

THE ARMY REFORM IN SERBIA AND MONTENEGRO: FACTS AND PITFALLS

In view of its topicality, the Army reform stands out among the internal and external priorities of Serbia and Montenegro. This is confirmed by the intensive activities carried out at different levels intended to create conditions for the establishment of an Army which corresponds to the real needs, broadly accepted democratic standards and the principles of military organization of developed countries.

The reform of the entire security sector, and the introduction of civilian and democratic control over it, as the most important issues in this area, have been in the focus of state authorities and domestic and international public because of their significance in the democratic transformation of Serbia and Montenegro.

Furthermore, fundamental reform of the Army of Serbia and Montenegro is one of the main prerequisites for membership of Serbia and Montenegro in the Euro-Atlantic security integration, which is certainly among the most vital state interests. The progress of democracy in Serbia and Montenegro, its reputation in the international community and integration into modern international institutions considerably depend on the speed and success in managing this issue.

Very important steps, concerning Army reform in Serbia and Montenegro, have been taken in normative and institutional area in terms of the introduction of democratic and civilian control over it, the most important ones being as follows:

The Constitutional Charter, passed in the spring of 2003, the highest legal act of the State Union Serbia and Montenegro, puts forth the basic principles of democratic and civilian control over the Army and other subjects of the security sector, sometimes in an evidently original way:

Article 41

The Minister of Defence shall coordinate and implement the defined defence policy and shall run the armed forces in accordance with the law and the powers vested in the Supreme Defence Council.

The Minister of Defence shall propose to the Supreme Defence Council candidates for appointment and shall appoint, promote and relieve of duty officers in accordance with the law.

The Minister of Defence shall be a civilian.

Article 42

After a period of two years, the Minister of Foreign Affairs and the Minister of Defence shall switch posts with their respective deputies.

Article 54

Serbia and Montenegro shall have the Armed Forces under democratic and civilian control.

Article 55

The TASK of the Armed Forces shall be to defend Serbia and Montenegro in accordance with the Constitutional Charter and the principles of international law governing the use of force.

The Parliament of Serbia and Montenegro shall adopt a DEFENSE STRATEGY in accordance with the law.

Article 56

The Supreme Defence Council shall be the Commander-in-Chief of the Armed Forces of Serbia and Montenegro deciding on the use of the armed forces.

The Supreme Defence Council shall comprise the President of Serbia and Montenegro and the Presidents of the member states.

The Supreme Defence Council shall take decisions by consensus.

Article 57

Recruits shall do their National Service in the territory of the Member State whose nationals they are, with the possibility of doing their service in the territory of the other member state if they so choose.

Article 58

Recruits shall be guaranteed the right of conscientious objection.²⁰⁶

Certainly, one of the main achievements in the Army reform in Serbia and Montenegro was a decision of the Supreme Defence Council of 6 May 2002, according to which General Staff of the Army of Serbia and Montenegro became a part of the organizational structure of the Ministry of Defence. Now, it is accountable to the Ministry, whereby the Ministry is accountable to the Parliament of the State Union and the Supreme Defence Council, whose members, as mentioned above, are the President of the State Union and the Presidents of Member States.²⁰⁷

On 20 June 2002, the Parliament of the former FRY passed the Law on Security Services of the FRY which governs civilian control over four security services at the federal level. This Law provides for the control by the Parliament and Federal Government over Military Security Service and Military Intelligence Service, besides other two existing services in the Federal Ministry of Foreign Affairs.

Moreover, at the session of the Supreme Defence Council held on 15 April 2003, the decision was taken to set up Military Security Service

²⁰⁶ *Ustavna povelja Državne zajednice Srbija i Crna Gora* (Constitutional Charter), Službeni List SCG, Beograd, 2003

²⁰⁷ Gligorijević, Srdjan et al. *Security Sector Reform in Serbia and Montenegro* in Economic Review, G17 Institute, Belgrade, 2003, p. 20

and Military Intelligence Service within the Ministry of Defence of Serbia and Montenegro, terminating the jurisdiction of the General Staff of the Army SM over them. The previously mentioned Law on Security Services of FRY was not derogated by this act. The former Military Security Service has been transformed into the Military Security Agency and Military Police Department. On the other hand, Military Intelligence Service has been transformed into the Military Intelligence Agency. The Military Security Agency and Military Intelligence Agency are directly subordinated to the Ministry of Defence and they have counterintelligence and intelligence competence respectively, whereby Military Police remains under the jurisdiction of the General Staff.

On April 16, 2004, the Parliament of Serbia and Montenegro passed the Law on Amendments and Supplements to the Law on Control of Security Services of FRY. The Law postulates that Parliamentary Commission for Control of Security Services shall have 14 members, i.e. nine from Serbia and five from Montenegro.

In connection with this, the Supreme Defence Council, at the session held on 2 October 2003, sent proposal to the Ministry of Defence to open dossiers of the Military Security Services and to make them available to all interested persons, according to the internal rules and regulations.

Pursuant to Article 66 of the Constitutional Charter, the competences of military courts, prosecutors and public attorneys shall be transferred to the civilian juridical bodies of the Member States in accordance with the law. Until the enactment of the Law on the Transfer of Competences, military courts should continue performing their duties. Pursuant to the Law on Implementation of the Constitutional Charter, the mentioned Law on the Transfer of Competences should have been adopted within six months from the date on which the Constitutional Charter came into effect (4 February 2003) at the latest. Nevertheless, Montenegrin parliament has passed the law on taking over the jurisdiction of the military courts and prosecutors, on 28 July 2004. Although the Law in question has not been passed in Serbia yet, the Constitutional Charter stipulation on transfer from military judiciary system to civilian one is a

very positive step in the process of establishing civilian control over the Army.

Also, for the first time the problem of civil service has been regulated by the Ordinance adopted at the Council of Ministers of Serbia and Montenegro, at the session held on August 27, 2003. This Ordinance created legal grounds for civil service or military service without carrying arms. According to the Decision signed by the Minister of Defence Boris Tadic on 17 November 2003, recruits of the Army of Serbia and Montenegro who opt for civil service will be able to perform their service in one of 370 institutions all over Serbia and Montenegro. Civil service shall last 13 months. The Instruction for the application of provisos governing civil service, issued by the Ministry of Defence, emphasizes that a person performing civil service shall be equal in all rights and duties to the soldier in the Armed Forces. If possible, the recruit shall perform civil service in his residence town. Otherwise, he shall perform civil service in the nearest town where there are institutions or organizations planned for the civil service.

At the session held on December 27, 2002, the Supreme Defence Council made the decision that activities concerning the security of state borders shall be taken over by police following the enactment of the appropriate legislation, and in accordance with set dynamics and material, organizational and personnel possibilities. The Council of Ministers of Serbia and Montenegro made a decision which came into force on August 9, 2003, according to which the Army SM will renounce material resources concerning state border security to the Ministry of the Interior of Montenegro, while officers and NCOs of the Army SM, if needed, may be temporarily disposed to positions relating to the borders security in the Ministry of the Interior of Montenegro.²⁰⁸ The deadline for the transfer of activities and resources concerning borders security and temporarily outsourcing of personnel to the Ministry of the Interior of Montenegro is December 31, 2003. Also, the Ministry of the Interior of Serbia announced that it would start taking over the state border control as of the end of 2004. This process is

²⁰⁸ Ibid. p. 25

planned to be implemented in stages, by gradual taking over of the state border sector, to end by 2005.

In financial area, a rather notable decision was made by the former Federal Government, in autumn 2002, according to which the central military Accounting Center, through which all financial transactions for the Army used to go, was displaced from the General Staff of the Yugoslav Armed Forces and put under the jurisdiction of the Ministry of Defence, thus creating conditions for the Council of Ministers of Serbia and Montenegro and Federal Parliament to have a full control over the spending of defence budget. This step enabled annual reporting on the budget size and structure, usually submitted to OSCE and UN.

Also, decision made by Boris Tadic, at that moment Minister of Defence of Serbia and Montenegro, from April 22 2003, concerning procurements for Armed Forces by which all procurements exceeding YuD 600,000 should be carried out through the special Office established within the Ministry of Defence, whereas procurements valued between YuD 10,000 and 600,000 should be carried out pursuant to the Public Procurement Law. The Public Procurement Office started operating on 11 July 2003. The Public Procurement Office working within the Ministry of Defence employs 75 persons; at present there are 20 persons working in the Office who underwent the appropriate training.

At the session of the Government of the former FRY held on October 31, 2002, it was decided to introduce a stricter procedure for issuing licenses for trade in armaments. This procedure stipulates that the Ministry of Defence shall prepare proposals, while the Council of Ministers of Serbia and Montenegro examines and gives its approval to these proposals, meaning that each application for the license for trade in armaments, military equipment and services must pass internal procedure in the Ministry of Defence first, where it gets expert approval (relating to quality, compliance with regulations, etc.) and then the Ministry of Foreign Affairs has to verify that the prospective export destination is not under sanctions or international isolation. Finally, the proposal must be granted approval by the Council of Ministers of Serbia

and Montenegro, which examines received proposals once or twice a week. In the meantime, an inter-departmental office has been set up, composed of the representatives of the Ministry of Defence, the Ministry of Foreign Affairs and the Ministry of International Economic Relations of Serbia and Montenegro, customs administration and police of both Member States (after the Constitutional Charter was adopted, it was limited to the representatives of the Ministry of Defence and the Ministry of International Economic Relations). This group has prepared a working version of the Law on Trade in Armaments, which is waiting to enter parliamentary procedure. The issue of production of armaments and military equipment is planned to be separated from trade. After the adoption of new legislation governing this area, necessary conditions will be created for pursuing efficient civilian control over the trade in armaments and military equipment in Serbia and Montenegro. The enforcement of this Law will regulate the state's relation toward the manufacturers of armaments and military equipment, at the same time preventing the scandals our country has been involved in concerning illicit exports of armaments to "black markets" such as Iraq and Liberia, from happening again.

At the session of the Supreme Defence Council held on May 6, 2003, the decision was made that the Council of Ministers of Serbia and Montenegro should elect defence attachés at the proposal of the Minister of Defence.

Besides traditional role of Army, it is obvious that development of the Army capabilities go in two areas: peacekeeping missions and internal security risks. The Council of Ministers of Serbia and Montenegro at the session held on 11 August 2003 approved the participation of units and servicemen of the Ministry of Defence and Armed Forces of Serbia and Montenegro in the United Nation's peace operations and missions. That participation is based on the principles of professionalism and voluntariness. At the session held on 8 October 2003, the Supreme Defence Council passed the decision allowing the preparations of the Armed Forces of Serbia and Montenegro for participation in International Peacekeeping Missions to begin. By the same decision, Ministry of Defence undertook to prepare legal and other documents

necessary for the regulation of the participation of the Armed Forces in these missions, by which the setting for final decision for the launch of the troops by the Federal Parliament should be established. At this moment, Serbia and Montenegro participates militarily in peacekeeping missions in Congo, Liberia, The Ivory Coast and Burundi.

Some significant steps have been undertaken concerning the command structure and configuration of the Army of SM, changing in a way that concentrated land forces into six corps and disbanded three Army-level HQs, one divisional-level HQ and a number of units. Furthermore, air force, air defence and navy have been transformed each into corps.²⁰⁹

Also, conscription period has been reduced from 12 to 9 months, with an idea of gradual removal of conscripts from the armed forces by 2015, at the latest.

Main pitfalls for a proficient and faster Army reform in SM are: normative-institutional restrictions, economic limitations, technological backwardness, non-standard social burden, and psychological barrier.

Efforts made by the state in the normative and institutional field and subsequent activities undertaken would make possible efficient control over the Army of Serbia and Montenegro. However, although these developments seem encouraging, there are still plenty of unresolved problems, while the enforcement of enacted laws and the enactment of new ones are to a certain extent under question. The most apparent example for such an opinion is the problem of National Security Strategy. The Constitutional Charter has not foreseen that State Union of Serbia and Montenegro have National Security Strategy, but only Defence Strategy. National Security Strategies were planned to be enacted at Member States level. Knowing well that Defence Strategy should arise from National Security Strategy, the State Union has a unique position among civilized states. In this moment, draft of the Defence Strategy is waiting to be discussed in the State Union parliament. Therefore, MoD is waiting for this supreme strategic document at a State

²⁰⁹ Edmunds, Timoty, *Defence Reform in Croatia and Serbia-Montengro 2000-2003*, Adelphi Paper 360, IISS, London, 2003, p. 44

Union level to enable shaping future reform of the Army. It is well important because, without a clear vision of threats and challenges, needs and possibilities, reform of the Army will remain just an improvisation, although sometimes a very successful one. It is worth mentioning that MoD is working on Defence Doctrine, White Paper and Strategic Defence Review. Subsequently, next on the law-making agenda are the new Defence Law, Army Law, Law on Trade in Armaments and a bulk of bylaw arising out of the Constitutional Charter and laws. On the session, held on 26 May 2004, Supreme Defence Council, have adopted the new organizational chart of the MoD, according to contemporary standards in that area.

Very similar to this, is problem concerning approval, provision and control of the budget of the SCG Armed Forces. Namely, the Committee for Defence within the Parliament of Serbia and Montenegro is in charge of control over the Army SM, but Member States and their Parliaments are responsible for ensuring approval of the army budget. Given that parliamentary defence committee in Serbia has no competences over the Army as a federal institution at present (in the Montenegrin Parliament there is no defence committee), the approval of the army's budget is in the hands of the parliamentary finance committees in Member States, which are not experts for military issues, in this case.²¹⁰

Talking about financial issues, in the period of 1996-2000 defence spending was 8% of GDP. In 2003 it was 2.9% and is tending to be approximately 2.5% in the upcoming period. Today, Army SM has about 78,000 members (0.74% of the SCG population) and defence spending per member is 7,700 \$. Main goal is to downsize Army personnel in 2005 to 60,000 (0.47% of SCG population) achieving in that way a significant increase of defence spending per member to some 13,090 \$.²¹¹

Non-standard social burden over the Army SM is a consequence of all conflicts in the course of the '90s in the former Yugoslavia. What does it

²¹⁰ Gligorijević, Srdjan et al. Ibid. p. 23

²¹¹ Djordjević, Radiša, *Reform of the Defence System-Budget for 2004 and Financing Reform*, CCMR, Belgrade, 2003, <http://www.ccmr-bg.org/analize/rec/word39.htm>

mean? After the armed conflicts in Slovenia, Croatia, Bosnia and Kosovo, as well as after the peaceful withdrawal from Macedonia, in 1992, almost all officers, NCOs of Serbian nationality, together with members of their families, went to Serbia and Montenegro. They have not been treated as refugees, but as an integral part of the Army. All of them have been appointed to new military posts, although these posts were already filled with other personnel. The same situation was with the members of their families, predominantly working in the Army facilities in separated republics. Today, we have an oversized Army incomparable with any other Army in Central or Eastern Europe at the beginning of the '90s. The principal task and even prerequisite for an efficient Army reform in SM would be to resolve the problem of these so-called "social categories", i.e. the personnel surplus which emerged after armed conflicts. For example, housing problem of 14,000 active personnel is mainly the problem of "social categories", and not of the personnel who worked in SM in 1991, before the beginning of conflicts.

There is another problem in the Army SM, also as a consequence of war, that is, the surplus of higher ranks: generals, colonels and lieutenant colonels, who constitute nearly the half of all officer cadres. This was possible due to frequent extraordinary promotions during wars.

However, some steps have been made in downsizing personnel of the Army SM, first of all through a wide retirement process of higher ranks, then through employment restrictions for civilians in the Army and through the re-education and retraining process (most notable is PRIZMA, in cooperation with British Government and the Faculty of Organizational Science in Belgrade). At this point, it is necessary to mention two bodies established within MoD: *The Reform Team*, in December 2003, as a UNDP project and *Defence System Reform Fund*.

All these issues provoked a lack of interest in military profession among youth, thus not permitting new worthy human resources reinforcement to the Army.

Inappropriate internal organization of the Army SM and its technological backwardness are characterized by a conscript based force

structure with concentration on armored vehicles and artillery. Much of the equipment is aging, obsolete and requires replacement. Of course, final plan for this depends on Defence Strategy. Over 70% of the budget is spent on personnel expenses leaving under 10% for modernization and other qualitative improvements.²¹² As a matter of facts, current plans have focused procurement policy towards key units within the Army, including Special Forces, military police, engineers and NBC defence. This is important in that these are the parts of the Army which are most suitable both to participation in multinational operations and for the internal security role. Connected with this, SM inherited over 40% of the former YU defence industry, mainly small arms, mortars and artillery. Now, once prosperous defence industry is in search for its own future. With high potentials in this field along with solid research and development experience in specific areas, mainly based within the military-technical institutes a progress could be possible in defence industry, adjusted to new needs and standards.

Among reform issues of the Army SM, special place should be reserved for restructuring of the outdated and oversized military educational system, putting emphasis on interoperability with NATO, especially in areas such as command and communications, logistics and airspace management. To that end, it is important to improve English language skills among militaries. Fortunately, in last few years, many NATO countries offered, on a bilateral basis, professional and language training for members of the SM Army. Moreover, NATO has done lot, through its tailor-made Security Cooperation Programme, in the training and education of the members of SM Army.

Conclusion

The process of reforms in the Army of Serbia and Montenegro has started with some very important steps, which may result in the establishment of really efficient institution that is subject to democratic and civilian control, separated from the conflicts among political and interest groups, organized in line with modern standards and managed

²¹² Ibid.

following the principles of professionalism, capable to be a part of Euro-Atlantic security system. This process is still in its initial stage in spite of significant progress that has been made. What lies ahead of state structures, political actors, NGOs, media and general public is a range of new legal, institutional, structural, personal, technical, social and psychological changes which will lead towards the Army that is in every respect able to protect the interest and values of the country, as an integral part of the society, not as a structure which is outside of society.

This is, above all, the crucial interest of the Army SM, but also a prerequisite for any participation in modern political and security integrations at the level of Europe and the world.

Of course, the process of reforms in the Army of SM requires a serious, professional and to the great extent, original approach, not a mere copy of other cases, sensitive for peculiar conditions in which Army SM exists, which will involve persons who are thoroughly acquainted with ideas and problems from that area. This should comprise a creation of a wide circle of authorities for the defence area, from all the structures previously mentioned as actors of reforms is vital. This *security community* is a safeguard that the process of army reforms is progressing in a responsible, well-thought-out way based on broadly accepted theoretical postulates and reliable estimates, without any improvisation and rashness. In a society which does not have a well-developed system of relations between civilian and security structures, this idea is much more significant. Only a modern efficient Army, designed in accordance with requisites of an essentially changed security environment and real budgetary possibilities, will be able to provide overall security to the state as a whole, as well as to every individual, but at a same time be an important actor in the process of strengthening regional stability in South Eastern Europe.

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