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Understanding the Process of Security Reform in Southeastern Europe

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ABSTRACT

The paper represents an attempt to conceptualise the security sector reform in Southeastern Europe and to put down some important tools in dealing with challenges posed by the security services in the region. It is a by-product of the works that were written on the same subject in the framework of the International Policy Fellowship. This paper lays out the scope of the problem of the security structures in the countries of Southeastern Europe and analyses the security sector reform with particular attention to strengthening the governance structures in the security sector agencies. The very idea of this paper is to provide an extensive but not exhaustive review of the security sector reform in Southeastern Europe in order to better understand undertaken reforms and their impact on the governance and security situation in the countries of the region.

Introduction

The post-1989 transitional countries of Southeastern Europe, namely, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia-Montenegro, from early 1990s became involved in an effort at reforming their security sector. These reforms were the beginning of the long lasting process of transforming or establishing new security institutions, including, the army, police, judiciary, border services and intelligence agencies, and their parliamentary oversight and civilian control.

The goal was to create a functioning democratic state and society in which the citizens are able to live without fear, whose human rights and fundamental freedoms are guaranteed and whose property rights are protected. The transition process itself, the legacy of pre-1989 socialist regime and the implications of the armed conflicts that occurred in the period of 1991-2001 in the region, however, damaged the normal functioning of the security institutions and attempted efforts to reform them. As these institutions were not able to fulfil the constitutional and legal duties that were assigned to them, later they became frequent abusers of human rights and became one of the major sources of the instability and insecurity in the dominant part of societies of Southeastern Europe.

This paper lays out the scope of the problem of the security structures in the countries of Southeastern Europe and analyses the security sector reform with particular attention to strengthening the governance structures in the security sector agencies. The very idea of this research paper is to provide an extensive but not exhaustive review of the security sector reform in Southeastern Europe in order to better understand undertaken reforms and their impact on the governance and security situation in the countries of the region.

The Importance of Security Sector Reform

Security sector reform as a concept came to be used, first by the authors from the development economics school. They were concerned about the negative effects of the unreformed security sector to the development of the economies in the developing and less developed countries. The implicit assumption of the development paradigms has been that the promotion of social development and economic growth automatically enhances the peace and stability.¹ Later, there were authors who were concerned about the negative impact of an excessive or misdirected security sector for domestic governance.² Following them, there were writings that gave special emphasis on human rights and democratisation in donor attitudes, which in turn raised the questions of the transparency and accountability in the security sector.³ In addition to this, the debates on civil-military relations have also been a source for the discussions on security sector reform.⁴

Currently, in the study of security sector reform, there are two approaches with regard to the definition of security sector. The first is concerned with

those formations authorized by the state to use force to protect the state itself and its citizens. This definition limits the security sector to organizations such as the regular military, paramilitary police forces and the intelligence services. The second approach takes a wider view of security sector, defining it as those organizations and activities concerned with the provision of security.⁵ It is this approach that has recently been recognized internationally as a valid definition of the security sector. According to this approach, which has mainly been promoted by the Department for International Development of the UK, the security sector comprises all those responsible for protecting the state and communities within it.⁶

In this paper we will follow the more precise operationalisation of the term by the Stability Pact for South Eastern Europe taking the security sector to mean “all those organisations which have authority to use, or order to the use of, force, or the threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight. These organisations include: (a) military and paramilitary forces; (b) intelligence services; (c) police forces, border guards, customs services and corrections; (d) judicial and penal systems; (e) civil structures that are responsible for the management and oversight of the above.”⁷

The paper takes an issue or problem driven, rather than a definitional or institutionally driven, approach to security sector reform. Within this the author accepts that there are distinct targeted components of security sector reform, while recognizing that there are also generic crosscutting issues inherent in security sector reform that have relevance to the security sector as a whole.

The army, police, intelligence agencies and other security sector agencies overstepping their constitutional and legal bounds and engaging in widespread abuses, organized crime and corruption became frequent cases in the countries of Southeastern Europe. Corruption eroded the rule of law and the stability of democratic institutions, breaching fundamental rights and freedoms and undermining the trust and confidence of citizens in the fairness and impartiality of public administration. It undermined the business climate, discouraged domestic and foreign investment, wasted economic resources and hampered economic growth, thus threatening the very objectives of peace, democracy and prosperity in Southeastern Europe.⁸

The entire check and balances and control system became inefficient and ineffective. The parliament, under the influence of the corrupt and organised crime syndicates functioning within the state security structures, was not able to oversee and control the actions of these agencies. The judiciary, unwilling and unable to act independently, predominantly serviced only a particular group or faction of the political elites. Expectations of higher returns, combined with the increased rates of poverty and unemployment and decreasing standards of living led to the involvement of the security agencies in the smuggling and trafficking of arms, drugs and people. In short, security agencies and structures became

obstacles to the strengthening of the governance structures in the government and in the improvement of the security situation, contributing to the increase of instability and insecurity in the region.

Even today, at the beginning of the 21st century the aforementioned characteristics of the security sector agencies continue to plague the democratic countries of Southeastern Europe. However, as the international community has shown signs of losing patience and as these countries have been able to enter the stability era following the armed conflicts and violence that stand as impediments for their integration into Euro-Atlantic structures, security sector reform has taken on a new shape and urgency.

Security sector reform is one of the most important tools to enable a country to enhance its security, to strengthen its governance structures, to achieve higher growth in the economy and to promote further democratisation.

Lack of security, has remained a major obstacle to the development of the security sector reform in Southeastern Europe. Of the eight Stability Pact recipients of aid, five (Albania, Bosnia and Herzegovina, Croatia, Macedonia, Moldova and Serbia-Montenegro) suffered armed conflicts during 1990s and early 2000s. Other Stability Pact recipients, Bulgaria and Romania, remained vulnerable to the challenges that can pose difficulties for reforming the security sector. In this context, security sector reform is an important element of the wider conflict prevention and resolution agenda and can act as an important regional confidence building measure.

The effective and efficient security sector structures can enable the citizens to conduct their political, economic, social and cultural activities without fearing possible violence. An effective security sector is also a crucial element in the creation of the strong and viable state structures.

Southeastern European countries possess weak security governance structures and these structures are under the influence of corruption and thus, under the influence of organized crime, which has led to a reluctant judiciary, which is not able and eager to take actions against those who violate the law. Weakness of the governance is a key transitional development in the post-communist states, including the countries of Southeastern Europe.⁹ What has been witnessed with the change of the regime in the region is the quick transformation of a strong state into a very weak state.¹⁰ The transformation of the strong state into a weak one led to the emergence of private armies, including paramilitary formations, militias and others, which were mainly formed on the basis of ethno-nationalist enthusiasm. These formations filled the gap in the security field with the withdrawal of the regular state security and defence formations from their regular functions as protectors of their citizens from emerging security threats. Unreformed security sectors have posed difficulties for the countries of Southeastern Europe to further their aims for the development of the market economy. Inefficient and ineffective

security sectors cause instability and unpredictability, which in turn provokes disruptions in the economic development of a country. Corruption is a likely result of the unreformed security sector, which causes inefficient allocation of the resources and undermines legitimate economic activities. The unreformed security sector is most likely to use excessive budgetary resources, which prevents the creation of the peace dividend, and move part of the budgetary resources from the security sector to the economy.

Unreformed security sectors also pose difficulties for the democratisation of a country. The conflicts of 1990s in Southeastern Europe have resulted in a loss of control over part of the territories of respected countries and to political and economic collapse. In some areas of Southeastern Europe, the rule of law does not extend to all parts of their territories.

Security sector reform has also been an important accession criterion for Southeastern European countries wanting to join Euro-Atlantic institutions such as NATO and EU. NATO particularly has been active in promoting security sector reform issues in Southeastern Europe through its Partnership for Peace program and its Membership Action Plan. While future decisions on accession are likely to be decided as much by political reasons as by specific security sector reform successes, security sector reform remains an important factor. Southeastern European countries are to join these institutions and as an indicator of their endeavour for change.

The above factors have been of great value for the countries of the region for understanding the importance of security sector reform. However, it has been the combination of internal and external environment evolved in the last couple of years that has given impetus to the reforms in this field.

Implementation Practices and Security Reforms

The countries of Southeastern Europe have entered the first decade of the 21st century with successful completion of the *first generation reforms* that include the establishment of new institutions, structures, and chains of responsibility for the security sector and appropriate structures for democratic control of security sector actors. The countries laid the basis for the principles and structures of oversight of security sector issues; empowered the parliament to oversee and approve security sector budgets; and made attempts for the civilianization of the security sector bureaucracies. Also, a key element of first generation security sector reforms was to provide the legal groundwork for reforming and professionalizing security sector formations. These entailed defining missions, tasks and structures for security sector actors in line with the priorities outlined in relevant legal documents such as constitutions, defence laws, national security concepts and military doctrines. In Southeastern Europe all these first generation reforms occurred through the drafting and implementation of constitutional and legislative provisions, which clearly identified roles and responsibilities.

However, the current environment requires more than those of the first generation reforms. The present international and regional circumstances show that the first generation reforms are not enough. What is also necessary is to undertake the *second-generation reforms* that are concerned with further consolidating democratic control of the armed forces; strengthening the procedures of transparency and accountability; enhancing the way structures and institutions implement policy and improvements in effectiveness and efficiency in the work of the security sector; wider engagement of civil-society and creation of a strong civilian defence and security community; and sustaining the reforms of the judicial and legal reform.

It is the aim of this section to briefly explain what all these points of the second generation reforms mean for Southeastern European countries.

A. Governance and Democratic Control of the Security Sector

Security sector reform has not become isolated in Southeastern Europe despite the decreased security and defence budgets and overall changes in the security environment of the region. On the contrary, it remains very much present in the society and it continues to affect democratic building of the societies in the region. How much is there democratic control of security and defence sector in Southeastern Europe that will prevent their misbehaviour in society? Is the democratic control in the region stable and sustainable?

The countries of Southeastern Europe have instituted the principle of democratic control of security and defence forces within a legal framework that includes the constitution, laws, national security concepts and military doctrines. The countries of Southeastern Europe have succeeded in creating legal structures that subordinate the security and defence sector to political and civilian rule, and at the same time have divided control over security and defence matters between the legislative and executive branches. Civilian control indicates the pre-eminence of civilian institutions, based on popular sovereignty, in the decision-making process concerning defence and security matters. The assumption is not that the civilians are the better decision-makers than the people in uniform; it is the importance of civilians being democratically elected or appointed and of being representative of a democracy expressed through democratic processes.¹¹

In *The Soldier and the State*, Huntington views the issue of civilian control of security and the defence sector from subjective and objective concepts. By subjective civilian control he means the military's participation in politics and encourages the political socialisation of the military so that its values mirror those of the state. With objective civilian control he means the complete apolitical behaviour from military professionals.¹² In his view, the objective civilian control of the military should be the only option for containing the power of the military and sustaining democratic control of the military.¹³

Ulrich argues that Huntington's view of civilian control of the military by having a military with no political role does not reflect the reality of the dynamics that operate in a democratic state and society, at least the transition of the countries from communist rules.¹⁴ According to her, in a democratic state, all institutions compete for resources and attempt to influence policymakers who make decisions affecting their organization. There should also be differentiation between norms of military professionalism in authoritarian and democratic political systems rather than applying universally accepted norms of military professionalism to all countries applying universal norms as the ideological transition to democracy that transitioning militaries must make can be ignored.¹⁵

Ulrich also argues that the security sector must serve the democratic state and remain under its control. Although civilian control of the security and defence sector is a goal for all states, its achievement in democratic states depends on the interaction between democratic and security institutions charged with defending both the state and its democratic values. The conditions of post communist states engaged in democratic transition are distinct from the conditions that characterise the security institutions in stable political systems.¹⁶

Looking at the situation in Southeastern Europe with regard to the democratic control of security sector, the legacy of the communist era norms of behaviour is influencing the course of post-socialist security institutions across the region.

Southeastern Europe democracies have achieved a "liberal bargain" defined by Joseph Nye;¹⁷ a bargain which is supposed to define in a stable way the specific right and responsibilities for the security and defence sector and for the civilian leadership. Security and defence sectors in Southeastern Europe have officially recognized that accountability to the rule of law and have agreed formally to remain non-partisan and respect civilian authority. On the part of civilians, they have also recognized the special role that the security and defence sector plays in society and they have accepted the provision of adequate funding for the security and defence agencies.

This success in theoretical terms does not mean effective operationalisation of the new way of thinking. This failure resulted from, namely, the ambiguities in the legal and institutional framework; polarized domestic politics, influencing badly the general national security situation of a country; the low level of civilian expertise in security and defence; and the inadequate balancing of the separated powers of the legislative, executive and judicial branches of government.¹⁸

The constitutions of Southeastern European countries form a basis for democratic control of the security and defence sector. In the constitutions of Albania,¹⁹ Bulgaria,²⁰ Croatia,²¹ Macedonia,²² Romania²³ and Serbia-Montenegro there is a clear hierarchy of democratic control over the army. These constitutions define the President of the country as a commander-in-chief or supreme commander.

Despite this similarity in democratic control, other arrangements across countries vary widely as a result of their differing historical traditions, sociological characteristics and evolution of their domestic political and security environments. In Albania, for example, the constitution shares defence and security policy between the President and the Government. The President of Albania is commander in chief and chairs the National Security Council of Albania.²⁴ Through the Prime Minister and Minister of Defence, he exercises the command of the armed forces. In Macedonia and Croatia, the President of the Republic is supreme commander and retains some key areas within their exclusive personal decision, while the administration of the armed forces is largely left to the Ministry of Defence.²⁵

In Romania, the President does not have exclusive powers with regard to commanding the armed forces. He shares it with other members of the Supreme Council of National Defence.²⁶ In Bulgaria, to a certain extent, the President possesses exclusive powers. However, it has to make national security decisions in consultation with the government and with members of the Consultative National Security Council.²⁷

Macedonia is one of the countries that has made the most progress in establishing democratic control of the armed forces. However, it is not immune from the problems of gaps in the legislative framework, and an unclear division of responsibility between the President, the Government (Ministry of Defence) and Chief of the General Staff. In particular, power to mobilise the armed forces during an emergency needs to be legally clarified in the future. Also, in recent years the imprecise delineation of competence has from time to time strained relations between the President, Ministry of Defence and the Chief of General Staff and has left substantial room for bureaucratic battles. Also, due to short-lived governments and frequent personal switches in the Ministry of Defence, there have been negative consequences for establishing democratic political control.

Croatia faces its own unique challenges, particularly due to the legacy of Tudjman and the country's involvement in the Yugoslav conflicts. It has developed a legislative and institutional framework for democratic control of its security and defence sector. However, problems remain in a disproportionate balance of power between the President and Parliament. A primary concern for the future is the need to enhance the role of parliament controlling the security and defence institutions. Serious efforts need to be made in order to circumscribe some of the authority of the presidency in this area. In Croatia, there is currently a transition from the de facto Presidential system to that of a parliamentary one that has created certain a vacuum in the democratic control of the security and defence sector in the country.

In Albania, following the constitutional and legal establishment of the civil control over the armed forces in 1991, in practice it was not possible to keep the army away from the political decision-making process and to avoid the services required by the political elites, until 1998.²⁸

Of Southeastern European countries, Bosnia and Herzegovina and Serbia-Montenegro are having greater difficulties in achieving democratic control of the security sector. Bosnia and Herzegovina is hardly fulfilling the requirements of having instituted civilian control over the security and defence sector because it lacks unity in its security sector structures. The Dayton Peace Accords of 1995 brought into being a complicated state security and defence structure. They legitimised the military partition of the country and their ambiguous language allowed the nationalist parties to pursue their policies of segregation.²⁹ Besides this, reconstruction assistance disbursed in haste tended to reinforce parallel power structures.³⁰ The Dayton Peace Accords recognized the existence of two separate armies: the BiH Federation Army consisting of Bosniacs and Bosnian Croats and the Republika Srpska (RS) Army, consisting of Bosnian Serbs. However, in reality there have been three armies since the Federation army has not been able to bring together Bosniacs and Croats under a single command.

Recently both entities of Bosnia and Herzegovina have been able to come to an agreement to establish a Ministry of Defence at the state level that will bring the armies of both entities under a single command. However, the high level of autonomy endowed to the two divided and, to some extent, competing entities creates inefficient government institutions at the level of the state. These create difficulties by having instituted functioning civilian control over the security and defence sector. Due to these reasons Bosnia and Herzegovina is unable to become a part of the Partnership for the Peace program of NATO.

The situation is to a certain extent similar in Serbia-Montenegro where the issue is becoming complicated as both entities have entered into a process for the creation of a new federal state. According to the agreement of 14 March 2002, there will be a common army between Serbia and Montenegro, which is going to be commanded by the Supreme Defence Council composed of three presidents.³¹

Recently Serbia and Montenegro's leadership were able to overcome the ambiguity that existed in the country's constitution and defence laws on who was responsible to whom.³² However, the Pavkovic affair of 24 June 2002³³ highlighted the lack of democratic control over Serbia-Montenegro's security sector and continues to have an influence on the functioning of the democratic and civilian control of defence and security sector in the country. In addition, the series of arms scandals that erupted in October 2002,³⁴ which uncovered the fact that several high-ranking civilians of the Serbia-Montenegro government have been aware of illicit arms exports to Iraq, unable to be prevented, are cases in point.

Parliament has a great role to play in the democratic control of armed forces. However, in Southeastern European countries' Parliaments do not yet have political authority comparable with that of many analogous western institutions. Very often they lack necessary information or appropriate financial and human resources or necessary professionals and

experts. There is also a general lack of knowledge among parliamentarians about security and defence issues.

In Croatia there is a special Committee on Internal Policy and National Security within the Croatian Parliament (consisting of two sub-committees: Defence and Internal Policy) with defined authority and responsibilities in the area of defence. However, this body does not have the authority with respect to strong parliamentary control of defence planning and procedures. Senior Ministry of Defence and Ministry of Interior officials do not regularly report to the Committee. It does not issue policy directives or guidelines. There are no discussions or parliamentary investigations of certain events in defence institutions. It is important to note that there are no procedures clearly defining how Committee's decisions and recommendations take effect. There is one working body at the level of the Croatian government – the Coordination Group for Internal and Foreign Policy – that has the authority to discuss defence issues. However, due to its attention on other areas, it barely discusses the security and defence issues.³⁵

In Macedonia, there are two committees entitled to control the security sector: the relevant Commission for Internal Policy and Defence and Commission for Oversight of the Department for Security and Counterintelligence and Agency for Intelligence.³⁶ Both scrutinise the activity of security sector, comprising the army, police and intelligence services. But they do not function sufficiently, as they have not received regular reports from the Ministry of Interior, the Ministry of Defence or the Agency for Intelligence. Their work also depends on the attitude of the MPs who tend not to act as professional MPs, but rather as political deputies not wishing to criticize the Ministry of Interior, the Ministry of Defence and the Agency for Intelligence, who might be headed by somebody from the same party.

Aforementioned points illustrate that in all transitional democracies of Southeastern Europe the principle democratic control of the security sector is still fragile. There appears to be political disagreements on which institution is responsible for what and the precise mandate of each of the security relevant institutions have in emergency situations. This causes serious political fragmentations, which can lead to political contests or rivalries between the president, prime ministers, defence ministers, and parliament. The civilian and military elites in Southeastern Europe agree that civilian leaders should have the final say on whether to use force, but disagree on who should have the final say on operational decisions concerning how to use force.

In Southeastern Europe there is also a certain political and ideological gap between the civilians and soldiers evidenced by the military treatment of strategic goals of the respected countries, the civilian perception of the military and vice versa. The voting attitudes of the military show great differences in their voting behaviour compared with those of civilians and sharply different opinions for preserving the combat effectiveness of the armed forces. It should not be forgotten that the possible implication of a

gap between civilians and the military is rather different from gaps with other societies. In their history since 1989, the countries of Southeastern Europe have not experienced a coup d'état. However the growing gap can "sow the seeds" for such an outcome if necessary measures are not taken to overcome the existence of a gap.

The issue becomes potentially dangerous bearing in mind the current situation in some of the Southeastern European countries that face economic decline and social instability, sometimes combined with worsening ethnic problems. Due to a weak civil society and a fragmented political system and a lack of effective government, the armed forces might be drawn into the political arena and become used as a tool in the political struggle. In spite of the disinclination of the military to become involved in coups, in some of the countries of Southeastern Europe, there are extremists who are manipulated by the armed forces, reinforcing their position in these institutions.

B. Transparency in the Security Sector

The concept of transparency in the security sector is a state of affairs where the wider public, including the Parliament and the media, have the necessary information for the maintenance of the legitimacy of the security sector actors. Transparency is important for the civilian elite who hold the right to the control security sector agents where they have at their disposal necessary information to make sound security policy decisions.³⁷ Transparency is a key for democracy. It is particularly one of the most important factors for success of security sector reform. Communication to the wider public is an issue that has to be an integral part of the working culture of security sector actors. Information sharing significantly affects the ability of security sector actors to establish relationships with other government agencies, with the media and with the society at large. Transparency is also crucial with regard to the procurement decisions of the government.

Transparency is a challenging concept for Southeastern European societies with weak or even non-existent, traditions in holding security sector actors to account. That is particularly true in sensitive areas such as defence and security, where myths and culture of secrecy prevail. The security and defence policy of a given country may be considered transparent if decision makers – the elected representatives of the people – are fully aware and society is informed of the policy *goals*, existing and planned *means* to achieve the goals and the *cost* of sustaining those means.³⁸

All Southeastern Europe countries take advantage of being part of the Stability Pact, which has particular initiatives on the development of the transparency practices in defence and security sector. The Stability Pact sees the transparency as a way of reducing concern and tension among the countries and among the communities and promoting stability. For this aim, the Stability Pact has established Budget Transparency Initiatives as of March 2001 that has endorsed two initial products: a Yearbook on Southeast European Defence Spending 2000-2005 and Survey of South East European Defence Budgeting Systems.³⁹

In this regard, some of Southeastern European countries (Albania, Bulgaria, Croatia, Macedonia, Moldova, Romania) also take advantage of their participation in the Partnership for Peace (PfP) program of NATO. A tailored PARP (planning and review process) was created in 1995 within the framework of PfP to promote transparency and interoperability in equipment, deployment, procedures and readiness.

Despite these initiatives and programs, the transparency is relatively new to the countries in Southeastern Europe. The Southeastern European societies are aware that the formulation and implementation of security and defence policy need to be transparent. Thus, political structures and legal systems of the Southeastern European countries are, more or less, well established. However, some countries, such as Bosnia and Herzegovina, still lack doctrinal security documents such as national security strategies that would provide a solid basis for transparency in security policy and the process of security and defence planning. Other countries in the region until recently did not produce essential security documents that would lay down the basis of their security and defence policies. Therefore, in many cases, the problem is not with accessibility, but in the non-existence of these strategic documents.⁴⁰

There is a tendency for the countries of Southeastern Europe to have a notion of transparency confined to relations between the Ministry of Defence and Parliament. The national security establishments view the notion of transparency negatively, because of its potential to reveal both their weaknesses, which might tempt aggression, and their strengths, which might stimulate counter-measures.⁴¹

Of the Southeastern European countries that were lucky enough not to be involved in conflict, such as Bulgaria and Romania, they were able to establish transparency procedures more easily than the countries affected by the conflict. The countries that were affected by the conflicts such as Albania, Bosnia and Herzegovina, Croatia, Macedonia, Moldova and Serbia-Montenegro, resisted the calls for more transparency with the justification for the protection of national interests. They first claimed the necessity to resolve national security issues, and only then to turn towards enhancing transparency.

Lack of transparency has created a space for the creation of non-accountable security forces under the authority of the elected ministers, prime ministers and presidents. In Macedonia, non-accountability of the security sector brought the creation of paramilitary forces, who were often involved in the violation of human rights. In Serbia, Prime Minister Djindjic controlled certain Ministry of Interior forces for its own political reasons. President Kostunica as well, has used the army troops in his dealings with his political opponents.

C. Weak Governance and Civilian Expertise in the Work of Security Sector

A related second-generation security sector reform issue concerns the capacity of security sector bureaucracies to implement policies. Capacity problems have manifested themselves in a number of ways across Southeastern Europe. These include a failure to provide security to the citizens; inexistence of cooperation among the governmental structures of the same government, state structures unable and unwilling to implement security policy and lack of expertise amongst civil servants in security sector bureaucracies.

The governmental institutions of the states of Southeastern Europe, because of their weak economies and democracies, and the lack of the managerial cultures, do not cooperate with each other. Instead they compete over spheres of competence, a fact that undermines a state's legitimacy and promotes uncontrolled conflicts.

Moreover, in most countries in the region there is an absence of effective political elite that show an ability to establish effective and efficient governmental structures. This leads to a lack of commitment to reform by mid-level bureaucrats who remain unconvinced and do not understand the rationale behind the reform process.

Finally, due to the lack of experienced and well-prepared civilians that can undertake reforms, reform programs are not becoming realized. There are also certain forms of politicisation in the security sector, unclear statements of national interests and goals, promotion of inadequate or unrealistic decisions and an inability to form a consistent defence policy. These have all been evident in the Southeastern European governments' attempts to adopt major security and national documents and laws.

Another second-generation security sector reform issue concerns the development of civilian security and defence cadre and intellectuals that have the skills and experience in security and defence issues.

In Southeastern Europe there has been growing interest in civilian issues over the security sector. They have recognized the need for the establishment of a strong community for civilian security and defence, consisting of both governmental and non-governmental individuals and institutions, by launching centres and/or faculties. Special education and training programs need to be organized for civilians to be skilled in security and defence sector management. However, post-communist societies of Southeastern Europe are still societies closed to civilians and also resist civilian interface.⁴²

Development of a strong community of civilian intellectuals that will be engaged in security sector issues is of crucial importance to security sector reform as society is central to the legitimisation of security sector actors, particularly in a democratic context. Creation of a security community is also central for the public's support for the security sector's participation in the humanitarian and other missions that require wider public support

for their successful realization and implementation. Moreover, it provides an alternative source of information on security issues for both policy makers and the wider public. Furthermore, it also provides the opportunity for popular debate, discussion and criticism of security and defence issues. Lastly, it can act as an important mechanism for holding other actors in the security sector to account through exposing malpractice, forming critical judgments and so on. Experience has shown that security will be determined largely by the society itself. The onus lies on reformers to understand and engage with society.

D. Judiciary and Security Sector

The establishment of a fair and independent judiciary is urgent and a practical need for the transitional countries of Southeastern Europe. It is essential to build a security system based on the rule of law and human dignity.

The wars in regions destroyed the judiciary. Many resources such as law libraries and offices, law books, and legal records were destroyed during the war, and many legal institutions ceased to function at all. In the case of Bosnia and Herzegovina, NATO Implementation Forces 1996 legal evaluation of the judiciary indicated that approximately 50 per cent of judges from Republika Srpska and Bosnian-Croat Federation were not aware of the European Court of Human Rights.⁴³

The judicial branches of governments in Southeastern Europe are subjected to manipulation by the executive branch.⁴⁴ Investigations into police abuses frequently prove fruitless and charges of wrongdoing are rare. There is inability and a lack of desire on the part of the judiciary to prosecute law enforcement officials who cross the line. Much remains to be done in rooting out corruption, improving the working of courts and protecting individual liberties.⁴⁵

Lessons Learned and Insights

This study attempted to underline some of the important dimensions that have affected the transformation and restructuring of the security sector in Southeastern Europe. Thus, one concern was to emphasize the importance of reforming the security services for enhancing stability, instituting strong governance structures in the region and intensifying the countries integration into Euro-Atlantic structures.

In general, the fact should be stressed that the security sector reforms, despite the ways in which they were implemented and the objectives they accomplished, had their own importance with regard to the difficult period Southeastern European societies and institutions of law enforcement have been facing during the transition period.

What has compromised the process of security sector reform has been the continuous identification of security sector reform with simple personnel removal and changes of structures, even where this has been done based

on personal desires and interests, or political interference. There has also been lack of a clear strategies for security reforms.

The changing domestic and regional environments becoming favourable for profound reforms in security sector and the growing interest and commitment of the international community for security sector reform, are turning points for Southeastern European countries' undertakings in reforming their security sectors.

It is too early to evaluate the results and the implications of these new reform undertakings. However, one thing is clear: these reforms are far more profound than other reforms in different areas as they are set to transform the security sector from an abuser of human rights and a contributor to the conflicts into a part of the security sector that is strongly controlled by civilian democratic institutions and is in the service of democracy, human rights and rule of law.

In Southeastern Europe, security sector problems are one of the most serious problems. Therefore, the only feasible security sector reform strategy is reform of the state, and substituting this goal by any special security reform measure is strategically unjustified. The real question Southeastern European countries must confront is whether the given government will be guided by the logic of the fight against security sector problems or by the logic of general democratic and institutional reforms. Security reforms guided by overall and general public administration reforms, would serve to a great extent to the overall goals of security sector reforms and institute a sound basis for sustainable democratic and civil reforms in this area. The concept of Security sector reform recognizes that the strong links between the various security agencies must be taken into account if reforms are to succeed. Without a comprehensive approach, one unreformed body might continue playing by the old 'dirty rules' and undermine efforts to transform not only itself but also the other agencies.

Security sector reforms, without adequate necessary reforms in the economic and social conditions of a given society cannot have an effect. For security sector reform to be successful medical care, local economy, unemployment, income, education, and other social and economic factors should be taken into consideration. These in the initial period of reforms do not attract the attention of reformers. However, if not included in the reform, agenda these factors become contributors to the criminality and disorder and also provide conditions which breed further inefficiency and ineffectiveness in the work of the security sector.

This evidence shows that a great deal needs to be achieved. It is imperative that this reform process develops in a holistic and efficient manner, so that the process can continue to develop in the direction of responsiveness, representation and greater professionalism. The challenge for the security sector of Southeastern Europe as a whole is to create a modern system of governance that promotes, supports and sustains law and order.

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END NOTES

¹ See Malcolm Chalmers, "Security sector reform in developing countries: an EU perspective," *Saferworld Conflict Prevention Research Report*, (January 2000).

² Nicole Ball, "Good Practices in Security Sector Reform," in *Security Sector Reform*, ed. Herbert Wulf (Bonn: BICC, 2000), 14-22.

³ See Janet Chanaa, "Security Sector Reform: Issues, Challenges and Prospects," *Adelphi Paper* 344, (Oxford: Oxford University Press, 2002).

⁴ T. Edmunds, A. Forster and A. Cottey, "The Armed Forces and Society: A Framework for Analysis," *TCMR Paper* 1.13c (May 2002), <http://civil-military.dsd.kcl.ac.uk/TCMR%20Papers/TCMR%201.13.htm>.

⁵ Jane Chanaa from IISS defines the security sector as encompassing those elements that have been granted a legitimate and exclusive role in the exercise of coercive power in society to deal with external and internal threats to the security of the state and its citizens. See Chanaa. For the GTZ, security sector reform embraces not only security from external threat, but also material, physical and social security as well as protection from broadly harm . . . Above all, security sector reform means guaranteeing human security. See Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), "Security Sector Reform in Developing Countries," (Eschborn, 2000), <http://www.gtz.de>. Timothy Edmunds considers the "security sector" as a whole, including formations for internal as well as external security. See Timothy Edmunds, "Defining Security Sector Reform," *TCMR Paper* 1.11 (April 2001), <http://civil-military.dsd.kcl.ac.uk/TCMR%20Papers/TCMR%201.11.htm>.

⁶ According to DFID, security sector comprises following: armed forces; police; paramilitary forces; gendarmeries; presidential guards, intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; reserve or local security units (civil defense forces, national guards, militias). Security management and oversight bodies: the Executive; national security advisory bodies; legislature and legislative select committees; ministries of defense, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit & planning units); and civil society organisations (civilian review boards and public complaints commissions). Justice and law enforcement institutions: judiciary; justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; customary and traditional justice systems. Non-statutory security forces: liberation armies; guerrilla armies; private bodyguard units; private security companies; political party militias. For more on these, see DFID, "Understanding and Supporting Security Sector Reform," *Issues* (DFID, London: 28 February 2002), 7, http://www.dfid.gov.uk/Pubs/files/supporting_security.pdf.

⁷ Stability Pact for Southeastern Europe, *Report of the Ad Hoc Working Group on Security Sector Reform to the Working Table III*, (27 November 2001), 5.

⁸ Stability Pact for South Eastern Europe, "Stability Pact Anti-Corruption Initiative," <http://www.stabilitypact.org/anticorruption/spai.html>, (last accessed, 24 March 2004).

⁹ Charles H. Fairbanks, Jr. "Weak States and Private Armies," in *Democratic Governance and Social Inequality*, ed. Joseph Tulchin (Lynne Rienner Publishers, London: 2002), 129.

¹⁰ Ibid.

¹¹ Rudolf Joe, "The Democratic Control of Armed Forces," *ISS-Chailot Paper 23* (February 1996), <http://www.iss-eu.org/chailot/chai23e.html>.

¹² Samuel P. Huntington, *The Soldier and the State* (Cambridge: Harvard University Press, 1957), 80-83.

¹³ Ibid., 83-85.

¹⁴ Marybeth Peterson Ulrich, *Democratizing Communist Militaries: the Cases of the Czech and Russian Armed Forces* (Ann Arbor: the University of Michigan Press, 1999), 6-7.

¹⁵ Ibid., 8-9.

¹⁶ Ibid., 6-7.

¹⁷ Joseph Nye, "Concluding Address," in *Civil-Military Relations and the Consolidation of Democracy*, International Forum for Democratic Studies and George C. Marshall European Center for Security Studies, Conference Report (June 1995), 20-21.

¹⁸ Plamen Pantev, "The New National Security Environment and Its Impact on the Civil-Military Relations in Bulgaria," *ISIS-Research Study 5*, 1997,

http://www.isn.ethz.ch/isis/Publications/Pantev_New%20National%20Security%20Environment_.htm.

¹⁹ Articles 168-169 of the Constitution of Albania.

²⁰ Article 100 of the Constitution of Bulgaria.

²¹ Article 100 of the Constitution of Croatia.

²² Article 79 of the Constitution of Macedonia.

²³ Articles 117-118 of the Constitution of Romania.

²⁴ Article 168 of the Constitution of Albania.

²⁵ Article 169 of the Constitution of Macedonia and Article 100 of the Constitution of Croatia.

²⁶ Article 118 of the Constitution of Romania.

²⁷ Article 100 of the Constitution of Bulgaria.

²⁸ See Ilir Aliaj, "Armed Forces in Albania and Civil Society," Paper prepared for a Seminar "Legal framing of democratic control of armed forces and the security sector: norms and reality/ies" organized by the Geneva Center for the Democratic Control of Armed Forces (4-5 May 2001).

²⁹ See Fred Tanner, "Security Sector Reform: Lessons from BiH," unpublished paper presented at IISS/DCAF conference (23 April 2001).

³⁰ Marcus Cox, "State-building and Post-conflict Rehabilitation: The Lessons of Bosnia," 4th International Security Forum, (15-17 November 2000), 8.

³¹ Presidents of Serbia-Montenegro, Serbia, and Montenegro.

³² ICG, "Fighting to Control Yugoslavia's Military," *Balkans Briefing* (15 July 2002), 2.

³³ Dnevnik, *Kostunica go smeni Pavkovic, generalot ne saka da si odi* (27 June 2002), 9; Radio B92, *Pavkovic ukazom smenjen, postavljen Branko Krga* (24

June 2002); ICG, "Fighting to Control Yugoslavia's Military," *Balkans Briefing* (15 July 2002), 1.

³⁴ In the evidence adopted by SFOR troops in Republika Srpska on 12 October 2002 during the raid of Vozduhoplovni Zavod-Orao in RS, it was that Serb authorities were overhauling jet engines for Iraqi Air Force MiG-21 and MiG-23 aircraft. The contracting party of Orao was FRY based Yugoimport-SDPR, which is partly government-owned firm. As scandal erupted, the director-general of Yugoimport, retired General Jovan Cekovic and assistant defense minister responsible for defense sales General Ivan Djokic, were sacked. See Zoran Kusovac, "Army Scandals Reveal Illicit Serb Sales," *Jane's Intelligence Review* (1 January 2003).

³⁵ Tomo Radicevic, "Developing Defense Transparency in Croatia," in *Transparency in Defense Policy, Military Budgeting and Procurement*, ed. Todor Tagarev, (Sofia: G.C. Marshall Association-Bulgaria, 2002), 110-111.

³⁶ The Macedonian parliament can also vote to form a special commission to investigate allegations of security sector misconduct. According to Article 76 of the Macedonian constitution, such bodies may be established, "to ascertain the responsibility of holders of public office."

³⁷ Transparency in this paper is to be viewed from its internal or domestic dimension concerning the transparency of the government's plans and actions to its own constituency. Despite the importance of the external or international dimension of transparency, it is beyond the scope of this paper.

³⁸ Todor Tagarev, "Elaborating Policy for Transparency of Defense Procurement," in *Transparency in Defense Policy, Military Budgeting and Procurement*, ed. Todor Tagarev, (Sofia: G.C. Marshall Association-Bulgaria, 2002), 85-86.

³⁹ Stephan Stephanov, "Stability Pact Activity on Transparency of Military Budgeting," in *Transparency in Defense Policy, Military Budgeting and Procurement*, ed. Todor Tagarev, (Sofia: G.C. Marshall Association-Bulgaria, 2002), 41.

⁴⁰ Tagarev, 9

⁴¹ Chanaa, 53.

⁴² Chris Donnelly, "Defense Transformation in the new democracies: a framework for tackling the problem," *NATO Review* 1 (January 1997): 17.

⁴³ Michael Dziedzic and Andrew Bair, "Bosnia and the International Police Task Force," in *Policing the New World Disorder: Peace Operations and Public Security*, eds. Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg (Washington: Institute for National Strategic Studies, National Defense University, 1998), 290-291.

⁴⁴ See US State Department, *1999 Country Reports on Human Rights Practices – Romania*, (February 25, 2000).

⁴⁵ See Human Rights Watch, *Romania: Human Rights Developments*, World Report 2000.