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## **Security Sector Reform in South East Europe – a stocktaking 2006/07<sup>2</sup>**

### **General strategic and political aspects**

For the Western Balkan countries, the most stimulating factor regarding Security Sector Reform (SSR) is their progress in the EU and NATO enlargement process. The implementation of the essential “Ds” in SSR – de-politicisation, de-criminalisation and democratic control – still depend very much on this external stimulus.

NATO underscored the importance of the enlargement perspective for the regional stabilisation process at its Riga summit (28./29.11.) through its announcement of the possible accession of the three Adriatic Charter countries, Albania, Croatia and the Former Yugoslav Republic of Macedonia (FYROM), to the Alliance in 2008 and by inviting Bosnia and Herzegovina, Serbia, as well as Montenegro to join the Partnership for Peace (PfP).

By gathering all the Western Balkan countries under the umbrella of PfP, NATO created better conditions for enhanced confidence building and co-operation between the security actors in South East Europe. Joint exercises based upon transparency and information exchange will contribute to creating a cooperative security climate in the whole region. This is an important precondition for progress in national SSR-agendas. In view of the connections that exist between the different security sectors, and having in mind the fact that only a holistic approach can address the security challenges of the future, it is likely that aside from its influence on the defence sector, complete PfP integration will also have a positive impact on the reform of police, border management and the intelligence sector.

Further support for enhanced regional co-operation in the field of SSR will be provided by the transformation of the Stability Pact for South East Europe. It will change from a conflict prevention and confidence building initiative to a Regional

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<sup>2</sup> This paper reflects the ideas of experts on the actual challenges regarding the Security Sector Reform in the Western Balkan region, addressing general strategic and political aspects as well as the developments in the different security sectors. The latter were comprehensively discussed at the PfP Consortium Workshop “Security Sector Reform in South East Europe – from a Necessary Remedy to a Global Concept”, held in Cavtat/Croatia in October 2006. The Workshop results (including an extensive summary written by Alex G. W. Dowling, which gave important ideas for the second part of this paper) were published in: Anja Ebnoether/Ernst M. Felberbauer/Mladen Staničić (ed.): Security Sector Reform in South East Europe – from a Necessary Remedy to a Global Concept. Vienna / Geneva 2007.

(and most importantly also regionally-owned) Co-operation Council, which should be fully operational by early 2008.

An upgraded regional body that - among others – will have competence in the field of security cooperation could positively influence the international organisations in the harmonisation of their SSR support to the Western Balkan countries.

Apart from NATO's PfP tools<sup>3</sup> and the tools developed by the EU<sup>4</sup>, organisations like the OSCE, the OECD or UNDP have developed their own tools in order to support SSR. The OSCE's Code of Conduct on Politico-Military Aspects of Security, the broader 2005 OECD Development Assistance Committee guidelines on Security System Reform as well as UNDP's concept for Justice and Security Sector Reform (JSSR) are examples for this broad engagement.

All these initiatives include essential activities for backing up the Western Balkan countries' efforts in the field of SSR, but they primarily reflect the priorities of each international organisation in regard to this subject. Seeing that the new Regional Co-operation Council, which will replace the Stability Pact, is a chance to develop a system of cooperative security in the former conflict region, new international efforts would be desirable for establishing a commonly accepted SSR concept with clear implementation guidelines.

Despite better conditions to enhance regional co-operation in SSR, real progress in this field can only be achieved if the "critical Balkan issues" have been solved. The fact that some of the leading war crime figures are still at large has a negative impact on NATO and EU efforts to support the Western Balkan countries in their SSR. For the chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) it is evident that Radovan Karadžić and Ratko Mladić get their support partly from extremist circles in the Serbian and Bosnian-Serb armed forces, police, and intelligence sector. The same people from the security sectors, who are supporting the war criminals, try to obstruct the reform process in their domains.

Although the admission of Serbia, Montenegro and Bosnia and Herzegovina to the PfP could positively influence regional security co-operation in the Western Balkans as well as the national SSRs, NATO gave up an important incentive for Belgrade and Banja Luka to apprehend the war criminals with the Riga decision. For that reason, it seems essential that the EU, as far as the association and integration process is concerned, adheres all the more to its strict criteria for the Western Balkan countries regarding their co-operation with ICTY.

Another issue of great relevance for regional stability and cooperation is the forthcoming resolution for the legal status of Kosovo. A stable Kosovo solution must guarantee a secure life for the non-Albanian communities, otherwise cooperative relations between the Belgrade government and the Kosovo authorities will not be possible. For the ongoing SSR in Kosovo, maximum involvement of minority

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<sup>3</sup> e.g. the Individual Partnership Programme (IPP), the Planning and Review Process (PARP), the Partnership Action Plan for Defence Institution Building (PAP-DIP) or the alliance's Membership Action Plan (MAP)

<sup>4</sup> in the scope of the European Security and Defence Policy (ESDP) as well as the Stabilisation and Association Process (SAP)

representatives in these processes is needed in order to avoid their perceiving the new Kosovo security forces as hostile and threatening.

It is likely that aside from Kosovo and Serbia, their neighbour Bosnia and Herzegovina will be affected by turbulence caused by the resolution for Kosovo's future status. The Western community in its talks with Belgrade and Banja Luka must adhere to its position that an analogy of the Kosovo case with the status of the Republika Srpska will not be accepted. A new discussion about self-determination and the right for secession in Bosnia and Herzegovina could endanger the positive results reached in the last two years in SSR, especially in the field of defence reform.

## **2. Looking at the security sectors**

### Defence reform

This field is generally regarded as the most advanced in SSR. The main challenge here seems to be the removal of redundant personnel, so that governments can concentrate on building relevant and affordable armed forces. They should contribute to national as well as to regional stability and also be capable of international peace missions.

Some of the armed forces in the region are still occupied with the passing from phase 1, the phase of "structural changes", to phase 2, the phase of "modernisation." For that reason Western support in SSR, especially in the NATO/PfP and ESDP context, apart from providing conceptual, educational and technical help, could highlight its holistic approach by providing aid to the governments in the dealing with the social consequences of these reforms. Regarding defence reform in the new PfP country Serbia, whose citizens still face very bad economic and social conditions, this approach is particularly needed. According to plans presented by the Serbian Defence Ministry in 2006 the current 45.000 personnel in the defence sector will be cut to 26.500 by 2010.<sup>5</sup> Setting up well-balanced social programmes for the (re)integration of former soldiers in civilian working life is of crucial importance for the success of SSR. Otherwise, frustrated, unemployed former security providers could become sources of insecurity.

Restricted defence budgets are a significant obstacle hampering the modernization of Western Balkan armed forces. This has to be taken into account by the external supporters of defence reform who define benchmarks for implementation. Additionally, limited local capacity can make absorbing all international assistance difficult, despite the Western Balkan countries' feeling compelled to accept all offers of help.

On the other hand, it is also a big challenge for the Western Balkan countries to move beyond expressing aspirations and towards concrete implementation. A clear set of measures to modernise armed forces is often lacking.

Capacity building in the region in regard to SSR is still an imperative, especially in the field of democratic control. Civil society expertise is limited and often not utilised, and

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<sup>5</sup> See: Ministry of Defence of the Republic of Serbia (ed.): Strategic Defence Review. Belgrade July 2006.

the parliaments have insufficient expertise in defence and security issues. Every EU and NATO initiative aiming to support young experts by organizing training courses for them with the help of think tanks like the Geneva based DCAF is therefore important for changing the security culture in the transforming countries. Changing mindsets in the defence sector as well as in the other fields of SSR is a necessity for effective reform. Parliaments, political parties, and civil society organisations must be involved in the reform process in order to reach a broad social consensus and to counterbalance security actors who retain the isolationist attitudes of the authoritarian period.

### Police and justice reform

While NATO has played the lead role in the field of defence reform, police and justice reform has mainly been the domain of the EU and the Stability Pact. Despite the Stability Pact's coordination role, which has led to useful projects like the Stability Pact Initiative to Fight Organized Crime (SPOC) or the Stability Pact Anti-Corruption Initiative (SPAI), regional actors perceive a lack of regional networking. Future projects should concentrate on regional harmonisation in certain areas of basic legislation and define strategies to address the severe security problems, for example the establishment of a regional network to fight terrorism.

A significant development in policing was the signing of the South Eastern Police Cooperation Convention in Vienna in May 2006. Based on the EU's Schengen Treaty, it aims to give police co-operation in South East Europe a legal basis, and following ratification should provide the basis for future initiatives and projects in the field. In order to minimize duplication, the Southeast Europe Cooperative Initiative (SECI) should play the role of regional coordinator for police co-operation in the future. EU standards could be applied to estimate coordination between law enforcement bodies (police, prosecutor offices, judges etc.) within countries of the region.

Substantial reform of police forces is only possible when a reform of the justice system is started at the same time, in order to ensure the goals of sustained legitimacy, skilled professionalism and accountability. In addition to the police forces and the bureaucracies, the outcome of reforms must also be communicated to the citizens, whose support in the reform process is crucial. The three key tasks in the reform are de-politicisation, decentralisation and the de-militarization of the police forces. In view of the critical role the police apparatus in Serbia plays in the transition process, especially in the search for war criminals, it is evident that they must shift emphasis from protecting authoritarian or semi-authoritarian state-functionaries to protecting citizens.

Experiences gained by Central European EU members like Hungary, which in the 1990s passed through similar reform processes, could be useful in order to anchor the basic principles of democratic policing, the rule of law and police ethics. Moreover, the Western Balkan countries could also benefit from Central European lessons learned in establishing parliamentary oversight mechanisms and setting up a dialogue with civil society and media.

## Border security reform

The issue of border security reform is of particular importance for the EU in South East Europe, due to its position as a natural transit route through which security threats also affect Western and Central European countries. Cooperation and coordination in this field of SSR have proven to be difficult. The EU's Integrated Border Management (IBM) programme has so far not been fully implemented, with little co-operation between different institutions such as border guards and customs authorities. The Regional Co-operation Council may help to overcome the psychological barrier still existing in regard to border cooperation. Otherwise, split jurisdiction and lack of cooperation in border management will keep strengthening criminal networks in the region.

For the Western Balkan countries, as well as for the international actors supporting police reform, and in particular the reform of border management, the strategic priorities are: the finalisation of a legal framework, the conversion from a military to a civilian border security force, consolidation and evaluation of the new organisational structures, and inter-institutional cooperation between all services involved in crime fighting.

## Intelligence reform

The role of the international community in supporting intelligence reform has been most visible in Bosnia and Herzegovina. With only four international personnel leading the reforms, a single, civilian, state-level and multi-ethnic intelligence agency within the necessary legal frameworks and with executive, parliamentary, judicial and internal oversight mechanisms has been established. The intelligence reform issue in most of the other Western Balkan countries is still politicised and taboo. It is essential that the EU's Stabilisation and Association Process stimulates cooperation between the services in the region in combating global security threats and pushes for more efficient oversight bodies.

International experience supporting intelligence reform in Bosnia and Herzegovina indicates a need to inform practitioners of the differences between intelligence and police roles in combating security threats. For example, police powers to arrest and interrogate should be beyond the competence of intelligence services. Members of parliament should serve more than a single term, in order to build expertise in oversight.

## **Summary of recommendations**

### **Strategic and political aspects:**

The accession of the last Balkan countries to PfP should be used by NATO to stimulate regional co-ordination and co-operation in the field of SSR.

The transformation of the Stability Pact for South East Europe from a conflict prevention and confidence building initiative to a regionally-owned Regional Cooperation Council could be used for the same purpose.

A commonly accepted SSR concept with clear implementation guidelines would help Western Balkan countries develop a system of cooperative security.

The EU and NATO must adhere to strict criteria for the Western Balkan countries regarding their cooperation with ICTY in order to weaken extremist networks linked to the Serb and Bosnian Serb security sector.

Maximum involvement of minorities is needed in Kosovo's SSR to preclude minority perceptions of Kosovo security forces as hostile and threatening.

The international community should prevent a new discussion about self-determination and the right for secession in Bosnia and Herzegovina. This could endanger the positive results reached in the last two years in SSR.

## **Security sectors:**

### Defence sector

The international community should support the Western Balkan countries in building armed forces, which can contribute to national and regional stability, as well as international peace missions.

NATO/PfP and ESDP support, apart from providing conceptual, educational and technical help, should aid the governments in the dealing with the social consequences of the reforms.

International support for armed forces modernization should account for limited local capacity to absorb aid.

Every EU and NATO initiative to support young experts with training courses is important for changing the security culture.

### Police and justice reform

To support regional networking in police and justice reform, future projects of the international community should concentrate on regional harmonisation in certain areas of basic legislation and define strategies to address the severe security problems. Establishment of a regional network to fight terrorism should be a priority.

To minimise duplication, the SECI could play the role of regional coordinator for police cooperation.

EU standards should be applied to gauge coordination between law enforcement bodies (police, prosecutor offices, judges etc.) within countries of the region.

International support in police reform should be linked to reform of the justice system.

The Western Balkan countries still need support regarding the main goals of de-politicisation, decentralisation and de-militarization of the police forces.

Experiences of the Central European EU members should be used to aid police forces in the Western Balkans in shifting their emphasis from protecting authoritarian or semi-authoritarian state functionaries, to protecting citizens

### Border management

The EU's Integrated Border Management programme should be fully implemented to enhance cooperation between the border guards and customs authorities.

The strategic priorities in regard to the reform of border management are: the finalisation of a legal framework, the continuation of the process of transferring from a military to a civilian border security force, consolidation and evaluation of the new organisational structures and inter-institutional cooperation between all services involved in crime fighting.

### Intelligence reform

The EU's Stabilisation and Association Process must stimulate cooperation between the different services fighting global security threats, and push for more efficient oversight bodies.

International experience supporting intelligence reform in Bosnia and Herzegovina indicates a need to inform practitioners of the differences between intelligence and police roles in combating security threats.