today. The White Book of Defence of the State Union of Serbia and Montenegro does not list these weapons among security challenges, risks and threats, which is in sharp contrast with the fact that Serbia is the most heavily armed country in the region.

According to the calculations of the South East Europe Small Arms Control Centre (SEESAC), the total quantity of arms circulating through Serbia reaches almost three million pieces. The detailed

review of the data is still more alarming. Civilians in Serbia have more firearms in their hands than the army and the police put together. The SEESAC report estimates that over two million weapons are in the hands of private persons, compared with about 850,000 of the state. Furthermore, almost 950 thousand weapons in private ownership are illicit – unregistered and of unknown origin. Legal persons, including private security companies (which, incidentally, still operate without appropriate legal regulations) have 47,000 handguns and rifles – a figure that falls short of the armed “capacities” of the Ministry of the Interior by a mere 6 thousand. This figure refers only to arms in actual use, since the police have about 9,000 weapons in reserve. In numerical terms, the Ministry of Defence has less “firepower” than the illicit arms owners, bearing in mind that arms in operational use amount to about 200 thousand compared with almost 590 thousand in the hands of former reservists.



South East Europe is the main hotbed of proliferation on the continent. We will here mention only a few of SEESAC findings for this year. In Romania, 1.25 million SALW await destruction. Albania has, for a long time, carried the “black label” due to the plunder of its military stockpiles in 1997, when about 550,000 weapons were taken. Still, the inglorious record of Serbia has no contender even in Croatia where 600,000 citizens reportedly have illegal arms, and still less in Bulgaria where the most pessimistic calculation reaches about 260 thousand unlicensed weapons. Despite these disturbing quantitative indicators, only a review of total consequences can reveal the serious nature of the problem of proliferation in Serbia. The effects are so complex and mutually interlinked that even an attempt at their classification appears as a futile exercise. Still, for the purposes of this text we shall divide them into psychical, economic and political consequences of SALW proliferation that should be urgently suppressed by the post-conflict and post-authoritarian Serbia.

### **Psychical consequences**

Characteristic for the citizens of Serbia is their remarkable lack of trust in the institutions of the system. According to a survey carried out by the Centre for Civil-Military Relations in April 2005, merely 23.9 per cent of the population said they trusted the police, compared with 13.5 per cent who trusted the judiciary. The SEESAC report notes that many citizens own firearms precisely because they wish to protect themselves, their property and families. We could say that this striving for self-protection re-

flects the security dilemma, although not on a state level – as defined by security studies – but rather on the level of individuals. The justifiability of this parallel is confirmed by the fact that a large quantity of arms in private hands only arguments overall insecurity of the society, although an armed civilian may indeed feel emboldened.

Unfortunately, the first victims of the weapons owners may easily include some of their closes family members. Namely, research work shows that the very presence of arms in a household increases the possibility for a fatal outcome of violence in the family. For instance, in the 1993–2003 period Serbia registered 614 homicides in the family, 35 per cent of which were committed with firearms. Psychologists explain that these acts are committed impulsively using the weapon at hand. Being widely spread and easily available firearms are increasingly used in involuntary or premeditated crimes. The real picture of the potential consequences is revealed by the fact that 20 per cent of Serbian households (about half a million) hold 750,000 weapons. According to an UNCRI survey, until the 1990s usually a month or two would pass from the acquisition of firearms until they were used to commit a crime. This period has today been reduced to several days. In addition, the number of accidents resulting from careless handling of weapons keeps growing. Even actions to collect illegal arms may increase this risk. Thus, for example, during the police operation “Sabre” mounted in the state of emergency proclaimed in 2003, panic-struck citizens left hand grenades, ammunition and handguns in public places, instead of turning them in to the competent state bodies.

Arms proliferation is also encouraged by the aggressive model of social behaviour formed in Serbia in the 1990s. During the war and times of public popularisation of organized crime, the belief that it is normal to use violence in order to solve conflicts among people became quite widespread, as did the attitude that violence pays out. Perhaps the gravest social consequences the spreading of this kind of life “philosophy” can have are revealed in the behaviour of juvenile delinquents. While during the war years minors were most often condemned for property crimes, from 2000 onwards they are found among perpetrators of crimes involving bodily harm or loss of life with increasing frequency. Leniency of domestic courts towards first offenders charged with illicit firearms possession (possibility to defend themselves while free or to be given a conditional sentence) seem to act as encouragement for the use of firearms. Teenagers are most often the victims because of the very fact that they are witnesses to violence or abuse of arms, as illustrated by the statements of the youngest respondents in the SEESAC 2005 survey focus group. For instance, a girl said that she was “walking along the Danube, when a mobster was killed” and she “saw the body”, while a young man “knew a fellow who staged the robbery of his own apartment so he could steal his father’s hand gun (his father was a police inspector)”.

Another important social consequence of mistrust of the security institutions is the sudden multiplication of private security agencies. According to rough estimates there are about 3.200 such companies in Serbia today, employing over 32 thousand people. One could hardly say that these agencies contribute

to the security of the society, since the sphere of their work has not been legally regulated as yet. The adoption of the relevant law is awaited since 2003. It is thus possible to have a group of men, almost as numerous as the Serbian police forces, to work carrying arms without previously undergoing any security check. Among them are former and current policemen as well as soldiers, but also people from the criminal milieu.

The most dangerous psychical consequences of SALW proliferation are fear and tension prevailing among ethnic groups in certain parts of Serbia. A characteristic example is the southern part of the country where the perception of security threats completely differs depending on ethnic belonging. According to SEESAC 2004 survey the Albanian population fears the members of the gendarmerie, army and police the most, while the Serbs are afraid of crime, corruption and overall insecurity in the region. Due to the disorderly relations and increased risk of open conflicts people are not prepared to give up their arms. During the 2003 amnesty the population of southern Serbian municipalities surrendered less than 20 light weapons, out of the total number of the collected 47,853 and just over 2,2 million pieces of ammunition. The security dilemma of the individual on the Serbian south grew into a security dilemma of the collective.

### **Economic consequences**

The collection of SALW is a fairly expensive exercise, and the cost of their disposal amounts to about 5 US dollars per unit. Since 1999 Serbia declared amnesty on three separate occasions, to collect between 60 and 70 thousand ille-

gally held weapons. The arms so collected are, along with the surplus of the police and the army, destroyed in Serbian steel plants, but Serbia cannot afford to bear the related costs alone. That is why campaigns of this kind are financed by international donors. Between 2001 and 2004 over 100,000 weapons were destroyed along with 2 million pieces of ammunition, followed by another 14,936 SALW during 2005 and 2006.

Serbia is also dependent on international financial assistance in its demining and mine destruction actions. Having signed and ratified the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines, the state is obliged to destroy all its stocks. The destruction of 1.3 million such mines in the SCG Army depots started in August 2005 and the millionth mine was destroyed on September 14 this year in Kragujevac Technical-Repair Institute. The remainder of the mines is expected to be destroyed by mid next year. The work is mainly financed by NATO's SEE Trust Fund and the whole project is valued at 1.69 million euros. But, the destruction of mines on army stockpiles does not solve the whole problem. There still remains the border area with Croatia, which is the most densely mined territory in the region. The removal of 8,500 mines in this belt will cost between 4.5 and 6.5 million euros.

Although the costs caused by the SALW proliferation are very high, it is still possible to make some profit, which may be interpreted as a potential positive economic effect. However, the possible abuses in foreign trade with arms may cause great political damage that cannot be financially offset. That is precisely the

case with the scandalous affairs caused by deals with countries under the arms embargo. In the case of Serbia business "arrangements" of this kind amount to yet another in a series of difficult political consequences of SALW proliferation.

### **Political consequences**

To the best of our knowledge a comprehensive study of all the factors that contributed to the inferior image of Serbia in international public over the past few decades does not exist. However, it is difficult to believe that the data known to the public were not sufficiently important, e.g. the fact that the Yugoslav People's Army distributing obsolete arms intended for smelting in the Nikšić steel plant without any receipts or records. Notwithstanding the fact that the entire Western Balkans was arms dealers' heaven throughout the wars of the 1990s the job of shedding the inherited negative image in the world was obviously the hardest for Serbia, not least because illicit arms export affairs continued even after the October 5 change of power.

Thus the two major incidents of this kind registered in 2002 prompted the British foreign minister Jack Straw to mention the possibility of reinstating sanctions (to the FRY). The two affairs had to do with illegal transfer of 200 tons of infantry weapons to Libya and the smuggling of diverse ordnance (including SALW) to Iraq. Pressured by the international community the authorities in Belgrade promised to mount an investigation and criminally prosecute the culprits. However, the whole thing ended in the withdrawal of export licenses to the companies involved, and the sentencing of the main agent – Jugoimport-SDPR di-



rector Jovan Čeković to two-year imprisonment, albeit on different charges. Ivan Dokić, removed from office in 2002 as the objectively responsible person was in 2003 promoted and became Assistant to the Chief of the General Staff in charge of logistics.

In March this year Podgorica police seized over 1,000 automatic rifles and explosive devices of domestic production transported without any accompanying documentation in a truck owned by its driver. In addition to this, also unclarified, case the image of Serbia in the world was marred by the fact that the south of the state is considered to be the area of the most frequent illicit arms trade in the SEE region. The administrative line with Kosovo and Metohija is internationally categorized as the most suitable location for almost all forms of illegal trafficking, including arms.

### **Legal “remedy” to begin with**

The consequences described here have assumed the proportions that require urgent campaign for the suppression of SALW proliferation. The urgency of the situation is emphasized by the obvious possibility for the quantity of surplus SALW to increase still further after the planned downsizing and modernization of the army called for by its professionalization. That will substantially add to the existing surplus of 477.514 units, a part of which may be sold or used in the separation balance of the former Yugoslavia. The remaining obsolete weapons will be destroyed in a costly procedure, and the direct security threat is seen in the possibility for a part of this surplus to find the way to the black market.

In view of the different nature of the above-mentioned consequences of SALW proliferation we may conclude that the struggle to mitigate them cannot be waged on one front alone. The conclusion of this text will therefore leave aside all the social, cultural, political and psychological means to be used in that struggle and will focus on its legal aspect. One of the laws partly related to this problem is the Law on Foreign Trade in Weapons, Military Equipment and Dual-Use Goods of February 2005, which introduced stricter rules for issuing of export licences. This made the abuse more difficult and established civilian control of the executive branch over exports of all types of ordnance including SALW. However, the state should systematically apply itself to the problem of proliferation and the first step in that direction should be the adoption of the National Strategy for the Control of Small Arms and Light Weapons. This document was adopted at the level of the State Union in December 2004, but not yet by Serbia (as opposed to Montenegro). The set of the essential legal regulations also includes the relevant law governing the work of private security agencies. Finally, we believe that the arguments presented here are sufficient to place the proliferation of SALW on the list of security challenges, risks and threats in Serbia’s future White Book on Defence.

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# If Guns Were Silent...

## Failure of the struggle against SALW proliferation

Marko Savković

Every year the world production turns out seven million pieces of weapons “that can be carried by an individual combatant or a light vehicle, that also does not require a substantial logistic and maintenance capability”, as small arms and light weapons have been defined by the South Eastern and Eastern Europe Clearinghouse for the Control of Small and Light Weapons (SEESAC). A quarter of this number, valued at one billion dollars, ends up in illegal transfers.

The UN Programme of Action adopted five years ago politically obliged its member states to find better solutions regulating this sphere. The research of the “Biting the Bullet team”, presented below, shows that the results of the solutions offered by the Programme of Action are not satisfactory. Furthermore, the international community’s struggle against SALW proliferation has, this summer, experienced another setback.

Under the UN auspices a “Conference to Review progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit trade in SALW” was held from June 26 until July 7 this year. The conference that analysed the (un)achieved progress in the Program implementation did not end in the adoption of a resolution. According to Rebecca Peters, director of IANSA (International Action Network on Small Arms) this means that “the best opportunity ever to reduce the annual toll of lives lost to small arms” has been squandered.

In the following paragraphs, we shall first focus on the problem of conse-

quences caused by SALW proliferation. After that, we will analyse the phenomenon of “brokering” in illicit SALW transfers and demonstrate their complexity. And., finally, we will review the failure of the international community and states to regulate the problem of SALW proliferation.

### **Proliferation and its consequences**

Proliferation of light and small arms has disastrous consequences which, although of diverse nature, are still mutually interlinked. Every day 847 children, women and men are killed by SALW somewhere in the world. The number of victims of weapons imported on the basis of false declarations, in crates without the producer’s name or serial number, will reach 300 thousand by the end of the year. Since 1994, in Congo alone, between three and four million people died either as victims of direct violence or from disease and hunger that accompany armed conflicts. SALW proliferation increases the possibility of a fatal outcome of violence against children and women. In Chicago, for example, the rate of gun deaths, although it generally displays a downward trend, has increased during the seventies by 131 per cent for minors. Also, three quarters of rapes in the Dadaab refugee camp in north Kenya were done by armed raiders.

Proliferation is the most intensive in the war-stricken undeveloped parts of the world – in places where a

“Kalashnikov” for instance is a thing of value that can be turned into money or exchanged for food and clothing. Furthermore, arms that remain after a specific conflict soon spill over into another conflict zone, where everybody buys them, from fathers who wish to protect their families against the cruel surroundings of a “ruined state” to individuals seeking “arguments” in a political struggle. Representatives of the UK Government’s Department for International Development in their 2003 report entitled “Tackling Poverty by Reducing Armed Violence” say that these weapons are “rarely the root cause of conflict” but “their wide availability acts as a ‘multiplier of violence’ making conflict more lethal”.

Reports of specialized organizations increasingly analyse the consequences of proliferation for preservation of peace, exploitation of a country’s natural resources, and even individual branches of economy. In the autumn of 2005 groups of men armed with SALW forced a major part of 11,000 humanitarians to withdraw from Darfur. The “Revolutionary United Front” of Sierra Leone earned dozens of millions of dollars by mining diamonds, which it later invested in the purchase of arms and ammunition on the black market. Receipts of African countries’ tourist industries affected by the conflict were halved during the 1990s.

### Brokering

According to the fourth edition of the SEESAC’s “Glossary of SALW Terms and Abbreviations” a broker introduces the seller and the buyer in exchange for a financial compensation or a service, acquires SALW and, finally, organizes its transfer. As a person with experience and right connections, he mediates in illegal trade. Activities a broker undertakes

from the territory of a third country that serve to enable the transfer of arms between persons in different countries represent brokering.

According to the “Biting the Bullet” research done by the representatives of International Alert, Saferworld, IANSA and the Centre for International Cooperation and Security of the Bradford University, brokering is sanctioned in only 37 out of the total of 184 surveyed countries.

The consequences of illicit brokering for the first time drew the attention of the public in 1995 owing to a report drafted by the UN International Commission of Inquiry charged with finding the evidence of “sale and delivery of weapons and material to the former forces of the Ugandan government” in violation of several Security Council’s resolutions. Participating in a panel discussion of the Geneva Forum in December 1998 a former Commission member Erick Brennan admitted that the Commission had scant success in uncovering individual cases of arms deals, but nevertheless established certain trends. Firstly, the weapons were, as a rule, surpluses from Eastern Europe. Secondly, they were transferred by obscure firms such as the Bulgarian “Kintex”. And, lastly, the end users of the weapons were paramilitaries similar to the Ugandan “Lord’s Resistance Army”.

But, it was the case of Leonid Efimovich Minin that really showed the complexity of the brokering problem. Minin became rich selling Ukrainian army surplus ordnance following the end of the Cold War. After he had been arrested in August 2000 on charges of violating peace and order, his *modus operandi* was revealed. Looking into the documents they got hold of, the UN investigators saw the complex infrastructure created by their detainee. Several in-

dividuals, including officials of state administrations, actual or bogus companies, formed parts of the infrastructure necessary to complete illicit transfer of arms. Brokers use legal loopholes and skilfully evade the jurisdictions of various states. For instance, if the seat of the firm is in one country, the financial transaction will be made in another and the weapons purchased in the third, to be finally sold to the fourth country. That is why it took the Italian prosecutors a whole year to find the legal grounds to keep Minin behind bars. In the end, the Italian parliament passed an act declaring the violation of the UN embargo on imports of arms a criminal offence. An international obligation, accepted by the Italian state, was applied. For the first time, the grounds for criminal prosecution did not have to be found in the national legislation.

Still, this example should be taken with a grain of salt. The Italian Parliament would not have adopted the above-mentioned act if an appropriate law regulating arms trade actually existed. The Italian “Arms Control Act” of 1990 was an example of a law suitable for the brokers’ activities. It differentiated between “military” ordnance, including heavy weaponry such as tanks, artillery or aircraft, and “civilian” weapons, implying SALW. And while export of the latter category of arms was treated in the same way as, e.g. that of agricultural products, export of “military” ordnance required a special application. It stated the type and value of the weapon, the amount to be paid to the broker, and the names of the broker and end user.

We believe that the inadequate treatment of brokering is only a manifestation of a larger problem. At this point of time there are no universally accepted, legal-

ly binding standards that could be applied in all countries with a view to preventing illicit arms transfers.

### **States and international community’s failure**

Those states that should be the main force in the struggle against SALW proliferation are not doing enough. For example, as many as 65 countries out of 184 covered by the “Biting the Bullet” research project, do not define arms trade as a criminal offence. Project authors warn of other important omissions of state authorities. National strategies that represent a precondition for a consistent struggle against proliferation exist in only 20 states. It is remarkable that from the adoption of the “Action Program” in 2001 only one state found it fitting to submit annual reports to the UN Department for Disarmament Affairs on the results of the “Program’s” implementation.

In the days preceding the “Review Conference” representatives of the civil society and UN specialized agencies demanded the agreement on universal standards applicable to both legal and illegal arms trade. The request was based on the argument that the legal market was actually the original source of illicit arms trafficking. However, the Internet presentation of the Review Conference states that the purpose of the Action Program is not to reduce legal trade in SALW but to help reduce and eliminate illicit trade. It goes on that it is the prerogative of each state to legally regulate the right of its citizens to carry arms.

During the two weeks of the Conference, delegates from only three UN member countries submitted initiatives that, in a way, represented a novelty compared with the solutions offered by the Programme of Action. The British “Transfer Control Initiative”, was based on the awareness that closer cooperation

of states was necessary when transfer control is concerned. This initiative also raised the question of export licences, obliging the states to apply stricter national regulations and create a more efficient system of broker licensing. Kenyan proposal dealt with the finalization of the “Nairobi Initiative” supported in April this year by the representatives of eleven countries, including the UK. Unfolding in three chapters, it specified the criteria to be taken into account in the cases of arms export. The main precondition is formulated as follows: “We will authorize SALW transfers only with the official approval of all States directly concerned (including the exporting, importing, transit and trans-shipment States), in accordance with relevant and adequate national law.” Instead of having meetings in two-year intervals Canada proposed the establishment of working groups. They would be permanently in session and address such matters as the overall situation with respect to measures anticipated by the Programme of Action, stockpiling and destruction of arms, regulations and procedures as well as cooperation.

The chairman, Sri Lankan ambassador Prasad Kariyawasam, submitted to the delegates of the participating countries the draft of the final resolution first on June 27 and then again on July 3. The fact that the conference ended without adopting the resolution was due to the principle of consensus. The why is revealed in the “Compilation of Proposals and Amendments to the President’s Working Paper”, available in the internet presentation of the conference. We must however note that the Compilation does not identify the authors of amendments.

In the first place, every opportunity was used to soften the language of the resolution. Instead of saying that the states were “resolute” to take activities the amendment suggested they “agreed to consider” them. Then, it remained un-

clear whether the possession of SALW is covered by the resolution. A very important formulation stating that the states sought to “avoid the diversion of legally purchased SALW to the illicit market” was dropped from the draft and replaced with a lukewarm recommendation to “encourage states to adopt adequate laws... to regulate the possession of light and small calibre weapons”. Finally, the attempt of the chairman to weave the “previously agreed global principles” through the resolution was dismissed. The delegates said it was nonsensical to speak of global principles if there was no agreement even on a basic thing like the receipt of the end user, stating the destination of exported arms.

### **... leaves a bitter taste**

Just how destructive SALW proliferation can be is evidenced by a World Bank and WHO study, stating that until 2020 more people will suffer from injuries caused by conflicts than by malaria and small pox put together. Unfortunately, another opportunity for the states to agree about the treatment of the causes and consequences of this global problem has been wasted this summer.

The issue of brokering will be on the agenda of the next meeting of the Group of Government Experts in November, which will be held under the auspices of the United Nations. What has become of Leonid Minin? He was released from detention in September 2002, pursuant to a decision of the Italian Supreme Court, due to the lack of grounds for criminal prosecution. Nevertheless, he had to pay a fine of over 50 thousand euros for the possession of smuggled diamonds.

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## Women in the army

Two international high-level conferences recently held in Serbia and Bulgaria revealed important differences in the status of women in the armies of the two countries. The Serbian Army employs 181 women in active service, or 0.3% of its total personnel strength compared with 2858, or 9.5% in Bulgaria, 37 of whom are engaged in peace missions. The share of women in the active military personnel of the Serbian Army will, in the future, certainly change since the education of the first class of female officers at the Military Academy will start in the school year 2007/2008.

People tend to forget that women are present in the armed forces of almost all countries of the world, even as guerrilla fighters and suicide terrorists. The share of women in the armies of NATO members is about 10 per cent on the average. In the

European Union national authorities decide on the participation of women in combat units. Differences do exist and thus in Norway and Denmark all units are open to women, while Polish and Greek armies legally prohibit any combat function of their female members.

Consistent incorporation of women into the armies of the Western Balkans is in the initial stage and the data on the presence of women in the security sectors of these countries are not collected systematically. The need for greater participation of women in the armed forces originates not only from the fact that they account for a substantial percentage of the population, but also the knowledge that the qualities required by all military specialties – integrity, fortitude and resoluteness, are not sexually determined.

## Ecological threats to security

Ecological threats to security result from ignorance and/or poor management of natural resources, a deliberate action or a combination of natural and human factors. They may produce serious consequences as almost happened this October when a 140-km long and 150-meter wide oil spill appeared in the Bulgarian part of the Danube. The greatest danger was the possibility that the spill might affect the Kozloduy nuclear power plant in Bulgaria. Soon after a 200-meter wide oil spill appeared on the Danube in Romania.

The competent authorities in Serbia stated that the Serbian Oil Industry facilities in Prahovo discharged the pollutant into the Danube due to a breakdown. However, as it has been established that the slick in-

cludes both crude and fuel oil, it is possible that two polluters were at fault.

The Bulgarian foreign ministry sent diplomatic notes and a request for official investigation to the members of the Danube Commission – Austria, Bosnia and Herzegovina, the Czech Republic, Germany, Hungary, Moldova, Romania, Serbia, Slovakia, Slovenia and Ukraine, but the membership of this organization is not binding with respect to procedure in the event of ecological accidents. It is obvious that the mechanisms for the establishment of responsibility for ecological accidents should be defined as soon as possible in order to encourage a more responsible attitude of the states and thus prevent ecological disasters.

## Balkan “fields of death”

This year, in mid-October, four workers of the Forestry Estate Vrbanja blundered into an unmarked minefield on the territory of Kotor Varoš. Two were killed on the spot and the other two ended up injured. During the past month seven people in Bosnia and Herzegovina lost their lives in this way.

The relevant data indicate that mine-littered areas are a serious problem in the region: from the early 1990s 4895 such accidents have been registered in Bosnia and

Herzegovina, compared with 1779 in Croatia and 68 in Macedonia. There are no systematically kept data on Serbia and Montenegro, but it is known that about 1500 victims of mines that remained after the war live in these states. Along with the risk of civilian casualties, the fact that cultivable land, forests and water flows have been polluted and additionally endanger the security of citizens is also as source of grave concern.

## A Chance to Boost Security Cooperation

In September this year Serbia was, for the first time, admitted to a Euro-Atlantic initiative and thus made a step forward on road to Euro-Atlantic integrations. At the Southeast Europe Defence Ministerial (SEDM) conference held in late October in Tirana Serbia, Bosnia and Herzegovina, Georgia and Montenegro obtained the status of observers in this security initiative. The SEDM initiative gathers eleven states, including seven NATO member countries (USA, Italy, Greece, Turkey, Slovenia, Romania and Bulgaria), four PfP members (Croatia, Albanian, Ukraine and Macedonia), and another observer (Moldova).

This regional initiative has a specific purpose – to strengthen security capaci-

ties in the region through cooperation and good neighbourly relations. During its ten-year existence the SEDM developed programs in several areas such as the prevention of proliferation of arms for mass destruction, cooperation of military industries, research, satellite links between military hospitals, etc. Furthermore, within the SEDM initiative a joint brigade was formed and trained for conflict prevention and other peace operations under the UN or OSCE mandate. The brigade is NATO or EU lead and was already engaged in the ISAF (Afghanistan) from February until July this year. Participation in the SEDM activities shall provide an additional incentive to the newly admitted observers in their respective security sector reforms.

## Anti-terrorism dilemmas

A passenger at New York's Kennedy Airport experienced an unpleasant surprise this September when the police asked him to remove his T-shirt before boarding the plane! They explained that the script on it would disturb other passengers. It spelled "We Will Not Be Silent" in Arabic and English. The passenger was of Middle Eastern origin.

Terrorist attacks of September 11, 2001, resulted in a changed concept of security. The unpredictability of such acts and the powerful emotional reaction of the public obviously deepened the dilemma concerning what may constitute a security problem and the best ways to react to it.

Thus in August this year, it turned out that even liquids, gas or aerosol carried by air passengers in their hand luggage may constitute a threat. That is why the passengers in the EU and the USA are at present

allowed to board a plane only if they carry less than 100 millilitres of liquid – a quantity insufficient to cause an explosion. The struggle against terrorism was in early September this year joined by the UN General Assembly adopting a strategy that, among other things, anticipates the establishment of a database on accidents caused by biological material.

However, some more concrete moves in this struggle give rise to new ambiguities. That is for instance the case with the recently adopted US Military Commissions Act allowing the interrogation of suspects using techniques bordering on torture. Efficiency in combating terrorism is certainly more desirable than ever. However, the problem of the possible abuse of these measures, thus violating the dignity of persons guaranteed by the Geneva Convention, remains unsolved.

# Taboos, security and democracy

Filip Ejlus

How far public discourse on matters of importance for the survival, security, national interest and sovereignty of a political community may be permitted to unfold? The question is which particular point marks the limit of the citizens' rights to freely discuss these things, which then become forbidden, to be addressed only by the "legitimate" interpreters of national interests and "authorized" defenders of national security.

In an authoritarian society, the punishment of those who violate this limit is a matter for the apparatus of state repression. Generally speaking, no one in a democratic society ought to be sanctioned because of the way they think or talk about public affairs. However, democracy, too, has its taboos, the only difference being that the principal method of censorship is not state- but rather self-imposed. Fearing what primitive peoples consider a "grave disease" and modern societies social marginalization, citizens avoid breaking taboos and disclosing in public what they think in private.

The main argument of this text is that this kind of auto censorship is detrimental not only for democracy, but also for the understanding and protection of the security of the state and individual. A precondition for the achievement and preservation of security is a free and democratic discourse about it.

## Israel taboo in the USA

For the American public the issue of Israel remained a taboo of this kind for quite some time. Even Israel itself offered greater freedom to polemicize on the political, economic and military support the Jewish state received from the USA. Anyone who dared criticize this support was first condemned as an anti-Semite and then ousted from the political, i.e. ac-

ademic mainstream. This prospect put paid to any further debate. However, two prominent professors of international politics, John Mearsheimer from the University of Chicago and Stephen Walt from Harvard have recently wedged into the "last American taboo", as late Edward Said put it.

In their article "Israel Lobby", published this March in the *London Review of Books*, after the American publisher refused to print it, these two prominent representatives of the realistic school of thought problematized the US backing of Israel. The starting assumption of their argument is that the outstanding American support to this country cannot be understood from the point of view of the American national interest any more than it can be justified from a moral point of view. In the first place, it facilitates the enemies of the USA and the Islamic fundamentalists to obtain wide popular support against American global domination. Furthermore, this kind of foreign policy alienates and destabilizes the states the US depends on for its oil supplies, including the moderate regimes in the Middle East, which are the most important US allies in its global war on terrorism. Mearsheimer and Walt also claim that the 2003 invasion on Iraq and increasingly intensive pressures on Iran because of its nuclear programme were for the benefit of Israel's security and at the expense of American interests. In addition, the authors criticize the US for tolerating the Israeli nuclear arsenal, since that encourages nuclear proliferation in the region and impairs the global credibility of the US foreign policy. Finally, the moral argument for an exceptional assistance to Israel to the disadvantage of the Palestinians loses its strength in the light of the long history of Israeli crimes, say these two authors who, incidentally, call themselves philo-Semites.



Mearsheimer and Walt focus on the activities of the Israel lobby as the key to understand this foreign policy departure from the national interest. They claim the lobby, the main part of which is the American Israeli Public Affairs Committee (AIPAC), uses two strategies to attain its objectives. One is the influence on decision making centres, as in the case of the US invasion on Iraq. The other strategy tends to control the US public discourse on Israel and provide the pro-Israeli American foreign policy with immunity from any criticism whatsoever. The means the lobby uses for this purpose range from media manipulation to labelling as anti-Semites all who disagree with this policy and even financial support to their competitors.

As the authors themselves envisaged the article elicited stormy reactions. Thus certain circles denounced the text as anti-semitic, uncivilized, politically inflammable and irresponsible. In addition, it was also condemned as inadmissibly monocausal, since the understanding of the US foreign policy towards Israel hinges on more than one factor - in this case the influence of the Israel lobby. Furthermore, the critics claim that this policy is also backed by the US strategic and structural economic interest, struggle for the profit of oil companies and the military industry, as well as the historical-cultural links of the two countries.

However (un)founded this criticism may be, the article by Mearsheimer and Walt is crucial since it broached the debate on an issue that was considered a taboo for quite some time, and one of great importance not only for the US national interests but also for the global security. The article was written very moderately and offers ample proof for the arguments it presents. Therefore, the accusations that it emulates the style of anti-semitic theories that allegedly disclose the cabalistic "conspiracy of the elders of Zion" do not stand to reason. On the contrary, probably the best way to stop the mystification and remove this shad-

ow of doubt from the Israeli lobby is to address its activities in a transparent, free and critical debate.

### **The taboo of Kosovo and Metohija in Serbia**

Serbia, too, has a series of important social problems that are tabooized. They cannot be discussed freely, since that implies the risk of public marginalization and even physical danger. The list of these problems is long and mainly includes sensitive topics of Serbia's responsibility and war heritage. However, the taboo that by far exceeds all others in terms of its importance and lack of open debate is the issue of Kosovo and Metohija (KaM). This author does not intend to draw a proper parallel between this issue and the problem of American support to Israel. KaM is formally a component part of Serbia and is central to the Serbian national identity, while Israel has no such status in the USA. Still there are considerable similarities in the public treatment of these sensitive issues.

In the first place, there is no rational debate on Serbian national interest in relation to KaM in Serbia. If anything elicits the agreement of the elites on the entire political spectrum, it is the fact that Kosovo represents an inalienable part of the Republic of Serbia. At the same time, they unanimously refuse to publicly tell their citizens what the international community has been largely suggesting, namely that, in one way or another, Kosovo will be an internationally recognized, undivided and independent state. However, dreading the outcome of the negotiations the Serbian authorities are already preparing the grounds to indefinitely continue their struggle against reality. Thus Article 114 of the proposed draft of the new Constitution anticipates that the president of the republic, taking his oath, should pledge to "devote all his powers to the preservation of the sovereignty and entirety of the territory of the Republic of Serbia including KaM as its component part". It is not clear whether the Serbian politicians deliberately sacri-

fice realism of their foreign policy in order to remain in power or genuinely believe that Kosovo will one day return to Serbian control.

Secondly, similar to what happens with those who criticise the pro-Israeli policy of the USA, anyone who publicly raises an issue of this kind in Serbia is labelled as traitor and banished from the political mainstream. Let us recall the symbolical public lynch and ostracism Goran Svilanovic was exposed to in April 2005 when he signed the report of the International Commission for the Balkans anticipating gradual independence for KaM. In the aggressive, albeit expected, response of the “patriotic bloc” the largest refinement was demonstrated by the Force of Serbia Movement pasting the city in posters featuring a photomontage of Svilanović sporting an Albanian skull cap. He was not spared even by the party on the list of which he had been elected to the republic parliament in 2003. President Boris Tadić, fearing the possibility that Svilanovic may communicate the “grave disease” to him and the entire Democratic Party, amicably advised him to leave the democratic caucus. After that, no one dared to publicly accept the independence of KaM, barring several politicians whose parties are struggling to reach the parliamentary threshold. In brief, as Teofil Pančić rightly observed, if you wish to be a respected member of the community in Serbia, and especially if you engage in politics, it is not enough to ignore the reality of Kosovo, but you also have to ritually deny it.

Silence on the issue of KaM prevails in Serbia, as if time works in its favour. However, the Westphalian principles of sovereign equality and inviolability of state sovereignty at the basis of the international law are undergoing a severe crisis that will hardly be resolved to the advantage of the nation state. The outcome in particular cannot benefit a small and until recently authoritarian rogue state that could not protect all its citizens such as Serbia. Furthermore, the geopolitical gambling on the card of global stability

and balance of power for the purpose of promoting one’s own interests has already sent Milošević to The Hague tribunal and the Serbian people to the bottom of the post-cold war history.

If it will not recognize independence and does not intend to go to war, are there any political means Serbia has left to defend its own territory? Will the non-recognition and economic isolation of KaM increase the security of Kosovo Serbs? Is it in the interest of Serbia to have KaM as an abortive state emitting organized crime and terrorism to Europe across the Serbian territory, or as a stable, partner and democratic state? Finally, the question is how the continuing presence of the Kosovo mantra will influence the democratic processes in Serbia. It certainly suits the nationalistic forces, which thus permanently polarize the political life, in “patriotic” rather than social-economic terms, and find it easy to emotionally manipulate the voters.

### **Breaking taboos**

Henry Miller said that whenever a taboo is broken, something good happens, something vitalizing. That is why it is good that Mearsheimer and Walt’s article has seriously dented the taboo of Israel in the USA. It is now only a matter of time to see it positively reflected in the US policy towards the Middle East. Unfortunately, with its new constitution Serbia turns the inviolability of the Kosovo taboo into the constitutional obligation of its citizens. This ritual institutionalization of collective self-delusion may have disastrous consequences for the national interest of Serbia and the security of all citizens and states in the region. The current political elite is thus wasting another opportunity to awaken Serbia from the Kosovo hypnosis, helping it to redefine its identity and at long last exit from the long-drawn-out Balkanic 20<sup>th</sup> century.

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# NATO Policy of “exceptions”

Jelena Petrović

Serbia, Montenegro and Bosnia and Herzegovina might be conditionally admitted to the Partnership for Peace program,” the BiH ambassador to NATO Sven Alkalaj stated for “Dnevni avaz” in August 2006. He believes that the formal admission of these countries could take place already at the summit of NATO heads of states or governments to be held in Riga on November 28 and 29 this year. Alkalaj thinks that conditional partnership may take the form of limited or full participation. The only difference would be revealed in giving or withholding the voting right to a “conditional” member, which would be given a certain deadline to fulfil the specified political conditions (the arrest and extradition of Ratko Mladić in the case of Serbia). Non-compliance with the deadline would probably result in the exclusion from the Partnership.

Admission without previously fulfilled requirements will not create a precedent in NATO’s policy of partnership, anymore than in the Alliance’s overall policy on enlargement. The novelty will only be the inauguration of a new form – conditional cooperation within the PfP program.

Namely, in the process of deciding on the admission of new states into the membership of NATO or the PfP, the strategic rationale appears to have greater significance than the fulfilment of preconditions. Along with arguments in support of this claim we shall attempt to present the possible scenaria and consequences this kind of NATO decision-making could have for Serbia.

Ever since the establishment of the Program in 1994, the admission criteria have depended on the political decision

of its members and have not been defined in a single document. *Ad hoc* conditions are determined for each of the aspirant states, and generally hinge on the strategic assessment of its importance for NATO. The strategic assessment, on its part, rests on the cost-benefit analysis of the importance that the strategic position of a specific state might have for NATO, as well as the possibility of that state to contribute to the Alliance’s missions. There is no formal obligation between NATO and its partner states concerning the defence of their domestic territories (although a state may request NATO assistance, there is no guarantee that it will actually be given). The most frequent form of military cooperation of partner states and NATO is the participation in the so-called power projection missions, and the usefulness of prospective Program members is also judged from that point of view. By entering NATO individual states undertake to sustain a democratic order and freedom and to respect the principles of international law. That is most often at the base of the request for the aspirant states to reach a certain level of democracy and the rule of law before being admitted to the Partnership (although, as we will see below, that is not a rule either). However, no state has been conditionally admitted to the PfP so far.

## When and why has NATO started “turning a blind eye”?

Every European state may be invited to become a member subject to a unanimous decision by NATO members in line with Article 10 of the Washington Treaty. The conditions for full member-

ship of the Alliance were formulated by the 1995 Study on NATO enlargement. The economic condition for NATO membership is a functional market economy, while the military requirement focuses on the potential contribution to NATO. In order to fulfil the political precondition, a candidate state must have a functional democratic political system and democratically regulated civil-military relations, while its relation towards the minorities must conform to OSCE standards.

As concerning political preconditions, according to a Freedom House survey of political and civil rights, all NATO countries (except Turkey) have the highest scores (1+1 or 1+2) and are rated as “free”. Candidate states, without exception, managed to obtain this rating prior to admission to membership. However, candidate countries should also have a real GDP per capita matching the lowest corresponding indicator in a NATO member country. In the most recent enlargement round, when Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were admitted to the Alliance, the lowest real GDP per capita was registered in Turkey (3.328\$, according to the US Economic Research Service data for 2004). Both Romania and Bulgaria fell short of this figure in terms of their respective GDP per capita numbers (2.021\$ and 2.098\$). This criterion is important because NATO judges the possibility for a military contribution of a potential member in terms of the GDP share of defence expenditures and the size and equipment of its armed forces. The floor a candidate country must reach in order to become the member is 2% of the GDP. Namely, a state expending less than 1.5% on its defence could “free ride” on the Alliance. Hungary, the Czech Republic and Poland were admitted to NATO in 1999. According to the SIPRI data Poland was

the only one among fulfilling that condition (2.3%), the Czech Republic was somewhat under the threshold (1.8%), while Hungary, with defence spendings amounting to a mere 1.1% of the GDP, was well into the free-rider zone.

NATO also evaluates the strategic importance a specific state could have for the Alliance, based on two important criteria: its armed forces and strategic position. In terms of the former it judges the quality and quantity of the armed forces, while in the case of the latter it looks at the bottom line of establishing new NATO borders, the risks that a new member might bring into the Alliance and the cost of its admission and adjustment. Another important thing is the geographic position of the aspiring state in relation to the main areas of NATO’s military engagement. A similar assessment is also made in considering a state’s candidacy for PFP membership.

In the debate on Hungary’s admission to NATO the argument of its geographic position and willingness to open its airspace to NATO aircraft during operation “Allied Force” in the FR of Yugoslavia prevailed over the fact that it failed to fulfil the required preconditions. RAND corporation experts believe that NATO engagement in the Balkans will continue for at least another ten years, which gives the local states strategic advantage as candidates. The instability in Kosovo, sensitive security situation in Macedonia and tensions in Bosnia and Herzegovina guarantee the Balkans a high rating on the list of NATO priorities. This rationale was decisive for the vote on the admission of Bulgaria and Romania in 2004, although both states formally failed to fulfil the economic criterion, and the quality of civil control over the armed forces was frequently questioned (RAND’s NATO enlargement study, 2000-2015).

Bearing in mind that the PFP program is not an organization but a form of cooperation between NATO and individual states, and does not imply the obligation to defend the territory of partner states, it is not unusual to have cooperation although the previously established formal criteria have not been met. In 1994, when the Program was established, all states that had participated in the work of the North Atlantic Cooperation Council (set up in 1991) were issued an unconditional invitation to join the Program.

Croatia submitted its candidacy for admission to the Partnership way back in 1994, but was not admitted until six years later. The most important conditions set for Croatia included the implementation of the Dayton Accords (in the first place, discontinuance of military assistance to Croats in BiH), return of refugees and cooperation with The Hague Tribunal. The UN Commission on Human Rights submitted to the General Assembly a report on the situation of human rights in Croatia at the end of 1999. The report expressed the dissatisfaction of the Commission with the number and speed of the refugees return and stressed the responsibility of the Croatian government for this situation, referring to its discriminatory laws, indifference and absence of judicial protection. The position of minorities (especially the Serbian national minority) was found unsatisfactory, while the process of cooperation with The Hague Tribunal and trials for war crimes were characterized as inadequate, unjustifiably slow and based on the delaying tactics. Still Croatia was admitted to the PfP on May 25, 2000... The decision on the admission was taken a year after the bombing of the FRY when Croatia's geostrategic importance increased, and the results of presidential and parliamentary elections held in February (three months before the deci-

sion on admission to PfP) qualified as reflecting a "democratic change" in the final communiqué of the North Atlantic Council ministerial meeting in Florence in May 2000.

The absence of firm criteria is also indicated by the fact that Tajikistan and Uzbekistan, admitted to the Partnership in 1994 and 2002 respectively, still do not fulfil the democratic political system requirement (according to Freedom House data both countries were designated as "not free" in the past decade). However, the main argument in favour of Uzbekistan's admission was its geographic proximity to Russia (the only state NATO perceives as its possible conventional enemy, according to the RAND study). Furthermore, this state creates a firm block of cooperating countries with Kazakhstan and Turkmenistan, both of which joined the Partnership in that same year. In this way NATO is geographically approaching Russia, on one side, and Iran, on the other (two states that have high security importance for NATO). Tajikistan entered the Partnership in 2002. The fact that this country borders on Afghanistan – a state subjected to the US air strike campaign that same year (after the terrorist attacks of September 11, 2001) outweighed the criterion of democracy of its political system. It is also probable that the states of the Middle Eastern partnership block themselves were not indifferent to the fact that they were surrounded by Russia, China, India and Pakistan (nuclear powers).

### **Serbian "exception"**

Serbia fulfils the most frequent informal precondition for admission to the Partnership, namely it has a democratic political system (according to Freedom House it belongs to the category of free states since 2002). Security sector reforms

(especially of the armed forces) are under way, and develop with NATO assistance through a specially formed defence reform group. In addition, along with Bosnia and Herzegovina and Montenegro, Serbia is the only state in the Balkans that has not established formal cooperation with NATO through the PfP program. In view of its strategic position (in central Balkans), the proximity of “tectonic” zones (Kosovo, Macedonia, BiH), experience of previous armed conflicts and will to cooperate with NATO, it makes a good candidate for the Partnership. However, insufficient cooperation with the Hague Tribunal remains the formal obstacle for its admission.

New initiatives within NATO, partly presented to the public by Bosnian ambassador Alkalaj, suggest that the idea of another “exception” is still an option and is being considered. The only question is whether the admission into conditional membership would entail new requirements. It is interesting that the initiative was made before the finalization of negotiations on the future status of Kosovo, which causes concern that the calculation in this case could be somewhat at the expense of Serbia. The “price” of Serbia’s admission to the Partnership may well go beyond full cooperation with the Hague, i.e. the arrest and extradition of Ratko Mladić, and include a changed attitude of the Serbian Government towards the final solution of the Kosovo status.

The unsolved status of Kosovo could turn out to be a major obstacle in the relations between Serbia and NATO. If Kosovo declares independence against the will of the Serbian authorities (and obtains NATO’s support) a new aggravation of relations between Serbia and the Alliance will not be inconceivable.

The switch in NATO’s political course, if the initiative on the conditional admission to the Partnership is accepted

and formalized, may bring about diverse changes in Serbia’s public opinion as well as its political elite. The Serbian public, already frustrated by the EU and NATO policy of conditioning, could be somewhat mollified by this conciliatory concession. On the other hand, if NATO decides to make this “exception” in the case of Serbia the possibility exists that the Serbian public and its political elites could interpret this as inconsistency or relaxation of its attitude, and thus additionally compromise the principle of political responsibility. It would certainly be better for Serbia to accept the possible conditional admission to the Partnership as an incentive for further efforts on a difficult road towards Euro-Atlantic integrations. The possibility for the Serbian representatives to sit in the Euro-Atlantic Partnership Council would mean the advent of modern trends, easier exchange of views and information and relative equality with other participating states. Furthermore, by formalizing its relations with NATO Serbia would facilitate its transition processes as well as its security sector reforms.

The chance for this “exception” does exist despite the recent statement of NATO secretary general Jaap de Hoop Scheffer that Serbia will not be admitted to the PfP unless it previously extradites Ratko Mladić. Namely, the policy of “exceptions” has become NATO’s “rule” in the past decade. Not only has Serbia made certain progress that ought to be awarded, but its geostrategic position and apparently unfavourable political situation (unsolved status of Kosovo) also work in its favour. Should this initiative ever grow into a formal offer, it would give Serbia a chance that should not be wasted.

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# Military finances

Marko Milošević

Poor teeth and such a large appetite,” that’s how Bismarck once defined Italy. This definition may be applied to the Serbian Army today. The consequences of the SFRY disintegration, economic sanctions, absence of military investments and the 1999 war all brought the army into a desperate situation. It has enough to pay for food and salaries, but not for other things, which is why appropriations for the maintenance of arms and military equipment are inadequate. While paint peels off the aircraft and pilots are wary climbing into their cockpits (although feeling lucky for the opportunity to fly at all), and soldiers dig using spades left over from WW II, two thirds of army employees are homeless.

The Defence Strategy defined the army’s missions, and the Government determined the size of its budget. The question is where is this money being used and is it sufficient?

## Military budget

The costs of the projected defence system structure for 2007-2010 were forecast using a model with three categories of expenses.

The first category comprises personnel expenditures, i.e. salaries and pensions, transport allowances, severance pay due to redundancy or retirement, allowances for those living away from their families or for increased housing costs, special service allowances and awards.

The second category covers operational costs including the costs of training, fuel and lubricants, maintenance of arms and military equipment, food, accommodation, clothing and footwear,

business and other trips, maintenance of buildings and facilities, electricity and public utility services, cost of communications, organizational change in commands, units and institutions, lease of buildings and other property.

The third category includes investment costs. These are related to the modernization of the existing, development and purchase of new arms and military equipment, as well as building of various facilities and infrastructure.

The structure of these costs has so far been approximately 75%-20%-5% for personnel, operational and investment costs respectively. This distribution of funds keeps the army inert – personnel costs are covered, but not enough is left for investments. That is why a redistribution of funds in the military budget is planned. By the year 2010 personnel costs will be reduced to 60% from their present share of 75%, while operational costs will increase to 28% in this same period. As for investments, the relevant appropriations will amount to 10% in 2007 and 12% in 2010 to reach 20% in 2015. The military budget is not small, but it is badly structured.

Funds for the army come from the budget of the Republic of Serbia, as well as from donations, sale of military property and other sources. Military budget amounts to about 550 million euros (approx. 46,504,000,000 dinars), increased by 2,856,000,000 dinars after the budget review in September 2006. This July the defence minister Zoran Stanković said the army was about 7.2 billion dinars short.

According to the Strategic Defence Review one may conclude that military

pensions should from now on be paid from the Pension and Disability Insurance Fund, rather than from the personnel costs of the military budget, which would be a relief. The military budget amounts to 2.5% of the GDP, and the total share of pensions in it amounts to 0.65 percent of the GDP. Pensions and allowances use up about 25% of the military budget. The Serbian Army at this point of time has 17 active and over 700 retired generals. The number of 33,000 employed in the defence system is matched by 51,000 beneficiaries of military pensions. According to the Law on the Army, military pensions are fully adjusted to the growth of military salaries. A recent increase in salaries of the military by 20% put the army into an awkward position. The money for the salaries has been provided by the budget review, but the legally prescribed growth of military pensions has to be covered by the army from its own funds, at the expense of other expenditures. Increase in salaries in Serbia is accompanied by a linear growth of pensions by 25% of the increase. Serbia is one of the few countries in the region (along with Romania) that

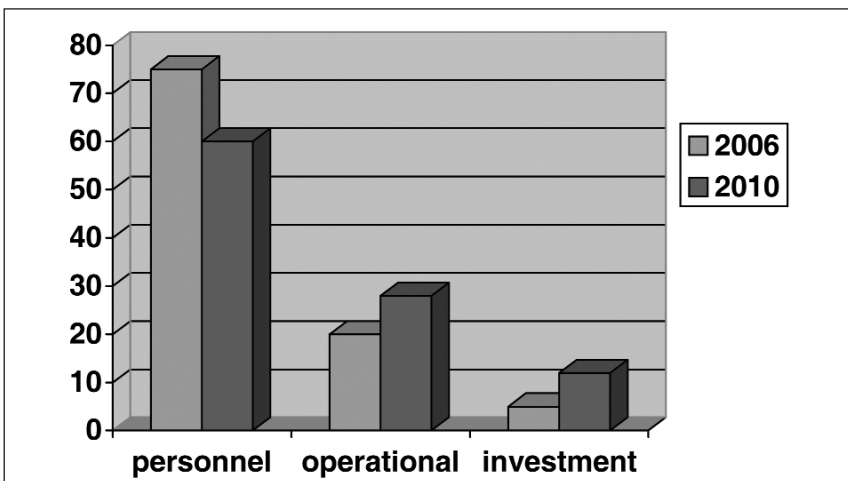
pays military pensioners out of the military budget. The Ministry of the Interior does not have the pension item in its budget and pensions are paid from the Fund for Pension and Disability Insurance. Since the police budget amounts to 2% of the GDP compared with that of the Army amounting to 2.5%, if we subtract the pensions' share of 0.65% of the GDP, it appears that the real budget of the army is smaller than the one of the police.

The current army budget of 2.5% GDP should be reduced to 2.4% in 2009, in which case it will amount to 74 billion dinars in 2010, based on the anticipated economic growth rate of 6%. The salaries fund should remain the same, but the numerical reduction of army members will enable increase in salaries.

### Extra-budgetary funds

The Strategic Defence Review – a document that has not been adopted yet – states that there are no funds for modernization or the purchase of new arms. The recently inaugurated National Investment Plan enabled the overhauling

**Table 1: Structure of Costs – Serbian Army 2006-2010**





of a number of aircraft and helicopters, as well as construction of housing units for the defence system employees, all of which lacked sufficient budgetary funds. Some funds are secured from military revenues based on the sale of surplus arms and military equipment, lease of capacities and services. These military receipts amount to a few hundred million dinars per year, but a good part of them is still in the contracting stage, or else awaits payment.

Peace operations should be financed by extra-budgetary funds. At this point of time we have a number of observers in several missions and one medical team, and their costs are not a major item in the Serbian budget. Engagement under the UN flag is partly paid by this organization, and moreover, it is not unusual that less developed countries participating in these operations receive material assistance from their more developed partners. In this way, the army has so far been given a field hospital for its medical team.

Donations are another source of income. However, since their inflow is not steady they do not allow for long term planning, but only attainment of short-term objectives through the implementation of specific projects. Donations are not always of financial nature and may take the form of equipment grants. Two of the three largest donations to the army include half a million dollars worth of computer equipment from China in March and 1.2 million dollars from the USA for civil protection received this August. Southeast Europe Clearinghouse donor conference in June this year ensured additional 4.5 million dollars, invested in different projects including, importantly, the "Prisma" project for the re-training of military redundancies.

The Strategic Defence Review also states some reservations as to the implementation of reforms for the lack of finance: "The stability of defence system financing may be adversely affected by the additional costs stemming from the lawsuits instituted by defence system members due to the army's failure to pay their salaries and pensions in accordance with the law". Salaries in the army are 1.2 times higher than average wages in Serbia and the current law prescribes that military salaries have to be three times the average, which is why a substantial number of military persons sue the army for incomplete payment.

The army resembles a large food store with a small refrigerator. It has to set its priorities – what to put in the fridge (use the money), what to sell and what to leave to rot since the fridge is not large enough and, moreover, we have old supplies that have little use left. The transformation of the socio-economic system and the change of the security environment imposed the need for army reform. Adjusting to the new situation, the army is downsizing, changing its missions and professionalizing its members. Acting Chief of the General Staff, Major General Zdravko Ponoš believes that the army objective is transformation from a social care to a desirable institution. That requires quite a lot of work and a radical cut is impossible to make. The army is burdened by debts from the past, and a part of funds, which could otherwise be invested, have to be used for their repayment. Transition priorities include the acquisition of new arms and military equipment, aircraft overhaul, investments into modernization, professionalization of personnel and transition from conscript to contract soldiers, as well as

participation in peace missions. These items could be called transition expenditures and represent investments into army reform.

### **Transition costs**

Trying to fall in step with NATO our army seeks to apply the standards of this organization in order to facilitate its integration into the collective security system. A model of the “soldier for the 21st century” has been developed, implying new uniforms, protective equipment and personal arms in line with NATO standards. New uniforms were designed by a local firm and are still being tested in army units. The “flack jacket affair” involving a damaging contract for the army concerning the purchase of too large a quantity of protective equipment threw some light on the financial malversations in military circles. Precisely the same thing that happened in the society, primarily the so-called crony privatisation and false tenders, also befell the army. The question is when the reaction to this abuse would have come had not there been internal party interests that created a scandal resulting in the deposing of the defence minister Prvoslav Davinić. The contract anticipated the purchase of 63,000 flack jackets, 59,000 helmets and 500 pilot jackets that would have cost the Army a sum of 175 million euro. The deal was indeed suspicious since the present contingent is twice smaller and tends to decrease still further. Personal arms should comply with NATO standard of 5.56 mm, and “Zastava” arms factory has already developed a weapon of this kind, but it takes additional financing to equip the army with it. The priority in the acquisition of military equipment and arms should be given to the newly formed special brigade. This unit is first

of the six brigades planned by the Strategic Defence Review.

The Review within its “vision of the army in 2015” stressed the need for protective equipment for soldiers, wheel combat vehicles, modernization of self-propelled artillery and development of new types of ammunition, as well as promotion of atomic-biological-chemical (ABH) protection. As for the air force and anti-aircraft defence, new transport and fighter planes are foreseen as well as the development of a centre for the control of air space and a SAM (surface-to-air missiles) battalion. The review states that the anticipated funds are not sufficient to purchase new aircraft, rocket systems, motor vehicles, arms and military equipment, or to finance the costs of peace operations.

The National Investment Plan earmarked 30 million euros for the army outside the budget, which will be used for the overhaul of planes and helicopters. This enables the air force to restore to airworthy condition its five MIG-29 interceptors expected to guard the sovereignty of the country’s airspace. They are all it has left out of 16 such aircraft purchased in the late 1980s. In addition to these planes, currently the most modern in our air force, the army also has MIG-21 aircraft, which are substantially older and cannot appropriately answer to the present tasks. Only recently the wear and tear caused the cockpit of one of these planes to crack in flight, but fortunately, there were no casualties. In addition to MIGs the plan also anticipates the overhauling and modernization of 2 Mi-24 helicopters purchased during the 1990s. These craft are intended for antitank action and are the only two of the type that can do this job successfully. Namely the helicopters are fitted with armour that protects them from anti-aircraft fire from the ground. Gazelle helicopters have so far been

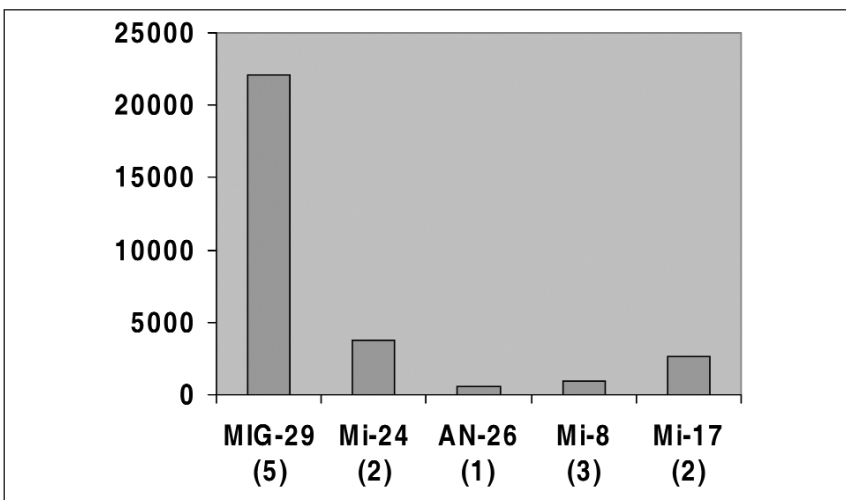
used for this purpose, although they have no armour and are extremely vulnerable to ground fire.

The balance of funds provided by the Plan should be used for the repair of an AN-26 transport plane and 5 transport Mi-8 and Mi-17 helicopters. In addition to their military purpose, these aircraft would also be used for civilian needs. One of the Army's missions is to assist the civilian authorities in the event of natural disasters, industrial and other incidents and epidemics. That is where transport airplanes and helicopters can be used. Civilian authorities lack the capacities to oversee road traffic and the experience of the neighbouring Croatia may be taken as an example for the use of military helicopters to monitor the roads as well as forest fires.

Army professionalization is an issue that will be resolved until the year 2010. By that time the share of the conscripts will be reduced to zero and the conscription entirely abolished. This change will not substantially influence the army's costs. The army shows a tendency of reducing its numerical size aiming to enter

2010 with 21 thousand members. The data given in the Strategic Defence Review indicate that it employs 7,449 officers; 9,378 NCOs; 5,317 contract soldiers and 11,041 conscripts as well as 11,994 civilians. By 2010, when the conscription is to be abolished, we should have 4,000 officers, 6,600 NCOs and 10,600 contract soldiers plus 5,300 civilians. The trend of reduction of officer and NCO personnel is obvious, as is the trend of increasing the number of contract soldiers. The studies of the army so far reveal a disproportionately high share of colonels and Lt. colonels, and an insufficient number of lower officer ranks. It is assumed that this "functional surplus" of cadre will be retired while lower ranks will be filled by Military Academy graduates. The share of salaries will not be substantially changed and one may even see some economy in all this, since the pay of a second lieutenant to be employed is lower than the one of a colonel to be retired. Naturally, we must bear in mind that in this period the military budget will make appropriations for the severance pay of its retired personnel.

**Table 2: Costs of overhaul of planes and helicopters (in thousand euros)**



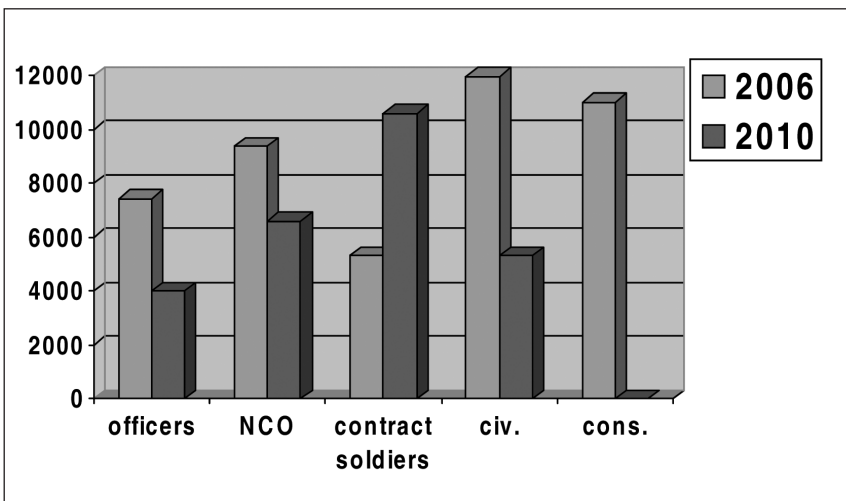
The Strategic Defense Review also anticipates the overhaul of self-propelled artillery, but the funds for that purpose are currently unavailable. The acquisition of new wheel armoured vehicles will remain a dead letter. The army budget lacks the funds to finance it and the extra-budgetary funds cannot be tapped for this purpose.

### Social costs – armys homeless

The next category of existing costs in the army could be defined as social costs. In order for the army to grow from a social care to a professional and challenging institution, it is necessary to solve the existential problems of its members, which are related to the real estate and housing policy. The present composition of the army, excluding conscripts serving their military service, numbers 34,139 members. According to the data of the MoD Housing Department 23,703 army members have applied to have their housing problems solved. The Army housing demand is diverse, since some

of its members live as subtenants, while others have inadequate housing and others still live in military facilities. During the past five years the army distributed 396 apartments per year. At this rate the housing problems will be solved in 62 years. In addition to the budgetary funds, the National Investment Plan will cover 10% of the total construction of apartments which will make approximately 350-400 apartments. This extra-budgetary contribution equals a year's result in redressing the housing shortage. Along with budgetary funds and those appropriated from the National Investment Plan, the army could also use the proceeds from the sale of military real estate. The MoD plans to sell 447 military facilities to help finance the construction of apartments for 15,210 "homeless army members". This course was made possible by the adoption of the Master Plan, which identifies the real estate to be sold. The estimated value of these facilities is not precise, but a figure of a billion dollars is mentioned, which is value-wise close to one and a half military budget.

**Table 3: Reduction of army employees until 2010; officers, NCOs, contract soldiers, civ. – civilians, cons. – conscripts**



However, there are doubts that this estimate will be confirmed at the market, since the property is to be sold on a tender. While the title to this property is held by the Property Directorate of the Republic of Serbia, the privatisation proceeds are intended for the army as its user. These receipts will be used to solve the housing problems of the army staff, modernization of arms and military equipment and investment into military infrastructure.

The army plans to transfer to a new scheme of apartment distribution. Namely, the practice it has had so far proved inadequate, since it accumulated housing problems and thereby tied the military budget to the related social costs. The budget could not sustain this kind of a housing policy, and that accounts for the present situation. One of the possible solutions would be to encourage military personnel to take soft housing loans and, with some incentives, deal with their problems on the market.

How far has the army advanced on road of its reform? The army is cumbersome and costs a lot to sustain, and moreover, there is no need to have so large a force. Transformation into a slimmer, more mobile and capable army cannot be made over night and there are some inherited problems primarily with respect to real estate and distribution of personnel costs. In order to respond to these needs a lot more funds should be appropriated for this purpose, which this country can ill afford. Why should the army pay only for the apartments for the military, rather than invest in armament and military equipment? The issue of real estate derives from the concept of the army and the citizens do not pay taxes for housing problems of soldiers but for the security of their country. On the other hand, we should point out to the spe-

cific feature of the military profession when it comes to housing. Military service is extraterritorial and implies frequent movement of entire families to different places. As things stand, there is barely enough to sustain the army while its reforms are referred to extra-budgetary sources. Under these conditions, no serious transformation can be planned since there are no financial expenditures to be taken into account, or regular time intervals to implement a strategy. A glimmer of hope is seen in the anticipated redistribution of costs in the army budget, but this concept has been presented in the Defence Strategy Review, a document that has yet to be endorsed by the Parliament. Bearing in mind that after the new Constitution's confirmation at the referendum, parliamentary elections should follow and the constitution of the new Parliament, the adoption of this and other strategic documents necessary to regulate the situation in the army could take some time. Until then the army will have to fend for itself as best it can, and so will the citizens.

What is the sum of annual expenditures of the Army? It is difficult to calculate due to the type of costs, schedule of payment and donations of money and equipment. According to our collocutors from the MoD, the budget, National Investment Plan, some donations and military receipts could, put together, reach the sum of 750,000,000 US dollars. The hope remains that the reform momentum will result in a more rational distribution of these, definitely not insubstantial funds, so that the army's only concern would not be the social security of its employees, but rather the security of its country.

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# Double price of military security

Predrag Petrović

We keep hearing that the army costs a lot. The only concrete fact substantiating such complaints is the GDP percentage appropriated for military purposes. However, it would be entirely justified to ask whether this spells the total “price” of military security in the states of the Western Balkans (Balkans, hereinafter).

In the past few years budgetary expenditures were clearly insufficient to finance new security needs of the states in the region, such as army professionalization and downsizing. The impoverished states are still less capable of paying to “erase the traces” of their previous security policies. Namely, during the 1990s they invested billions of dollars into the purchase of already obsolete ordnance the destruction of which they are financing today. The citizens of the region are thus paying a “double price” of security additionally disguised by the fact that funds are drawn from the budget as well as out of it. In addition, the inflow of foreign donations for this purpose is increasing.

That is why it is very difficult to calculate the costs of removing the consequences of the Balkan politics marked by the security dilemma at the end of the last century. In contrast with most post-communist states, which after the Cold War redefined the relation between their societies and armed forces to the advantage of social development, the security concept in the Balkans for a long time remained the same – focused on armed defence of territories. However, it turned out that the money spent for obsolete weapons and mines was wasted, and the security sector reform in these countries started with a ten-year or even longer delay.

It is known that “old” democracies, too, reform their security sectors and that their taxpayers are painfully aware of that fact. However, they also collect the “peace dividends”, i.e. they enjoy the benefits of development they invested into throughout the past decades. The Balkan countries, on the other hand, are faced with paying the diverse kinds of “war interest”, only one of which has to do with weapons and mines scattered all over their territories, which they now have to collect and for the most part destroy. Their large armies have to be reduced to a socially acceptable size. Although this article cannot draw the actual bottom line, it can at least attempt to reveal the deceptiveness of presenting the price of military security by means of a single percentage (GDP). This price should, if anything, include the funds used to deal with the problem of small arms and light weapons (SALW), demining and reduction of military personnel. The data about the spendings on these three items in the countries analysed here - Albania, Bosnia-Herzegovina, Croatia and Macedonia - are extremely difficult to obtain. Although this text will not be complete in this respect either, I hope that it will offer strong arguments in favour of a different approach to and calculation of military-security expenses in other post-conflict countries, too. In any case, what follows is a more precisely itemized “price list” for the Western Balkans.

## Budgetary military costs

Military expenditures most often denote the funds appropriated for defence in a country’s budget. They do not in-

clude only the armed forces in the traditional meaning of the word (air force, navy and army), as commonly presented, but also para-military forces if trained, equipped and ready for military actions. This term does not refer to illegal paramilitaries such as operated in the battlefields of the Balkans, but to legal, most often special, police units. According to the definition used by the Stockholm International Peace Research Institute (SIPRI) military costs ought to include the expenditures for: (a) the armed forces; (b) defence ministry and other government agencies engaged in defence projects; (c) paramilitary forces considered trained and equipped for military operations; (d) military space activities. To these we should add the spendings for “(a) military and civil personnel including pensions and social benefits; (b) maintenance; (c) procurement; (d) military research and development and (e) military aid”.

According to the analysis of military budgets (see table) the Balkan states have been showing a gradual decrease in military expenditures ever since the end of the conflicts, and especially the year 2000. The single exception is Macedonia, which registered an abrupt growth of military spendings in 2001 (6.6% GDP), primarily due to internal armed conflicts in that particular year. Next year, however, they dropped again to 2.8 percent of the GDP. The progress revealed by this trend in the Balkans, compared with the 1990s, is obvious in the Croatian example. Croatian appropriations for the army in the 1992-1997 period came close to nine billion dollars (8,900 million dollars) - almost three times more compared with 3.6 billion in the 2000-2005 period. Thus the Balkan region has a downward trend of military expenditures.

SIPRI, however, warns that official data in many states cover but a part of ac-

tual military costs that may also be hidden in non-military budgetary items or financed completely outside the government budget. An important problem limiting the analysts to a restricted calculation of this kind is insufficient availability and reliability of official data. We believe that it is important to present at least the obtainable information. Once we compare additional funds set aside by the citizens of the region and the various donations with budgetary military expenditures, it will become obvious that these should certainly be calculated in the overall price of military security.

### **“Lepeza” and “Spectra”**

An obvious consequence of the policy determined by the security dilemma and intensified by the announced security sector reform are military redundancies. While Central and East European countries radically reduced their military personnel during the 1990s, most Balkan states, due to war conflicts, either retained or even increased the number of their troops, large as they already were. Keeping a standing army is a costly affair, but its reduction is no less expensive. Every professional soldier has to be given severance pay and a chance to retrain so he could become successfully integrated into the civil society. But, that takes both finances and time. From the security point of view, money and time expended in the last decade of the 20th century were both wasted.

Bosnia and Herzegovina (BiH), where the conflicts had been the fiercest, was the first to tackle the problem of military redundancies. Let us recall that in 1995, BiH had between 175,000 and 210,000 soldiers (International Institute of Strategic Studies), while some estimates (e.g. Geneva Centre for the Democratic Control of Armed Forces) refer to over 400,000 members of armed forces. Since

1996 three demobilisation programmes sponsored by the international community have been implemented: (1) EDPR (*Emergency Demobilization and Reintegration Project*) in the 1996-1999 period and with investment of 8.5 million dollars; (2) PELRP (*Pilot Emergency Labor Redeployment Project*) in 2000-2004 with 15-million dollars and (3) IOM TAFS (*Transitional Assistance to Former Soldiers*), which started in 2000 and, according to plans, should involve the spending of 11 million dollars. This, however, is not the full account. Namely, the head of the BiH mission to NATO Sven Alkalaj in a statement published by "Dnevni avaz" on 4 April 2006, announced the establishment of a 13-million euro fund for 11 thousand thus far demobbed soldiers. According to Alkalaj, 2,200 military staff let go after the defence reforms and enactment of new laws this January will be taken care of this year.

In October 2002 the Croatian Government adopted a project called SPECTRA, related to a radical reduction of military personnel, their transition and accommodation. According to the Bonn International Centre for Conversion (BICC), Croatian army at that time numbered 40,714 soldiers while the Croatian Defence Strategy Review anticipated a 16,000-men force as the "end result". The largest obstacle to the implementation of this programme was naturally of financial nature. According to the project, 54% of the total budget (120 million dollars) should be financed externally. For the time being it is still unclear whether the balance will be appropriated from the Croatian state budget or provided from extra-budgetary sources.

Early this year, following the model of the Croatian SPECTRA, the Macedonian Government, started a LEP-EZA project, based on a contract signed between the Macedonian MoD and the

Norwegian Embassy. The programme ought to cover 700 men per year, and Norway donated 251 thousand dollars for equipment purchase. Great Britain, Denmark and Sweden also pledged their financial support to the project, but the specific data on the project are not available. According to the estimates made in early 2005, Macedonia should reduce the number of its troops by about 5 thousand, which suggest that it would need 4 million dollars for their integration into the civil society.

Albania reduced the number of its soldiers by 17 thousand in the 1992-2004 period, but failed to provide them with severance pay or programs for their social reintegration. It was only in mid-2005 that the Albanian parliament adopted a law on additional social security of members of Albania's armed forces, regulating the so-called transition pay, as well as early retirement or additional pensions. The projected annual costs for the enforcement of this law amount to 729 thousand dollars and it is highly uncertain if the requested finances will actually be provided. The only scheme anticipating the reintegration of former soldiers into the civil society was developed by the Albanian Atlantic Association, but the 3.5 million dollars required for this four-year programme have gone missing.

### **Large price of small arms**

Armed conflicts in the Balkans at the end of the past century left the citizens in possession of a large quantity of small arms and light weapons. Weapons haphazardly distributed from military depots are today difficult to collect and destroy, and present a major security problem in the region. The problem of dealing with it efficiently does not have to do only with the feeling of insecurity compounded by the arms cult, but also the lack of



finances for the collection and destruction of SALW.

The most optimistic estimates refer to at least a million pieces of illegal arms in the countries addressed by this article. It is believed that their destruction would cost about 5 dollars per piece, adding up to 5 million dollars in total. Pessimistic estimates are somewhat more difficult to address. Thus, for instance, some say that Croatian citizens alone have close to 600,000 small arms and light weapons. The UNDP Tirana office reckons that about 550,000 SALW were plundered from Albanian military depots, 200 thousand of which were returned, while 150,000 ended up in the neighbouring countries. The balance is still in the hands of Albanian citizens. Diverse estimates suggest that the relevant illegal SALW figures for Macedonia and BiH are 100,000 to 450,000 and 150,000 to 500,000 respectively. The total "black number" could be as high as 1,750,000 pieces of arms, requiring 8,750,000 dollars to destroy.

A long-term mine destruction action is under way in the Balkans, and Serbia destroyed its millionth mine this September. Destruction of 1,320,620 anti-personnel mines from the arsenal of the Yugoslav People's Army, i.e. Serbian and Montenegrin Army (currently Serbian Army) will, according to plans, involve the spending of 2.13 million dollars. According to UNDP data, 4.4 per cent of the BiH territory is strewn with 650,000 mines and unexploded ordnance. Domestic and international funds for demining BiH were increased from 17.46 million dollars in 2003 to 28.6 million dollars in 2004. Of this amount, 18.8 million dollars were provided by foreign donors. According to the action strategy to resolve the problem of mines in the 2005-2009 period, adopted by the Council of Ministers on 12 October 2004, another

162.5 million dollars would be expended for the same purpose.

Mines infest 1.174 square kilometres of Croatia's territory. It is believed that the implementation of the National Demining Plan for the 2005-2009 period would take 549 million dollars. The largest part of this plan's financial burden will be born by the Croatian government that will provide about 370 million dollars, while the balance of the funds will be secured through donations. This reveals an important increase in the funds earmarked to deal with the problem of mines, viewed against the sum of 52 million dollars expended for demining in 2004. Albania's externally financed expenses for demining in 2004 amounting to 3.7 million dollars, account for a slight increase compared with 3.6 million in 2003. Macedonia is the only country in the region that does not need substantial funds to deal with this problem.

### **Arguments of millions for a new calculation**

Our attempt to make a final account of the previously analysed cost of military security faces the same problem as that referred to by the SIPRI, namely the unavailability and unequal reliability of the official data. That is why we will follow the SIPRI example and make use of estimates. In doing that we will not make arbitrary assumptions or rely on extrapolations, but only on empirical data. In line with this methodology, we will also draw on primary and secondary sources, and recall that even one and the same country does not uniformly apply the same methodology and definitions, which is why numerous expenditures are calculated in a different manner from one year to the next.

Taking into account the data so obtained, we estimate that the Balkan countries have inherited a surplus of at least

90 thousand soldiers from the 1990s. By way of illustration that is the number of man under arms Napoleon had with him at Moscow in 1812. That is also the number of men who surrendered to the Russians in Stalingrad in 1943, the number of North Korean troops that attacked South Korea in 1950, and of the size of the US contingent dispatched to Vietnam in 1965. Finally, 90 thousand soldiers were demobbed in Mozambique in 1992, after its 14-year civil war. According to present day estimates, the Balkans would need at least 288 million dollars to reintegrate this number of men into the civil society.

The price of dealing with the problem of SALW varies depending on the optimism, i.e. pessimism with which we approach these estimates and thus ranges from 5 to almost 9 million dollars. Speaking of anti-personnel mines and unexploded ordnance, it would be methodologically most correct to take into account only the projected cost in BiH and Croatia, referring to over 710 million dollars required to destroy them.

Put together these costs suggest that a single instalment of the Balkans “war interest” amounts to at least a billion dollars. For comparison purposes the total budgetary military expenditures of the Balkan countries amounted to 898 million dollars in 2004 (when the share of these expenditures in their GDP was already largely reduced compared with the 1990s). Even if we take into account Eisenhower’s warning that “every gun that is fired, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed” and that the total price of wars in the Balkans paid in terms of curbed development will never be calculated, we think that we have offered sufficiently strong million-figure arguments for different thinking about the costs of military security.

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### Budgetary military expenditures – Western Balkan states

COUNTRY \ YEAR		2000	2001	2002	2003	2004	2005
ALBANIA	A	59.7	67.9	67.8	76.1	77.4	92.6
	B	1.2	1.3	1.3	1.3	1.4	-
BOSNIA AND HERZEGOVINA	A	-	-	291	202	182	185
	B	-	-	4.3	2.9	2.5	-
CROATIA	A	718	659	650	610	516	509
	B	3	2.6	2.4	2.1	1.7	-
MACEDONIA	A	84.2	284	126	116	123	-
	B	1.9	6.6	2.8	2.5	2.6	-

A: In millions of dollars

B: Percent of GDP

# For in the hands of brave Vuk Mandusic...

## Security in the proposed Constitution of Serbia

Filip Ejdus, Djordje Popovic, Marko Savkovic

The Constitution is the supreme legal document of a state, security being one of its most important functions. The following text in which we are going to study how the Constitution makers of Serbia have regulated the security sector is a contribution to a non-existent public debate on the proposed Constitution and it has been drawn up in the spirit of the most renowned Serbia tradition of having one's cloak made when it begins to rain. We will make a brief comparison between the present text of the Constitution, the 1990 Constitution, the constitutional practice in the region and international standards. The text begins with the competences of Serbia and its institutions in charge of security. We will after that analyze how the Constitution makers regulated the status of the Army of Serbia (VS) and the state of emergency. Then, we point to the solutions related to the right to conscientious objection and the right to security. Finally, the way in which Kosovo and Metohija (K/M) is treated by the Constitution does not make it the main topic of this text, but, still, owing to its relevance to security, we will cast some light on that problem as well.

### Competences of the Republic of Serbia

Article 97 of the proposed Constitution defines the competences of the Republic of Serbia. First of all, the Republic of Serbia "shall organize and provide for its sovereignty, independence, territorial integrity and security". Paragraph 2 thereof at the same time says that the Republic "shall exercise and protect freedoms and rights of citizens", that is, "constitutionality and legality".

Finally, paragraph 4 states that the Republic shall organize and provide for "defense and security" both of the Republic of Serbia and that "of its citizens". "Measures in case of the state of emergency" have just been lightly touched upon here, we believe because Article 200 of the Constitution gives a thorough definition of them.

When we compare this proposed Constitution to the 1990 Constitution, we can see that competences related to the defense and security are actually the same. The competence of the Republic "in exercising and the protection of freedoms and rights of man and citizens" has been slightly extended by recognizing, but not accurately defining, the rights of the Republic to establish liability and prescribe penalties "for violation of freedoms and rights of citizens".

The provision set out in Article 51 of the 1990 Constitution according to which the defense of the Republic of Serbia "is the right and duty of every citizen" is not incorporated in the draft text of the recently proposed Constitution. But an identical provision can be found in the Constitution of the Republic of Macedonia, Article 28, stating that the "defense of the Republic of Macedonia is the right and duty of every citizens", adding, however, that the exercise of that right and duty will be regulated by law.

By omitting this provision from the new Constitution of Serbia the Constitution makers intended (not) to incorporate in the Constitution the right to conscientious objection to be discussed later on in this text. The new Constitution also lacks the provision qualifying the act of signing capitulation and acceptance of occupation as treason. Let us remind you that Slobodan Milosevic violated this

Article of the Constitution by signing the Kumanovo Agreement, after the NATO intervention, thereby allowing for the presence of foreign troops in the territory of the Republic of Serbia at an unlimited period of time.

### **The National Assembly**

Article 99, paragraph 5 prescribes that the National Assembly decides on war and peace and declares state of war and emergency. Paragraph 6 of the same Article stipulates that the National Assembly supervises the work of security services. It is unclear as to why the Constitution makers provided for the Assembly supervision only over security services, and not over other elements of the security sector, for example, army, police, private security sector etc. Besides, the Assembly should not just supervise, but also control all factors of this sector. Finally, Article 99, paragraph 9 stipulates that the National Assembly adopt defense strategy. However, the Constitution has failed to mention another, more important document that Serbia needs most of all at the moment, which is the National Security Strategy. That document, from which the Defense Strategy, military doctrine and other strategic documents should derive, would, among other things, also define security challenges, risks, threats, protected values and interests of the state. Besides, the National Security Strategy should contain not only provisions on the Army, but also on other factors of the security sector. For example, Article 80 of the Croatian Constitution envisages that the Sabor (Parliament) adopt also the National Security Strategy and the National Defense Strategy.

### **President of the Republic**

According to Article 112 of the proposed Constitution, the President of the Republic shall, "in accordance with the Law, command the Army and appoint,

promote and relieve officers of the Army of Serbia". Although it can make a difference whether the President commands, directs or manages the Army, we are of the opinion that this wording is typical of the semi-presidential system of government. The Constitutions of Macedonia and Croatia prescribe in a similar way that the President is the supreme commander of the armed forces. In addition, the proposed Constitution of Serbia and the Croatian Constitution are identical in the sense that presidents in both states decide about appointments, promotions and relief of officers.

The Constitution makers have failed to give two answers in this field. First, what is the relation between the President of the Republic and the Defense Minister in terms of commanding the Army of Serbia. Second, the responsibility of the President is explicitly envisaged only in the event of violation of the Constitution. Who is the President of the Republic accountable to for "commanding the Army"?

Finally, the part of the proposed Constitution related to the President has not included the National Security Council. Thereby, the Constitution makers have missed an opportunity to establish a body made up of all key civil and military decision makers. That body would then integrate the entire security community of Serbia and holistically coordinate the entire security sector. For example, Articles 86 and 87 of the Macedonian Constitution clearly provide for the establishment, the composition and competences of this body. The present Serbian Government set up a similar body by a decree. However, that body never started to work owing to the President of Serbia's complaints against the manner of its establishment.

### **The Army of Serbia**

The competences of the Army of Serbia, as envisaged by Article 139, are broad-based. While the provision regard-

ing the Army's competence to "defend the country from external armed threats" is clear, the remaining part thereof "and perform other missions and tasks in accordance with the Constitution, Law and principles of international law regulating the use of force" leaves space to different interpretations. Why did the Constitution makers opt for a different solution from the one stated in the Strategic Review of Defense which clearly outlines three aims of the Army of Serbia: to defend the Republic of Serbia from military challenges, risks and security threats, to take part in building up and maintaining peace in the world and to support civilian authorities and preclude non-military security threats? We believe that this was a justifiable intention of the Constitution makers to approach the matter in a more flexible way owing to possible changes in the perception of security threats and challenges in the future.

Article 140 stipulates that the Army of Serbia may be used outside the borders of the Republic of Serbia only upon the decision of the National Assembly. That competence is not explicitly set out in Article 99 dealing with the competences of the Assembly, but it partially derives from the Assembly's competence to decide about war and peace and declare a state of war and emergency. It remains unclear, however, as to when and under what circumstances can the Army be sent outside the country. Is it only in the case of peace-keeping missions, under a UN mandate, or is there a possibility for using the Army for offensive purposes outside the framework of the international law, as is the case with the "Coalitions of the willing", for example?

Article 141 stipulates that the Army of Serbia shall be subject to democratic and civilian control and that will be regulated by the Law on the Army of Serbia. This type of control is part of the civil-military relations and does not fall within the purview of the Army Law as the Constitution makers have envisaged it. It

would have been better if the Constitution had provided for the Law on Democratic Civil Control of the Army of Serbia to regulate this matter. Another thing that supports the idea of enacting this law is the fact that the proposed Constitution does not stipulate as to who will exercise democratic and civil control of the Army. Besides, there is a question as to why should only the Army be subject to democratic civil control. In addition to the Army, all those who are using force, including police, secret services, parapolice and paramilitary organizations as well as private security and military companies should be subject to this type of control.

### **State of emergency and state of war**

The Constitution makers have rather vaguely formulated "public threat" in Article 200 without defining its actual meaning. "Public threat" presupposes the existence of the concept of "private threat" which is unknown to the authors of this text. If the concept of "public threat" has already been adopted, the law should regulate in detail the procedures and competences for establishing it. It might have been better if the solution from the 1990 Constitution had been retained, stating that the state of emergency is declared if security of the Republic of Serbia, freedoms and rights of man and citizen or the work of state agencies are threatened. A new departure of the proposed Constitution is a detailed regulation of the institution of the state of emergency. However, the problem arises in the case the National Assembly is not able to convene and the Government has to decide on the state of emergency, that is, on the derogation from human and minority rights. That decision then has to be verified by the National Assembly within 48 hours or at its first sitting. The problem may also arise in the situation when the Assembly can convene only after a long period of

time. In that case this provision could be abused by the Government. The same applies to the declaration of a state of war.

### **The right to conscientious objection**

The right to conscientious objection was not guaranteed by the 1990 Constitution which in its Article 45 guaranteed only the freedom of conscience. However, after the democratic changes this right was guaranteed in a by-law, that is, a 2003 Decree on Military Service. The draft of the new Constitution introduces this right in Article 45, but only implicitly, in a rather restrictive manner. Paragraph 1 thereof states that “no person shall be obliged to perform military or any other service involving the use of weapons if this opposes his religion or beliefs”. It is certainly good that the Constitution makers stipulated in Article 202 that any derogation from this right will not be permitted. However, Article 45, paragraph 2 states that “any person pleading conscientious objection may be called upon to fulfill military duty without the obligation to carry weapons, in accordance with the Law”.

This limitation of the right to conscientious objection is in contravention with international standards. One of the underlying principles of these standards says that persons who for reason of conscience refuse to perform armed service must have the right to an alternative service, as has been provided by the resolution 337/1967 of the Parliamentary Assembly of the Council of Europe. Besides, the alternative service must be entirely civilian in nature and the entire process of applying for that service and the performance of the civilian service should be in charge of a civilian ministry, excluding the Ministry of Defense, as is prescribed by Article 9 of the Bandres Molet & Bindi Resolution of the European Parliament. A restrictive definition of the right to conscientious objec-

tion is in contravention with the rights to conscientious objection attained and with the practice of civilian service in Serbia so far. This right was not explicitly recognized by the 1990 Constitution. However, since the adoption of the Decree on Military Service in 2003, conscientious objectors were not referred to military institution to serve without weapons, but rather to civilian institutions that were, the truth to tell, selected by the Ministry of Defense. Finally, the restriction of the right to refuse carrying a weapon is in contravention with the existing practice in the region. For example, although Article 47 of the Croatian Constitution defined this right as the right to refuse participation in “performing military duties in armed forces”, in practice, since 1995, the conscientious objectors had not been sent at all to perform military service without carrying weapons, but were rather referred to civilian institutions”.

### **The right to security**

Article 27 states that “everyone has the right to personal freedom and security”. The remaining part of the text prescribes conditions under which a person can be deprived of liberty. But, the right to security is not mentioned anywhere else. So, it remains unclear as to what the right to security actually implies, how that right can be violated and protected. Finally, since the “right to security” has remained undefined, the motive of the Constitution makers to incorporate this right in an article on the deprivation of liberty is unclear to us. This is why the authors of this text consider mentioning the right to security in this particular Article as redundant.

### **Kosovo and Metohija**

The state-legal status of Kosovo and Metohija is one of the major security problems of Serbia. In response to announcements coming from one part of

the international community that K/M will get independence, the authors of the Constitution decided to point out that this province is an integral part of the Serbian territory. Should K/M actually become independent, and the proposed Constitution is confirmed at the referendum, a gap will be created between the political reality and the legal system in Serbia. The question is as to what extent the Constitution provides a possibility for bridging this gap.

K/M is being mentioned in the preamble of the Constitution, the part of the Constitution on the organization of government and the part related to territorial organization. The preamble is declarative in nature and it cannot produce any legal consequences. After it, the normative part of the Constitution related to the organization of government stipulates that the President at assuming his office shall solemnly swear "that I will devote all my efforts to preserve the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its constituent part". A rather complicated procedure, including holding of a referendum, is envisaged for amending this part of the Constitution. However, in order to amend the part of the Constitution regulating territorial organization of government, in which Kosovo and Metohija is mentioned as having substantial autonomy within Serbia, a two third majority in the Assembly would be sufficient. We believe that the authors of the Constitution have thereby intentionally provided for a possibility to adapt the Constitution to the new political circumstances and possible independence of Kosovo in future.

However, if the political elites decide not to adapt the Constitution to new circumstances, how do they intend to protect the constitutional order then? One of possible ways is to send armed forces to the territory of Kosovo and Metohija. From a legal point of view, the President of the Republic is empowered to do that

without the decision of the National Assembly which, according to Article 140, can only approve sending of these troops outside the territory of Serbia. It means that the President of the Republic, in keeping with his powers stipulated by the Constitution, could lead the state into an armed conflict, without an approval of the Assembly.

## Conclusion

Briefly, the proposed Constitution of Serbia regulates the security matter better than the 1990 Constitution. The proposed Constitution incorporates institutions of democratic civilian control and the right to conscientious objection. However, the authors of this text have concluded that certain solutions have remained vague, unclear or disputable. The vague provisions are those related to the competences of the army, unclear are the terms public security and the right to security while the provision on the right to conscientious objection is disputable, to say the least.

Another opportunity to finally regulate the security sector properly by the Constitution and put it firmly under democratic civil control has been missed. If there had been more public debates about the draft, these shortcomings might have never occurred.

This way, as Prof. Vojin Dimitrijevic said, "the new Constitution of Serbia can be a good Constitution if in the hands of good lawyers and liberal minded people". But it will be the political will of the Serbian citizens that will decide whether the Constitution will be in the hands of such people or not. "For in the hands of brave Vuk Mandusic, every rifle will be right and deadly". (Petar Petrovic Njegos: "The Mountain Wreath").

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## Unknown deadline for the enlargement of the Schengen zone to include new EU members

The new Central European EU member states are disappointed by another postponement of their joining the Schengen zone, an EU club of countries that have abolished controls along their internal borders. Unlike the previous EU enlargements, the one to the East in 2004 obliged all candidate countries to adopt the Schengen legal framework and ensure its implementation on their territories as a prerequisite for the membership. This condition was not part of the EU's legal tradition (*acquis communautaire*) during the previous enlargements, so that Great Britain, Ireland and Denmark chose to stay out of the Schengen framework. An award for meeting the complex legal, technical and organizational requirements for the application of the Schengen regime was supposed to be the abolishment of borders with other EU countries signatories of the Schengen Agreement and free movement of citizens, goods and capital without internal border controls within this zone.

The abolition of border controls with the new EU member countries was initially scheduled for 2007 so as to leave them enough time to attain security standards of the old member countries and at the same time get prepared for the introduction of a more state-of-the-art and advanced version of the common information system SIS2. The first shared information system-SIS1 included data on criminals on the run, previous asylum applications, stolen

cars while the SIS2 should include biometric data and should be used to store and disseminate information on extradition, third-country nationals refused entry to the EU and individuals subject to a European arrest warrant or under surveillance for criminal activity.

After the European Commission recently stated that launching of the SIS2 will begin only in 2008 due to unexpected technical difficulties, the entry of the new EU member states from Central Europe into the Schengen zone was postponed by at least another year, possibly even until 2010. The European Commissioner for Justice, Freedom and Security, Mr. Franco Frattini, stated that among the new EU member countries Slovenia is the only one ready for the introduction of the new information system. The statement was met by huge disapproval among the new members. At the annual meeting of the Visegrad Group on 16 September 2006, the Presidents of Czech Republic, Slovakia, Poland and Hungary pointed out that this issue is their common priority and the President of the Czech Republic, Vaclav Klaus even added that "all four presidents see entry into the Schengen zone as an absolute priority and would view it as discrimination if it were delayed." (EurActiv, 19 September 2006). The Czech ambassador with the EU, Jan Kohut, dismissed arguments of the European Commission on technical problems as unjustifiable: "Schengen is a political project. Technical problems



are secondary. Many of the old EU members simply lack the goodwill to solve the problem, and the newcomers are receiving second-class treatment. We have a kind of fortress Europe, with a separate first floor for Schengen countries, and a citadel for the countries in monetary union.” (EurActiv, 28 September 2006)

Such strong reactions and the lobbying of new member states at the EU institutions resulted in the decision of the EU ministers of home affairs (at their regular informal meeting at Tampere, 20-22 September) to accept to study the compromised proposal of Portugal to introduce system ‘SIS1 Plus’ pending the launching of SIS2. The underlying idea is to postpone the enlargement of the Schengen zone by merely “cloning” the old, still operating information system and thereby enable the entry of the new EU member states into the Schengen system pending the establishment of the new information system. This proposal was supported by Slovenia, the Czech Republic, Hungary, Slovak Republic and Lithuania. Poland is worried that the

Portuguese proposal might cause complications owing to the simultaneous implementation of two projects. Finland, the EU presiding country, guaranteed that it would do its best to implement the Schengen enlargement as soon as possible announcing full cooperation with the European Commission which has already warned EU countries that they will be able to request additional financial support from Brussels for the launching of SIS2, while relying on their own resources for the launching of the temporary system SIS1Plus.

The legal basis for the introduction of the SIS2 information system was adopted at the European Parliament session on 25 October 2006 in order to enable the enlargement of the Schengen zone to include new members of the EU and Switzerland. Further debate on the pace of establishing SIS2 will continue at a meeting of the Council on 4 and 5 December where the German request to allow access to this system not only to police but also to intelligence services will also be discussed.

## Army to sell airports

Serbian Defense Ministry announced the sale of eight complete military airports and parts of another four. The airports to be sold are: Lisići Jarak near Belgrade, Bojnik, Kovin, Leskovac, Sjenica, Glibovac near Smederevska Palanka, Trstenik and Ecka near Zrenjanin. Parts of the following four airports

are to be sold, namely, those in Nis, Pancevo, Sombor and Ponikve near Uzice. The Kovin airport is the largest among these, occupying around 508 hectares with 44 facilities on 17 000 square meters. The Sjenica airport occupies around 151.5 hectares and has 26 facilities in 6 thousand square meters.

## A powder keg in the neighbourhood

One thousand three hundred tons of mines, explosives and ammunition exploded early in the morning on 20 October 2006 at a military warehouse close to the town of Paracin. 23 persons were lightly injured while houses, schools and other essential facilities were damaged blocking off the nearby towns of Cuprija and Paracin for the next couple of days. The Government of Serbia immediately provided funds for the repair works in the affected municipalities while the District Court of Nis and a Military Commission launched an investigation. Mr. Radomir Mladenovic, investigating judge from the District Court of Nis, in charge of the investigation, had to postpone his first visit to the explosion spot until the beginning of the investigation on 31 October waiting for the crime scene to be cleared up from a large amount of unexploded ordinances.

In response to the public criticism for storing up dangerous materials close to the people's settlements, the Ministry of Defense submitted to the Government of Serbia an analysis of the situation in military warehouses. The Defense Minister, Zoran Stankovic, underlined that the surplus of ammunition is an inherited problem that nobody has dealt with properly until now. The ammunition amassed during the cold war and the past decade was during the 1999 air raids transported to safer locations, but within 28 days after the bombing ended it was returned to the barracks that now had just 30% of their previous storing capacities. According to lieutenant-colonel Rasim Cirkovic from the General Staff Logistics Administration, the outcome of this emergency situation was that, due to the fact that relocation of ammunition had to be carried out within a short time: "the otherwise regular procedure of monitoring the quality of am-

munition was neglected", and owing to the lack of space in the warehouses, a large amount of ammunition was stored in the open (Defense, 1 November 2006, p.18). At the moment there are 56 warehouses in Serbia in which various ammunition and armaments belonging to the Army and the police are stored, while the total of 10,600 tons of ammunition is stored in the open. Most of these warehouses were built up during the communist time within safe distance from the populated areas, but owing to illegal construction during the nineties many settlements have sprung up along the outskirts of the military facilities. "All we can do now is carry out frequent inspections of these warehouses and tighten safety measures. At the moment there are 13 or 14 warehouses that are close to the houses which were built only 50m away from military barracks without any building plans or approval" said Stankovic ( B92, 3 November 2006).

Stankovic has requested the Government to accelerate the sale of the redundant ammunition and strengthen the capacities of the only institution capable of destroying live ammunition that is situated in Kragujevac. "The Ministry does not have the required technology or money to destroy the ammunition" he said. "It will take around 493 m dinars to strengthen the capacities for delaboration and destruction of ammunition. We will need licenses for the relocation of the warehouses, issued in accordance with the Serbian development plan, so that we can remove that ammunition" said he. "It will take between six months and a year to secure the necessary resources. The only thing that we can do at the moment is take preventive control measures to avoid any new blasts" Stankovic said.

*Prepared by: Sonja Stojanovic*

# Call for Contributions

The editors of *Western Balkans Security Observer* would like to publish the papers of researchers newly introduced to security studies, as well as articles of already affirmed authors. We therefore call upon all concerned with security theory or practice, and especially regional security topics, to send their papers to the Belgrade School for Security Studies. Although we would expect the papers to be of analytical nature it is not necessary that they are outfitted with scientific analytical apparatus. The authors are encouraged to first forward executive summaries to [office@ccmr-bg.org](mailto:office@ccmr-bg.org). The texts should not exceed 15,000 characters, Times New Roman 12, 1,5 lines.

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